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U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents.
Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
7 CFR Part 905
[Orange, Grapefruit, Tangerine, and Tangelo Regulation 2, Amendment 14]
Orange, Grapefruit, Tangerines, and Tangelos Grown in Florida;
Amendment of Grade Requirements
AGENCY: Agricultural Marketing Service, USDA.
ACTION: Amendment to Final Rule.
SUMMARY: This amendment lowers the minimum grade requirements on
domestic and export shipments of Florida Valencia and other late type
oranges from U.S. No. 1 to U.S. No. 2 Russet. Specification of such minimum
grade requirements for Florida Valencia and other late type oranges is necessary
because of current and prospective supply and demand for the fruit, and to
maintain orderly marketing conditions in the interest of producers and
consumers.
DATES: The amendment is effective July 2, 1979.
SUPPLEMENTARY INFORMATION: Findings.
(1) Pursuant to the marketing agreement and Order No. 905, both as amended (7
CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and
Tangelos grown in Florida, effective under the Agricultural Marketing
Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of
the recommendations of the committee established under the marketing
agreement and order, and upon other information, it is found that the
regulation of shipments of Valencia and other late type oranges, as hereinafter
provided, will tend to effectuate the declared policy of the act. This
regulation has not been determined significant under the USDA criteria for
implementing Executive Order 12044.
(2) The amendment reflects the Department's appraisal on the current and
prospective supply and market demand conditions for Florida oranges. Less restrictive grade requirements for
such fruit are consistent with the character of much of the oranges
available for fresh shipment.
(3) 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.
§ 905.302 Orange, Grapefruit, Tangerine, and Tangelo Regulation 2.

[a] * * * Table I

<table>
<thead>
<tr>
<th>Variety</th>
<th>Regulation period (2)</th>
<th>Minimum grade (3)</th>
<th>Minimum diameter (inches) (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oranges: Valencia and other late type</td>
<td>July 2 thru Oct. 14, 1979</td>
<td>U.S. No. 2 Russet</td>
<td>2-4/16</td>
</tr>
<tr>
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<td>*</td>
<td>*</td>
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</tr>
</tbody>
</table>

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<th>Minimum grade (3)</th>
<th>Minimum diameter (inches) (4)</th>
</tr>
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<td>July 2 thru Oct. 14, 1979</td>
<td>U.S. No. 2 Russet</td>
<td>2-4/16</td>
</tr>
<tr>
<td></td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)
Dated: July 2, 1979.
D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

7 CFR Part 917
[Plum Regulation 15, Amendment 1]
Fresh Pears, Plums, and Peaches
Grown in California; Grade and Size
Requirements
AGENCY: Agricultural Marketing Service, USDA.
ACTION: Final rule.
SUMMARY: This amendment continues through May 31, 1980, the current
minimum grade of U.S. No. 1 for all varieties of plums; an additional 10
percent tolerance is provided for defects not considered serious for two varieties
(Tragedy and Kelsey). It exempts from
consideration as damaged, healed stem end cracks for 17 named varieties and gum spots for one variety (Late Tragedy). Minimum size requirements for 49 specified varieties of plums are set in terms of the maximum permissible number of plums contained in an eight-pound sample. The amendment takes into consideration the marketing situation facing the California plum industry and is necessary to assure that shipments of plums will be of suitable quality and size in the interest of consumers and producers.

**Effective Dates:** July 15, 1979, through May 31, 1980.

**For Further Information Contact:** Malvin E. McCaha, 202-447-5975.

**Supplementary Information:** Findings. Plum Regulation 15 was published in the Federal Register on May 17, 1979 (44 FR 28776). On May 30, 1979, a notice was published (44 FR 31023) to extend the regulatory provisions of this regulation through May 31, 1980. The notice allowed interested persons until June 22, 1979, to submit written comments pertaining to the proposals. None were received.

This amendment is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in 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 Plum Commodity Committee, and upon other information. This amendment has not been determined significant under the USDA criteria for implementing Executive Order 12044.

After consideration of all relevant matter presented, including the proposals in the notice and other available information, it is hereby found that the following amendment is in accordance with this marketing agreement and order and will tend to effectuate the declared policy of the act:

1. The amendment is the same as that specified in the notice to which no exceptions were filed; (2) the amendment is the same as those currently in effect; and (3) compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The provisions of § 917.450 Plum Regulation 15 (44 FR 28776) are hereby amended to read as follows:

§ 917.450 Plum regulation 15.

**Order.** (a) During the period July 15, 1979, through May 31, 1980, no handler shall ship any lot of packages or containers of any plums other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period July 15, 1979, through May 31, 1980, no handler shall ship:

1. Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade;

2. Any lot of packages or containers of Angeleno, Andys Pride, Autumn Queen, Bee Gee, Casmell, Empress, Fresno Rosa, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Royam, SW-1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

3. Any lot of packages or other containers of Late Tragedy plums unless such plums grade U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period July 15, 1979, through May 31, 1980, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table 1 unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains more than the number of plums listed for the variety in Column B of said table.

<table>
<thead>
<tr>
<th>Column A variety</th>
<th>Column B plums-per-sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ace</td>
<td>6</td>
</tr>
<tr>
<td>Amazon</td>
<td>64</td>
</tr>
<tr>
<td>Andys Pride</td>
<td>69</td>
</tr>
<tr>
<td>Angeleno</td>
<td>67</td>
</tr>
<tr>
<td>Autumn Rosa</td>
<td>12</td>
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<tr>
<td>Beauty</td>
<td>91</td>
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<tr>
<td>Bee Gee</td>
<td>65</td>
</tr>
<tr>
<td>Black Stallion</td>
<td>74</td>
</tr>
<tr>
<td>Burmont</td>
<td>60</td>
</tr>
<tr>
<td>Casmell</td>
<td>60</td>
</tr>
<tr>
<td>Daisy</td>
<td>62</td>
</tr>
<tr>
<td>Durado</td>
<td>91</td>
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<tr>
<td>Ebony</td>
<td>60</td>
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<tr>
<td>El Dorado</td>
<td>60</td>
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<tr>
<td>Elephant Heart</td>
<td>50</td>
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<tr>
<td>Empress</td>
<td>57</td>
</tr>
<tr>
<td>Fresno Rosa</td>
<td>62</td>
</tr>
<tr>
<td>Fear</td>
<td>56</td>
</tr>
<tr>
<td>Frontier</td>
<td>61</td>
</tr>
<tr>
<td>Gar-Rosa</td>
<td>71</td>
</tr>
<tr>
<td>Grand Rosa</td>
<td>54</td>
</tr>
<tr>
<td>July Santa Rosa</td>
<td>69</td>
</tr>
<tr>
<td>Kelsey</td>
<td>47</td>
</tr>
<tr>
<td>King David</td>
<td>50</td>
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<tr>
<td>Laroda</td>
<td>58</td>
</tr>
<tr>
<td>Late Santa Rosa</td>
<td>59</td>
</tr>
<tr>
<td>Rosa</td>
<td>60</td>
</tr>
<tr>
<td>Nubiana</td>
<td>50</td>
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<tr>
<td>President</td>
<td>83</td>
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<tr>
<td>Queen</td>
<td>60</td>
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<tr>
<td>Queen Rosa</td>
<td>50</td>
</tr>
<tr>
<td>Red Beauty</td>
<td>87</td>
</tr>
<tr>
<td>Red Glow-Golden Glow</td>
<td>59</td>
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<td>Red Rosa</td>
<td>57</td>
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<td>Red Roy</td>
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<td>Rosa Ann</td>
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<td>Rosa Grande</td>
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<td>Royam</td>
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<td>59</td>
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<td>Senka, Arco, New Yorker</td>
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<td>Standard</td>
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<tr>
<td>Tragedy</td>
<td>114</td>
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<tr>
<td>Wickson</td>
<td>54</td>
</tr>
</tbody>
</table>

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 2851.1520-1538) and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

**Dated:** July 2, 1979, to become effective July 15, 1979.

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

[FR Doc. 79-20570 Filed 7-6-79; 8:15 am]

BILLING CODE 3410-02-M

7 CFR Part 946
Irish Potatoes Grown In Washington; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.
SUMMARY: This regulation authorizes expenses for the functioning of the State of Washington Potato Committee. It enables the committee to collect assessments from first handlers on all assessable potatoes and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT:
Pete C. Chapogas, (202) 447-5432.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to Marketing Order No. 946, as amended (7 CFR Part 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 expenses and rate of assessment which follows will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments or to engage in public rulemaking procedure, and that good cause exists for not postponing the effect date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) because the order requires that the rate of assessment for a particular fiscal 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 public meeting of the committee, held June 13, 1979, in Moses Lake, Washington. To effectuate the declared purposes of the act it is necessary to make these provisions effective as specified. The budget and rate of assessment have not been determined significant under the USDA criteria for implementing Executive Order 12044.

7 CFR Part 946 is amended by adding a new § 946.232 as follows:

§ 946.232 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1980, by the State of Washington Potato Committee for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate will amount to $17,050.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.002 per hundredweight, or equivalent quantity, of assessable potatoes handled by him as the first handler during the fiscal period, except that potatoes for livestock feed, charity, seed, canning, freezing and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 946.42(a).

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

SUMMARY: This regulation authorizes expenses for the function of the Commodity Credit Corporation. It enables the corporation to collect assessments from processors and handlers on all assessable peanuts and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 9, 1979.

FOR FURTHER INFORMATION CONTACT:
Dalton Ustynik (ASCS), (202) 447-6761.

SUPPLEMENTARY INFORMATION: The 1979 crop peanut loan and purchase program is authorized by the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act"), including amendments contained in the Food and Agriculture Act of 1977, and the Commodity Credit Corporation Charter Act, as amended. The program is intended to stabilize market prices and to protect producers, handlers, processors, and consumers. The 1979 Crop Loan and Purchase Program Regulations, published by CCC in the Federal Register on February 27, 1979 (44 FR 11056), established the national average support values for the 1979 crop at $920 per ton for quota peanuts and $300 per ton for additional peanuts. Section 403 of the Act provides that appropriate adjustments may be made in type, quality, location and other factors. The average of any such adjustment shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year.

On April 13, 1979, a Notice of Proposed Rulemaking entitled "Proposed Amendment to the 1979 Crop Peanut Loan and Purchase Program" was published in the Federal Register (44 FR 22981). This notice announced that the Commodity Credit Corporation ("CCC") was preparing to make determinations and issue regulations for 1979 crop peanuts adjusting loan and purchase rates for quota and additional peanuts for differences in type, quality, location, and other factors, and invited the public to submit written comments.

Six comments were received in response to the April 13 notice of proposed rulemaking three from peanut grower associations and three from farm organizations. In addition, nineteen commentators responding to a notice of proposed rulemaking pertaining to the general regulations, published in the Federal Register on April 27, 1979 (44 FR 24834), made recommendations pertaining to the discount schedule for 1979 crop peanuts.

Of the six commentators responding to the April 13 notice, four recommended adoption of the loan rates and price differentials as proposed. Two recommended that the loan rate for Sound Mature Kernels be the same for all types of peanuts. One recommended that the loan rate for Loose Shelled Kernels be increased from 7 cents to 10 cents per pound, and the rate for Other Kernels be increased from $1.40 to $2.00 per cent Other Kernels. Two recommended that the discount for Segregation 3 add and additional peanuts be reduced from $50 to $25 per ton. One commentator recommended a discount of $1 per cent per foreign material in excess of 10 percent and that such percent be applicable only to segregation 2 and 3 peanuts and that no discount be applicable to moisture above 10 percent. One commentator suggested discounts of $2.00 per cent for foreign material in excess of 10 percent and $1.50 per cent for moisture in excess of 10 percent; however, the commentator was not in favor of extending the 10 percent limit on foreign material and/or moisture in peanuts placed under loan. Settlement procedures have been established by CCC and the peanut industry for the 1979 crop year. Instructions and forms have been prepared and distributed. Therefore the normal weight deduction for moisture will be applied to the 1979 crop. This deduction will be evaluated during the 1979 crop year and the defaulting peanuts for livestock feed, charity, and upon other information, it is determined significant under the USDA criteria for implementing Executive Order 12044.
Department will look at prospects for increasing the factor for future crop years.

The eighteen commentators who wrote in response to the April 27 notice made recommendations pertaining to discounts for Segregation 3 peanuts, Segregation 2 freeze-damaged peanuts, and peanuts containing moisture and/or foreign material in excess of 10 percent. Eleven recommended and one opposed reduction of the discount on Segregation 3 peanuts from $50 to $25 per ton; however, one commentator recommended eliminating this discount. Six recommended and one opposed placing a maximum damage discount of $25 per ton on Segregation 2 peanuts transferred to quota loan. Five recommended and one opposed loan eligibility (in specific instances) for peanuts containing moisture and/or foreign material in excess of 10 percent.

After considering all the comments received, it was determined that the rates, premiums, discounts, quality and location adjustments and other factors for 1979 crop quota and additional peanuts shall remain the same as for the 1978 crop except that (1) the percentage factor used in calculating the loan value of additional peanuts has been increased from 59.52 percent to 71.43 percent because of the increase in the national average loan rate for 1979 crop additional peanuts from $250 to $300 per ton; (2) the Segregation 3 discount on peanuts transferred from additional to quota loan pools has been reduced from $50 to $25 per ton; (3) a maximum damage discount of $25 per ton has been placed on Segregation 2 peanuts transferred from additional to quota loan pools; and (4) discounts are allowed for peanuts with foreign material content in excess of 10 percent. The sound mature (SMK) value of Virginia type peanuts shall be 2 percent above and Spanish one-half percent above the SMK value of runner type peanuts, the same as for 1978 crop peanuts.

The historical objective of price support differentials has been to offer to eligible producers price support levels by type, quality, and location that are representative of the differences in market values between these types and qualities of peanut. In addition, the law requires that if adjustments are made in the support level for any commodity for type, quality, or location, such adjustments shall be made in such manner that the average support for the commodity, will on the basis of the anticipated incidence of such factors, be equal to the national average support level. The type, quality, and location differentials which have been established are in accordance with this requirement.

Final Rule

Accordingly, 7 CFR Part 1446 is amended by revising §§ 1446.38 through 1446.40 to read as provided below, effective as to 1979-crop quota and additional peanuts. The material previously appearing in these sections remains in full force and effect as to the 1978 crop.

Sec. 1446.38 Average support values by type for quota peanuts.

§ 1446.39 Calculation of support values for quota peanuts.

§ 1446.40 Calculation of support values for additional peanuts.


§ 1446.38 Average support values by type for quota peanuts.

The support values by type per average grade ton of 1979-crop quota peanuts are:

<table>
<thead>
<tr>
<th>Type</th>
<th>Virginia</th>
<th>Runner</th>
<th>Spanish</th>
<th>Valencias</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$419.91</td>
<td>429.08</td>
<td>404.48</td>
<td>404.48</td>
</tr>
</tbody>
</table>

The support price per ton for 1979-crop quota peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums and discounts [with no value assigned to damaged kernels], except that the minimum support value for any lot of eligible peanuts of any type shall be 8 cents per pound of kernels in the lot:

a. Kernel value per ton excluding loose shelled kernels. (1) The price per ton for each percent of sound mature and sound split kernels shall be:

<table>
<thead>
<tr>
<th>Type</th>
<th>Per percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>$50.11</td>
</tr>
<tr>
<td>Runner</td>
<td>5.822</td>
</tr>
<tr>
<td>Spanish</td>
<td>5.822</td>
</tr>
<tr>
<td>Valencias</td>
<td>5.822</td>
</tr>
</tbody>
</table>

b. Value of loose shelled kernels per pound. The price for each pound of loose shelled kernels shall be:

<table>
<thead>
<tr>
<th>All types</th>
<th>Per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0.97</td>
</tr>
</tbody>
</table>

c. Foreign material discount. Foreign material discounts shall be as follows:

<table>
<thead>
<tr>
<th>Percent</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4</td>
<td>0.45</td>
</tr>
<tr>
<td>5</td>
<td>0.99</td>
</tr>
<tr>
<td>6</td>
<td>2.00</td>
</tr>
<tr>
<td>7</td>
<td>3.00</td>
</tr>
<tr>
<td>8</td>
<td>4.00</td>
</tr>
<tr>
<td>9</td>
<td>5.00</td>
</tr>
<tr>
<td>10</td>
<td>6.00</td>
</tr>
<tr>
<td>11</td>
<td>7.00</td>
</tr>
<tr>
<td>12</td>
<td>8.00</td>
</tr>
<tr>
<td>13</td>
<td>9.00</td>
</tr>
<tr>
<td>14</td>
<td>10.00</td>
</tr>
<tr>
<td>15</td>
<td>10.90</td>
</tr>
<tr>
<td>16 and over</td>
<td>11.90</td>
</tr>
</tbody>
</table>

12% for each full percent over 16 percent plus $13.60.

d. Sound split kernel discount. For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

<table>
<thead>
<tr>
<th>Peanuts containing sound split kernels of</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 through 4 percent</td>
<td>$1.10</td>
</tr>
<tr>
<td>5 percent</td>
<td>$1.50</td>
</tr>
<tr>
<td>6 percent</td>
<td>$1.60</td>
</tr>
<tr>
<td>Each percent of sound split kernels in excess of 6 percent</td>
<td>$1.60</td>
</tr>
<tr>
<td>None</td>
<td>$1.60</td>
</tr>
</tbody>
</table>

e. (1) Damaged kernel discount. For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

<table>
<thead>
<tr>
<th>Peanuts containing damaged kernels of</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 percent</td>
<td>$1.10</td>
</tr>
<tr>
<td>2 percent</td>
<td>$1.30</td>
</tr>
<tr>
<td>3 percent</td>
<td>$1.40</td>
</tr>
<tr>
<td>4 percent</td>
<td>$1.50</td>
</tr>
<tr>
<td>5 percent</td>
<td>$1.60</td>
</tr>
<tr>
<td>6 percent</td>
<td>$1.70</td>
</tr>
<tr>
<td>7 percent</td>
<td>$1.80</td>
</tr>
<tr>
<td>8 percent</td>
<td>$1.90</td>
</tr>
<tr>
<td>9 to 9.99 percent</td>
<td>$2.00</td>
</tr>
<tr>
<td>10 percent and over</td>
<td>$2.10</td>
</tr>
<tr>
<td>None</td>
<td>$2.10</td>
</tr>
</tbody>
</table>

(2) Notwithstanding the above discount schedule, the damaged kernel discount for Segregation 2 peanuts transferred from additional to quota loan pools shall not exceed $25 per ton.

f. Price adjustment for peanuts sampled with other than a pneumatic sampler. The support price per ton for Virginia-type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.10 per percent sound mature and sound split kernels.

g. Mixed type discount. Individual lots of farmer stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.
i. Virginia type peanuts. Virginia-type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set 31/64 inch space. Virginia-type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were runner type.

j. Discount for Aspergillus flavus mold (segregation 3 peanuts).

There will be no discount applied to segregation 3 peanuts for A. flavus mold when such peanuts are placed under loan at the additional loan rate. Should such peanuts later be transferred to a quota loan pool under § 1446.16 of these regulations, they will be discounted at the rate of $25 per ton net from the quota price support value.

§ 1446.40 Calculation of support values for additional peanuts.

The support price per ton for 1979 crop additional peanuts of a particular type and quality shall be calculated on the basis of 71.43 percent of the same rates, premiums and discounts as are applicable to quota peanuts. This percentage was computed by dividing the national average support rate per ton for additional peanuts by the national average support rate per ton for quota peanuts.

Note.—This regulation has been determined to be not significant under the USDA criteria implementing Executive Order 12044 and only contains necessary operating decisions and requirements to implement the national average peanut price support rates announced on February 15, 1979. An approved Final Impact Statement is available from Gypsy S. Banks (ASCS) (202) 447-6761.


John W. Goodwin,
Acting Executive Vice President, Commodity Credit Corporation.

DEPARTMENT OF ENERGY

10 CFR Ch. II

Redirection of Motor Gasoline

AGENCY: Department of Energy.

ACTION: Ruling.

SUMMARY: The appended Ruling is issued by the Department of Energy (DOE) Office of General Counsel pursuant to 10 CFR 205.150 to set forth DOE's determination as to the circumstances under which refiners and importers may redirect motor gasoline supplies pursuant to 10 CFR 211.14(b). A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 205.153.

FOR FURTHER INFORMATION CONTACT: Lynnette A. Charbonneau, Office of General Counsel, Department of Energy, Room 1147, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-6955.

Issued in Washington, D.C.
Dated: July 2, 1979.

Everard A. Mareseglia, Jr.,
Assistant General Counsel for Interpretations and Rulings.

10 CFR is amended by adding to the Rulings appearing at the end of Chapter II the following Ruling 1979-2 to read as follows:

(Ruling 1979-2)

Redirection of Motor Gasoline

The Department of Energy (DOE) is concerned that refiners and importers are not taking advantage of the authority they currently possess pursuant to 10 CFR 211.14(b) of the Mandatory Petroleum Allocation Regulations to redirect motor gasoline to areas experiencing a significantly greater shortage of that product than other areas. This ruling is intended to clarify the authority with respect to motor gasoline that exists under § 211.14(b) to redirect allocated products.

Section 211.14(b) states:

Refiners and importers are authorized to reduce the monthly allocable supply to purchasers of those allocated products covered under Subparts D, E, F, G, H (except Civil Air Carriers) and I (except utilities) for

any region or area by up to five (5) percent and to increase the total quantity of any of these allocated products available in another region or area experiencing shortages significantly greater than are being experienced elsewhere in the nation to meet regional imbalances due to weather variation, seasonal demand, or other circumstances beyond their control. Such action may be accomplished without prior approval from the Administrator, FEO, but must be reported immediately after the adjustment occurs to the National FEO, the appropriate regional FEO, and the State Office of any State within a region or area directly affected by the reduction or increase. Redistribution involving reduction of product volumes greater than (5) percent from any State shall require approval from the Administrator, FEO, prior to any action by any refiner or importer. The adjustment provided for in this section shall not be cumulative. Allocation fractions for a region or area which are reduced by such a reduction or an allocated product shall be returned to predecrease levels as soon as practicable.

Section 211.14(a) defines an "area" as follows:

An area, as used in this section, means a State, a group of States within a region, or any geographical part of a State or State’s [sic] within a region.

In other words, an area may be a county or group of counties, an incorporated municipality, a Standard Metropolitan Statistical Area (SMSA), a State or a group of States, or any combination of the foregoing.

Thus, refiners and importers may reduce the monthly allocable supply of motor gasoline for a particular area by up to five percent in order to increase the quantity of motor gasoline available to another area whenever the refiner or importer determines that the area to which the supply is being redirected is suffering a significantly greater shortage of motor gasoline than the area from which the supply is being redirected. Notification of such redirection must be given to DOE and the State(s) affected as soon as the redirection is made. No specific findings are required for such a determination. The refiner or importer concerned may take into account any relevant factor in making such a determination. Such relevant factors

1 Section 211.51 defines refiners and importers as follows:

"Refiners” means those firms that own, operate or control the operations of one or more refiners. "Importer” means any firm (excluding the Department of Defense) that owns at the first place of storage any allocated product or crude oil brought into the United States, but not necessarily the importer of record under a license issued pursuant to Part 213 of this chapter.
may include, but are not limited to, the existence of scarce supplies in the shortage areas to which product will be redirected, as evidenced by reduced operating hours of retail sales outlets for motor gasoline and long lines of motorists waiting to purchase motor gasoline at such outlets, in comparison to significantly less scarce supplies in other areas.

When such redirections are made from and to areas within a State, a refiner or importer may rely on the following type of declaration by the Governor of that State as a basis for making intra-State redirections. 4 Each of the Governors of the 50 States, the District of Columbia, Puerto Rico and the territories and possessions of the United States, other than the Panama Canal Zone, may declare “shortage” areas within his jurisdiction for purposes of § 211.14(b). Refiners and importers may rely on such declarations in making intra-State redirections, but may not rely on such declarations for making inter-State redirections.

Once a refiner or importer has determined to redirect product under § 211.14(b), up to five percent of the allocable supply of motor gasoline supplied to firms located in areas not designated as “shortage” areas (other areas) may be redirected to firms not located in a “shortage” area. In so doing, the refiners and importers must insure that all firms they supply in the area from which product is being redirected, including their own retail sales outlets, have their reduction in proportion to the supplies of motor gasoline subject to an allocation fraction that the firms would otherwise have received pursuant to Part 211 had there been no redirection. Refiners and importers must then make these supplies available on an equitable basis to firms they supply in the “shortage” area. The refiners and importers need not make this redirected supply available to all firms they supply in the “shortage” area; nor need they make this supply available to the firms receiving the redirected supply in proportion to the available to the firms receiving the redirected supply in proportion to the supplies of motor gasoline to which the refiner or importer pursuant to § 211.14(b) must equitably distribute that product to firms supplied by the wholesale purchaser-reseller that are located in the “shortage” area designated by the refiner or importer.

Redirections under § 211.14(b) may be made in the current month. A refiner or importer may not use this section retroactively to reduce the amount of motor gasoline a purchaser was otherwise entitled to receive in previous months under Part 211. The provision regarding cumulative adjustments under § 211.14(b) only prohibits a refiner or importer from redirecting the allocable supply of motor gasoline in areas not determined to be “shortage” areas without DOE approval by more than a total of five percent in the current month. This provision does not prevent a refiner or importer from increasing the supply of motor gasoline to “shortage” areas by more than five percent, provided that the supply in any one “other” area not determined to be a “shortage” area is not reduced by more than five percent overall. Section 211.14(b) does not require that a refiner or importer take the same percentage of supply of motor gasoline from all “other” areas, i.e., a refiner or importer may decide not to redirect the supply of motor gasoline from certain “other” areas and may decide to redirect varying percentages (up to the five percent maximum for each area) of the supply of motor gasoline from other areas that have not been determined to be “shortage” areas.

Issued in Washington, D.C., on June 29, 1978.
Lynn R. Coleman,
General Counsel.

Summary: FDIC has adopted a new regulation (Part 390) and has amended an existing regulation (Part 390) to implement the International Banking Act of 1978 (the Act). The Act requires, in part, that certain branches of foreign banks be insured by the FDIC and establishes special requirements for branches which are insured. The regulations set out the rules for determining whether a Statute branch must be insured and FDIC’s requirements for insured branches. In addition, FDIC’s Board of Directors requests further comment on the provisions of § 346.3 as well as several alternatives to that section.

Effective dates: The regulations are effective July 9, 1979. Comments on § 346.3 must be received by the FDIC by August 8, 1979.

Address: Comments should be addressed to Howell L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

For further information contact: Margaret M. Olsen, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, (202) 359-4433.

Supplementary information: On April 23, 1978 the FDIC published for public comment proposed rules to implement the Act (44 FR 23669). Subpart B of the proposed rules distinguished between State branches engaged in “retail” deposit activity and State branches engaged in “wholesale” deposit activity. Branches engaged in “retail” activity were required to be insured while branches engaged in “wholesale” activity did not have to be insured. Subpart B also set the rule that if one branch of the foreign bank became insured, all other branches, whether engaged in wholesale or retail deposit activity, must be insured (except those subject to an agreement with the Federal Reserve under § 5 of the Act).

Subpart C of the proposed rules set out FDIC’s requirements once any State or federal branch became insured. These rules required a foreign bank having an insured branch to: (1) Provide FDIC with information regarding the bank’s activities outside of the United States and allow the FDIC to examine the bank’s activities in the United States; (2) maintain records in an appropriate manner; (3) ensure that under terms acceptable to the FDIC and (4) maintain assets at the branch equal in value to the branch’s liabilities. Rules for insuring and assessing the deposits of an insured branch were also prescribed.
The FDIC received some 22 comments on its proposed rules. Most of the comments were from the foreign banking community; comments were also received from five State banking departments and several domestic banks.

Discussion of Issues

1. Operation of insured and noninsured branches. FDIC's Board of Directors proposed to condition the grant of insurance to one branch of the foreign bank (whether State or Federal) on every branch of the bank located in the United States also becoming insured. The rationale for this restriction on the operation of insured and noninsured branches was to prevent public confusion as to the insured status of the bank's various branches.

Most of the comments on this issue were opposed to the imposition of this condition. It was argued that the FDIC is without authority to impose such a condition and the condition is unnecessarily broad. Many commenters believed such a condition would be more appropriate if limited to one State or a Standard Metropolitan Statistical Area, arguing interstate branches rarely have retail depositors in common.

The Board, after consideration of these comments, has decided to modify its rule; in addition, the Board requests further public comment on the rule as adopted as well as two alternate proposals.

The rule, as adopted, provides that the FDIC will not insure deposits in any branch of a foreign bank unless the bank agrees that every branch established or operated by the bank in the same State will also be an insured branch. Exempted from this provision is any branch which accepts only initial deposits of $100,000 or greater. While this rule allows foreign banks to operate both insured and noninsured branches within the same State, it alleviates the Board's concern as to public confusion since noninsured branches are restricted to wholesale deposit activity, as defined in the Act. The Board specifically requests comment on this exception.

Further comment is also requested as to two alternatives to the rule as adopted. First, several commenters requested that the FDIC establish a procedure whereby a foreign bank could request an exemption from the provision of § 346.3 on a branch by branch basis. The Board invites suggestions and comment as to criteria under which such an exemption would be granted which would assure that the public will be able to recognize that all branches of the bank may not be insured when one is.

Comments are also requested on a second alternative: The FDIC would condition the grant of insurance to any branch upon every branch located in the same State also being insured. There would be no exception to this rule. However, the percentage of allowable deposits which could be accepted under § 346.6(a)(5) would be increased to 5 percent. It is requested that interested parties advise the Board whether such an approach is feasible from their viewpoint.

2. Manditory insurance. Subject to certain exemptions, the final rule requires a State branch to be insured if it accepts any initial deposit of less than $100,000 when it is located in a State which requires, by statute or banking department regulation or policy, State banks to be insured. The one comment on this issue inquired as to FDIC's definition of policy. In this regard, the FDIC will inquire of each State banking department as to its determination of whether its policy is to require State banks which accept deposits from the general public to have deposit insurance. If the State advises the FDIC it does not require State banks to have deposit insurance, a branch of the foreign bank is not subject to the mandatory insurance provision of the regulation. To ensure that the general public and the foreign banks know which States require State banks to be insured, an appendix will be added to the regulation setting out this information.

3. "Grandfathering" of existing deposit accounts in branches established before the Act's effective date. Under the final rule, deposit accounts (not otherwise within an exempt category) opened with an initial deposit of less than $100,000 prior to September 16, 1979 at a branch established before the Act's effective date are grandfathered for a period of three years. The branch may continue the deposit relationship and may accept additional deposits to an account held by the depositor in the same right and capacity. This should allow the branch a sufficient period to adjust its deposit activities to accord with these rules.

Once the account is closed, however, other deposits by the depositor may not be exempted under this provision § 346.6(a)(4). The Board believes this deposit activity is retail in nature and therefore such accounts should be within the provisions of § 346.6(a)(5) at the end of three years. Most commenters on the issue believed such accounts should be permanently grandfathered.

4. Exemptions from the insurance requirement. The proposed rules would have allowed a noninsured branch to accept deposits of less than $100,000 from certain categories of depositors. These included deposits from most commercial concerns, governmental units, deposits which may be accepted by Edge corporations and drafts or checks issued by the branch except for travelers checks and money orders issued to natural persons. A noninsured branch would also have been permitted to accept deposits from any depositor so long as the aggregate amount of such deposits was less than 2 percent of the branch's total deposits (the "de minimis" rule).

The Board has withdrawn several of the proposed exempt categories and, in lieu thereof, has increased the de minimis percentage from 2 percent to 4 percent. This action was taken for ease of administration and to simplify the regulation. Under the final rule, a noninsured branch may accept initial deposits of less than $100,000 from commercial concerns (excluding small domestic businesses); governmental units; international organizations; and may also issue drafts and similar instruments for the transmission of funds. In addition, the branch may accept initial deposits of less than $100,000 from any depositor so long as the aggregate amount of such deposits does not exceed an average daily balance of 4 percent of the average of the branch's deposits for the last 30 days of a calendar quarter.

Further, the final rule provides that the bank may aggregate deposits in all of its branches located in the same State for the purpose of the 4 percent rule. The Board believes this is warranted in view of its policy of treating all branches in the same state as one entity for insurance purposes.

The proposed rule's prohibition against soliciting deposits from the general public by a branch exempted under the de minimis rule has been clarified based on comments received. Under the final rule solicitation of deposits by advertising or display of signs to attract the attention of the general public is prohibited. One commenter requested that the bank be
allowed to solicit deposits from local residents who are citizens of the country of the bank's domicile. This suggestion was not adopted.

The proposed rule would also have required that travelers checks and money orders, when issued by the branch to a natural person, be included within the *de minimis* exception. A number of commenters believed that travelers checks and money orders, although defined to be deposits under the FD Act, were generally not regarded as deposits in the trade or under State law. In light of this, the final regulation permits a noninsured branch to issue, without restriction, travelers checks and money orders.

5. Notification requirements. This rule has been modified in response to several comments. As drafted, a branch which was exempt from the mandatory insurance provision would have been required to notify its depositors that the branch was not insured by the FDIC by means of a sign where deposits were accepted and through a statement on signature cards, passbooks and instruments evidencing a deposit.

Comments from the foreign banking community focused on three issues: (1) the requirement discriminated against foreign banks since noninsured United States banks were not required to notify their depositors; (2) purchasers of negotiable certificates of deposit over $100,000 did not need the protection afforded by the requirement; and (3) a less burdensome alternative to accomplish the same purpose would be to permit the bank to have the depositor acknowledge the deposit is not insured.

The Board views the depositor notification requirement as an essential element to any exemption from the mandatory insurance provision. Due to the prevalence of deposit insurance, many depositors in the United States assume all banks are insured. There is a strong public policy reason to ensure that depositors of a noninsured branch be fully and promptly advised that their deposits are not insured. In view of this, the requirement for a sign where deposits are accepted has not been modified. The regulation has been modified, however, to permit the branch to receive the depositor's acknowledgment in lieu of the requirement for a legend on the signature card, etc., except as to negotiable certificates of deposit of less than $100,000. In addition, neither the legend nor the acknowledgment will be required on negotiable certificates of deposit of $100,000 or greater.

Purchasers of negotiable certificates of deposit of such denominations are deemed aware of the deposit's noninsured status.

7. Records. This section has been redrafted in light of comments received. As originally drafted, the rule would have required an insured branch to maintain its records in English. As pointed out in the comments, this would have required every record be in English. This was not intended and the rule has been modified to require the branch to maintain a set of accounts and records in English. Also, a bank which has more than one insured branch in the same State is permitted by its language to treat all such branches as one entity and may designate one branch to maintain records.

8. Pledge of Assets. Although opposed by most of the foreign banks and several of the State banking departments, the final rule requires the insured branch to pledge assets equal in value to 10 percent of the average of the branch's liabilities for the last 30 days of the most recent calendar quarter. The Board believes this amount, although double the amount generally required by the States, is justified in light of the risks to the insurance fund which are inherent to insuring deposits in a branch of a foreign bank not subject to the same supervisory controls as a domestic bank.

The Board also believes a pledge separate from any State requirement is consistent with the FDIC's legislative language and is justified because many State statutes, as presently drafted, may not provide any protection to the deposit insurance fund. For example, several State statutes provide that in the event of the insolvency of a branch which is not FDIC insured, the pledged assets are to be for the benefit of the depositors. (Emphasis added.) Thus, it is not clear as to the use of such funds when the branch is FDIC insured.

The rule has been modified, however, to allow a deduction for amounts due to other offices, agencies or branches and wholly owned subsidiaries of the bank without such being subordinated to claims of other creditors.

In response to comments, the rule has been modified to allow insured branches of foreign banks to act as depositories and to remove the restriction of the depository being located in the same State as the insured branch.

In response to comments, negotiable certificates of deposits and bankers acceptances issued by branches of foreign banks which are not related to the bank pledging assets and which are not from the same country may be pledged. Further, the requirement for a waiver of offset has been withdrawn.

Also, as suggested by one commenter, the requirement that State, county or municipal obligations be rated "A" or
better to be eligible has been withdrawn. Instead, the bank may pledge any obligation of or any obligation guaranteed by a State, county or municipality so long as such obligation is not in default as to principal or interest. This may assist branches in fulfilling their obligations under the Community Reinvestment Act.

The rule has also been modified to allow the bank to substitute assets during the quarter without notifying the FDIC. Under the final rule, in general, the bank need only certify to the depository that the aggregate value of the assets being deposited is not less than the aggregate value of the assets being released. At the end of each calendar quarter, the bank is required to provide the FDIC with information regarding the assets currently pledged. However, as to any bank the FDIC may require that any substitution of assets be effected under the procedure set out in the proposed rules.

9. Asset maintenance. Several commenters objected to the FDIC’s imposition of an asset maintenance rule, arguing the FDIC is without authority to impose such. The Board believes that this rule is necessary for the protection of creditors and that it has authority under Sections 5 and 9 of the FDI Act and § 13 of the Act to impose it. Several commenters were also concerned whether assets pledged to the FDIC and participation certificates were eligible assets for the purpose of this rule. Both are eligible.

It was also suggested that the FDIC should not require a waiver of offset for branch deposits held in other banks. This suggestion was not adopted.

The rule has been modified to exclude as eligible any asset which is not supported by sufficient credit information to facilitate a review of the asset’s credit quality. The rule also provides that if the State’s requirement is more stringent, compliance with the State requirement will be deemed compliance with FDIC’s.

10. Insured deposit and assessment base. The Board did not modify its proposed rules regarding the insurance of deposits in or the assessment base of an insured branch. Although the Act permits the Board to restrict insurance to certain categories of depositors, the Board believes such categories would be impossible to administer in the event of a liquidation of the branch. Claims for insured deposits will undoubtedly be made by all depositors, whether within a category or not. Also, the branch may not maintain records which indicate the depositors’ status. Thus, the Board believes that the proposed rule will facilitate the administration of the Act in the event the FDIC becomes obligated to pay the insured deposits. Further, the Board believes that there is per se a business or financial nexus to the United States if the depositor places funds in a bank located in the United States.

Also, since all deposits are subject to insurance, all deposits are subject to assessments.

Several of the commenters from the foreign banking community opposed this rule, arguing the FDIC has no authority to expand the coverage.

11. Miscellaneous. 1. The definitions of the words “State” and “branch” in the proposed rule were defined as in the Act and would limit the coverage of the regulations to branches located in one of the fifty States or in the District of Columbia. This means branches of foreign banks located outside of the fifty States or the District of Columbia are not subject to the mandatory or voluntary insurance provisions of the regulations.

One commenter suggested that the definition of State be broadened to include Puerto Rico and the territories. The commenter believed the word “branch” as used in the Act’s amendments to § 16(b) of the FDI Act refers to the definition of branch set out in § 3[a] of the FDI Act and not to the definition of branch as used in the Act. Under § 3[a] of the FDI Act the term “domestic branch” includes an office located in Puerto Rico or the territories.

The Board believes Congress intended the Act’s definitional section be applicable throughout the Act, even if portions of the Act were amendments to the FDI Act (which already had a different definitional structure). See, e.g., Pub. L. No. 95-1073, 95 Cong., 2d Sess. 2 (1978). Thus, the Board believes it is without authority to extend insurance coverage to branches located in such areas. Congress may consider such expansion warranted, however.

2. Two commenters suggested that the FDIC distinguish between “credit balances” and “deposits.” One commenter was concerned there could be conflicts between the States and the FDIC if one were to call an office a “branch” that receives “deposits” while the other called it an agency that received credit balances. The FDIC recognizes there is an overlap in the definitions under the Act of agency and branch. Thus, the definition of branch has been modified to exclude offices deemed by the appropriate authority to be “agencies” and a definition of “deposit” has been added.

Branches which were established before the Act’s effective date and which will be subject to the mandatory insurance requirements must, under the Act, be insured by September 17, 1979. The Board’s decision to grant or deny an application for insurance is made only after a thorough administrative review of the application. Branches are encouraged to begin the administrative process by filing an application as soon as possible.

These regulations represent a new area of supervision for the FDIC and the foreign banks. In drafting the regulation the FDIC has tried to balance (1) the deposit needs of banks engaged in a wholesale business with the congressional mandate to require insurance of branches in a retail business and (2) the interests of an insured branch with the needs of the FDIC to effectively supervise the branch and protect the insurance fund. The regulations are based on information available to the FDIC at this time, with the recognition that amendments may be necessary as the FDIC, the State supervisors and the banks gain experience in dealing with its terms. The Board welcomes continued input from the foreign banks and the State supervisors as to the need and the effectiveness of the regulations.

Accordingly, the Board adopts a new Part 345 (12 CFR Part 345) and amends Part 330 of FDIC’s rules and regulations as set out below.

PART 330—CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Part 330 is amended by adding a new § 330.0; by revising the third sentence of § 330.1[a]; and, by adding a new paragraph (d) to § 330.1 to read as follows:

§ 330.0 Definition.

For the purpose of this Part 330 the term “insured bank” includes an insured branch of a foreign bank.

§ 330.1 General principles applicable to determining insurance of deposit accounts.

(a) General. * * *

Insofar as rules of local law enter into such determinations, the law of the jurisdiction in which the insured bank’s principal office is located shall govern, except where the insured bank is an insured branch of a foreign bank, in which case the law of the jurisdiction where the insured branch is located shall govern.

(b) Insured branches of foreign banks.

(1) Except as provided in § 330.1[d](3)
deposits in an insured branch of a foreign bank which are payable in the United States shall be insured in accordance with the rules of this Part.

(2) Deposits held by an insured depositor in any insured branch or insured branches of the same foreign bank shall be added together for deposit insurance purposes.

(3) Deposits to the credit of the foreign bank or any officer, branch or agency of and wholly owned (except for a nominal number of directors' shares) subsidiary of the foreign bank shall not be insured.

PART 346—FOREIGN BANKS

Subpart A—Definitions

Sec.
346.1 Definitions.

Subpart B—Insurance of Deposits

Sec.
346.2 Scope.

Subpart C—Foreign Banks Having Insured Branches

Sec.
346.10 Scope.

Subpart D—Insured Branches

Sec.
346.11 Notice to depositors.

346.12 Agreement as to information provided by an examination of the bank.

346.13 Records.

346.14 Pledge of assets.

346.15 Asset maintenance.

346.16 Exceptions.

346.17 Deductions from the assessment base.


Subpart A—Definitions

§ 346.1 Definitions.

For the purposes of this Part:

(a) "Foreign bank" means any company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands or the Virgin Islands, which engages in the business of banking. The term includes foreign commercial banks, foreign merchant banks and other foreign institutions that engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized and operating.

(b) "Foreign country" means any country other than the United States and includes any colony, dependency or possession of any such country.

(c) "State" means any State of the United States or the District of Columbia.

(d) "Branch" means any office or place of business of a foreign bank located in any State of the United States at which deposits are received. The term does not include any office or place of business deemed by the State licensing authority or the Comptroller of the Currency to be an agency.

(e) "Federal branch" means a branch of a foreign bank established and operating under the provisions of § 4 of the International Banking Act of 1978 (12 U.S.C. 3102).

(f) "State branch" means a branch of a foreign bank established and operating under the laws of any State.

(g) "Insured branch" means a branch of a foreign bank any deposits of which branch are insured in accordance with the provisions of the Federal Deposit Insurance Act.

(h) "Noninsured branch" means a branch of a foreign bank deposits of which branch are not insured in accordance with the provisions of the Federal Deposit Insurance Act.

(i) "Insured bank" means any bank, including a foreign bank having an insured branch, deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act.

(j) "Home State" of a foreign bank means the State so determined by the election of the foreign bank, or in default of such election, by the Board of Governors of the Federal Reserve System.

(k) "Initial deposit" means the first deposit transaction between a depositor and the branch. The initial deposit may be placed into different kinds of deposit accounts, such as demand, savings or time. Deposit accounts that are held by a depositor in the same right and capacity may be added together for the purposes of determining the dollar amount of the initial deposit.

(l) "Domestic retail deposit activity" means the acceptance by a State branch of any initial deposit of less than $100,000.

(m) A "majority owned subsidiary" means a company the voting stock of which is more than 50 percent owned or controlled by another company.

(n) A "wholly owned subsidiary" means a company the voting stock of which is 100 percent owned or controlled by another company except for a nominal number of directors' shares.

(o) "Affiliate" means the same as in Section 2 of the Banking Act of 1933, as amended (12 U.S.C. 221a).

(p) "Depository" means any insured State bank, national bank, or insured branch.

(q) "Deposit" means the same as in § 3(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1)).

Subpart B—Insurance of Deposits

§ 346.2 Scope.

(a) This subpart B implements the insurance provisions of § 6 of the International Banking Act of 1978 (12 U.S.C. 3104). It sets out the FDIC's rules regarding deposit activities requiring a State branch to be an insured branch; deposit activities not requiring a State branch to be an insured branch; procedures for a State branch to apply for an exemption from the insurance requirement; and, depositor notification requirements. It sets out the FDIC's policy regarding the operation of insured and noninsured branches, whether State or Federal, by a foreign bank and it provides that any branch has the option of applying for insurance.

(b) Any application for insurance under this subpart should be filed in accordance with Part 303 of the FDIC's Rules and Regulations.

§ 346.3 Restriction on operation of insured and noninsured branches.

The FDIC will not insure deposits in any branch of a foreign bank unless the foreign bank agrees that every branch established or operated by the foreign bank in the same State will be an insured branch; Provided, that this restriction does not apply to any branch which accepts only initial deposits in an amount of $100,000 or greater.

§ 346.4 Insurance requirement.

(a) General rule. Except as provided in Sections 346.5 or 346.6, a foreign bank shall not establish or operate any State branch which is not an insured branch whenever—

(1) The branch is engaged in a domestic retail deposit activity; and,

(2) The branch is located in a State which requires a bank organized and existing under State law to have deposit insurance whenever the branch accepts deposits from the general public. A State requirement is one imposed by statute.

*Sections 346.4, 346.5, 346.6 and 346.7 do not apply to a Federal branch: the Comptroller of the Currency's regulations establish such rules for Federal branches. Federal branches deemed by the Comptroller to require insurance must apply to the FDIC for insurance.
or by State banking department regulation or policy.

(b) Branches established before September 17, 1978. A foreign bank which established a State branch before September 17, 1978 may operate that branch as a noninsured branch until September 18, 1978, without restriction on its deposit activities. After September 18, 1978, the provisions of paragraph (a) of this section shall be applicable to that branch.

§ 346.5 Branches established under Section 5 of the International Banking Act.

A foreign bank may operate any State branch as an uninsured branch whenever the foreign bank has entered into an agreement with the Board of Governors of the Federal Reserve System to accept at that branch only those deposits as would be permissible for a corporation organized under Section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.) and implementing rules and regulations administered by the Board of Governors (12 C.F.R. Part 211).

§ 346.6 Exemptions from the insurance requirement.

(a) Deposit activities not requiring insurance. A State branch will not be deemed to be engaged in a domestic retail deposit activity which requires the branch to be an insured branch under Section 346.4 if the acceptance of initial deposits in an amount of less than $100,000 is limited to the following:

(1) Any business entity, including any corporation, partnership, association or trust, which engages in commercial activity for profit. Provided, that this category excludes any business which is organized under the laws of any State or the United States, is majority owned by United States citizens or residents and has total assets of less than $1,500,000 at the most recent fiscal year statement as of the date of initial deposit. The $1,500,000 asset test is applicable to the depositor's combined financial interests including the business activities of an individual or parent company and its majority owned subsidiary(s).

(2) Any governmental unit, including the United States government, any State government, any foreign government and any political subdivision or agency of the foregoing.

(3) Any international organization which is comprised of two or more nations.

(b) Application for an exemption. (1) Whenever a foreign bank proposes to accept at a State branch initial deposits of less than $100,000 and such deposits are not otherwise excepted under paragraph (a) of this section, the foreign bank may apply to the FDIC for consent to operate the branch as a noninsured branch. The Board of Directors may exempt the branch from the insurance requirement if the branch is not engaged in domestic retail deposit activities requiring insurance protection. The Board of Directors will consider the size and nature of deposits and deposit accounts in making this determination.

(2) Any request for an exemption under paragraph (b) should be in writing and authorized by the board of directors of the foreign bank. The request should be filed with the Regional Director of the FDIC Regional Office where the branch is located.

(3) The request should detail the kinds of deposit activities the branch proposes to engage in, the expected source of deposits, the manner in which deposits will be solicited and other relevant information.

§ 346.7 Notice to depositors.

(a) Any State branch that is exempt from the insurance requirement pursuant to § 346.5 shall—

(1) Display conspicuously at each window or place where deposits are usually accepted a sign stating that deposits are not insured by the FDIC;

(2) Notify its existing depositors in writing that the branch is not insured by the FDIC. This notification shall be provided to depositors within 30 days from the date the branch accepts an initial deposit of less than $100,000;

(3) Include in bold face, conspicuous type on each negotiable certificate of deposit issued by the branch in an amount of less than $100,000 the statement "This deposit is not insured by the FDIC"; and

(4) Except as otherwise provided in paragraph (3) of this section, include in bold face, conspicuous type on each signature card, passbook and instrument evidencing a deposit the statement "This deposit is not insured by the FDIC";

(b) The provisions of paragraph (a)(3) of this section shall not apply to any negotiable certificate of deposit issued by the branch in an amount of $100,000 or greater.

§ 346.8 Optional insurance.

A foreign bank may apply to the FDIC for deposit insurance for any State branch that is not otherwise required to be insured under § 346.4 or for any Federal branch that is not otherwise required to be insured under the rules and regulations of the Comptroller of the Currency.

§§ 346.9-346.15 Reserved.

Subpart C—Foreign Banks Having Insured Branches

§ 346.16 Scope.

This Subpart C sets out the rules that apply only to a foreign bank that operates or proposes to establish an insured State or Federal branch. These rules relate to: an agreement to provide information and for examination; record-keeping; pledge of assets; asset...
§ 346.17 Agreement as to information provided by and examination of the bank.

(a) A foreign bank that applies for insurance for any branch shall agree in writing to the following terms:

(1) The foreign bank will provide the FDIC with information regarding the affairs of the bank and its affiliates which are located outside of the United States as the FDIC from time to time may request to (i) determine the relations between the insured branch and the bank and its affiliates and (ii) assess the financial condition of the bank as required under this section. If the laws of the country of the bank's domicile or the policy of the Central Bank or other banking authority prohibit or restrict the foreign bank from entering into this agreement, the foreign bank shall agree to provide information to the extent permitted by such law or policy. Information provided shall be in the form requested by the FDIC and shall be made available in the United States. The Board of Directors will consider the existence and extent of this prohibition or restriction in determining whether to grant insurance and may deny the application if the information available is so limited in extent that an unacceptable risk to the insurance fund is presented.

(2) The FDIC may examine the affairs of any office, agency, branch or affiliate of the foreign bank located in the United States as the FDIC deems necessary to (i) determine the relations between the insured branch and such offices, agencies, branches or affiliates and (ii) assess the financial condition of the bank as it relates to the insured branch. The foreign bank shall also agree to provide the FDIC with information regarding the affairs of such offices, agencies, branches or affiliates as the FDIC deems necessary. The Board of Directors will not grant insurance to any branch if the foreign bank fails to enter into an agreement as required under this paragraph (2).

(b) The agreement shall be signed by an officer of the bank who has been so authorized by the foreign bank's board of directors. The agreement and the authorization shall be included with the foreign bank's application for insurance. Any agreement not in English shall be accompanied by an English translation.

§ 346.18 Records.

(a) Each insured branch shall keep a set of accounts and records in the words and figures of the English language which accurately reflect the business transactions of the branch on a daily basis.

(b) The records of each insured branch shall be kept as though it were a separate entity, with its assets and liabilities separate from the other operations of the head office, other branches or agencies of the foreign bank and its subsidiaries or affiliates. A foreign bank which has more than one insured branch in a State may treat such branches as one entity for record keeping purposes and may designate a branch to maintain records for all the branches in the State.

§ 346.19 Pledge of assets.

(a) Purpose. A foreign bank that has an insured branch shall pledge assets for the benefit of the FDIC or its designee(s). Whenever the FDIC is obligated under section 12(f) of the Federal Deposit Insurance Act (12 U.S.C. 1821(f)) to pay the insured deposits of an insured branch, the assets pledged under this section shall become the property of the FDIC to be used to the extent necessary to protect the deposit insurance fund.

(b) Amount of assets to be pledged. (1) A foreign bank shall pledge assets equal to ten percent of the average of the insured branch's liabilities for the last 30 days of the most recent calendar quarter. This average shall be computed by using the sum of the close of business figures for the 30 calendar days ending with and including the last date of the calendar quarter divided by 30. In determining its average liabilities, the branch may exclude liabilities to other offices, agencies or branches and wholly owned subsidiaries of the foreign bank. Whenever a State licensing authority or the Comptroller of the Currency requires the bank to pledge assets, the foreign bank may deduct from the amount of assets required to be pledged to the FDIC the amount of assets pledged to the State or the Comptroller of the Currency such deduction may not exceed five percent of the branch's average liabilities. Adjustments to the amount pledged shall be made within two business days after the last date of the calendar quarter.

(2) The initial ten percent deposit for a newly established insured branch shall be based on the branch's projection of liabilities at the end of the first year of its operation.

(3) The FDIC may require a foreign bank to pledge additional assets whenever the FDIC determines the foreign bank's or any branch's condition is such that the assets pledged under § 346.19(b)(1) or any surety bond provided under § 346.19(g) will not adequately protect the deposit insurance fund.

(c) Deposition. A foreign bank in carrying out the requirements of this section shall deposit pledged assets for safekeeping at any depository which is located in any State and which is acceptable to the FDIC.

(d) Assets that may be pledged. Subject to the right of the FDIC to require substitution, a foreign bank may pledge any of the following kinds of assets:

(1) Negotiable certificates of deposit that are payable in the United States and that are issued by any State bank, national bank or branch of a foreign bank; Provided, that the maturity of any certificate is not greater than one year; and Provided further, that the branch of a foreign bank issuing the certificate of deposit is not an affiliate of the pledging bank or from the same country as the pledging bank's domicile;

(2) Interest bearing bonds, notes, debentures or other direct obligations of or obligations fully guaranteed as to principal and interest by, the United States or any agency or instrumentality thereof;

(3) Commercial paper that is rated P-1 or its equivalent by a nationally recognized rating service; Provided, that any conflict in a rating shall be resolved in favor of the lower rating;

(4) Banker's acceptances that are payable in the United States and that are issued by any State bank, national bank or branch of a foreign bank; Provided, that the maturity of any acceptance is not greater than 180 days; and Provided further, that the branch of a foreign bank issuing the acceptance is not an affiliate of the pledging bank or from the same country as the pledging bank's domicile;

(5) Obligations of a State, county or municipality or any agency, instrumentality or political subdivision of the foregoing or any obligation guaranteed by a State, county or municipality; Provided, that such obligations are not in default as to principal or interest;

(6) Obligations of the Asian Development Bank, Inter-American Development Bank and the International Bank for Reconstruction and Development;

(7) Any asset determined by the FDIC to be acceptable.

(e) Deposit agreement. A foreign bank shall not deposit any pledged asset required under § 346.19(c) unless accompanied by such documentation.
necessary to facilitate transfer of title and a deposit agreement acceptable to the FDIC has been executed. The agreement, in addition to other terms not inconsistent with this section (e), shall give effect to the following terms:

(1) Assets to be held for safekeeping. The depository shall hold any asset deposited by the foreign bank pursuant to the deposit agreement for safekeeping as a special deposit free of any lien, charge, right of set-off, credit or preference in connection with any claim of the depository against the foreign bank.

(2) Depósito to furnish receipt. When the foreign bank first deposits assets, the depository shall provide the FDIC and the foreign bank with a receipt which identifies the deposited assets as having been made pursuant to the agreement under this section. The receipt shall specify, with respect to each asset or issue, the complete title, interest rate, series, serial number (if any), face value, maturity date and call date. The foreign bank shall certify to the FDIC and the depository the lower of principal amount or market value for each asset and the aggregate of those values for all assets.

(3) Examination of assets. The depository shall hold any asset deposited by the foreign bank separate from all other assets and shall permit representatives of the foreign bank or the FDIC to examine the deposited assets.

(4) List of pledged assets. The depository shall furnish at the FDIC’s request a written list of currently pledged assets. The list shall set forth information as requested by the FDIC.

(5) Release of assets upon substitution of other assets.

(i) Except as otherwise provided, the depository shall release assets to the foreign bank whenever the foreign bank, at the time of the release, deposits with the depository other assets of an aggregate value not less than the aggregate value of the assets released. The foreign bank shall certify to the depository at the time of the release that the aggregate value of the assets deposited is not less than the aggregate value of the assets released. The foreign bank which substitutes assets pursuant to this subparagraph shall provide the depository with a list of currently pledged assets within 2 business days after the last date of each calendar quarter. The list shall specify the same information as required under paragraph (e)(2) of this section.

(ii) Upon written notice by the FDIC, to the depository and the foreign bank, a depository shall release assets without the consent of the FDIC only in accordance with the provisions of this subparagraph (5)(i) of this section. The foreign bank shall, at the time of any release by the depository, deposit with the depository other assets of an aggregate value not less than the aggregate value of the assets released. The aggregate value of any assets deposited or released shall be based on the lower of principal amount or market value. The foreign bank shall certify to the depository that, after giving effect to the exchange, the aggregate value of all assets remaining on deposit is at least equal to the amount required to be pledged under §346.19(b). The certificate shall specify as to each asset released and each asset pledged: (A) The complete title; (B) the interest rate, series, serial number (if any), face value, maturity date, call date, the lower of cost or market value of each asset; and (C) the aggregate amount, based on cost or market value, whichever is lower, of pledged assets. Upon receipt of the certificate and a statement by the foreign bank that a copy of the certificate is concurrently being furnished to the FDIC, the depository shall release assets.

(iii) The FDIC may suspend or terminate the right to exchange assets by written notice to the bank and the depository.

(6) Release upon order of the FDIC. The depository shall release to the foreign bank any pledged asset upon the written order of the FDIC. The depository shall release only the assets specified in the order. The release of such assets may be made without pledging other assets, unless otherwise provided in the order.

(7) Release to the FDIC. Whenever the FDIC is obligated under section 11(f) of the Federal Deposit Insurance Act (12 U.S.C. § 1821[f]) to pay insured deposits of an insured branch, the depository shall release to the FDIC any pledged asset upon the written certification of the FDIC that the FDIC has become so obligated. Upon receipt of certification and release of all pledged assets, the depository shall be discharged from further obligation under the deposit agreement.

(8) Interest earned on assets. The foreign bank may receive any interest earned upon the pledged assets unless the depository receives an order by the FDIC prohibiting the receipt of interest.

(9) Expenses of agreement. The FDIC shall not be required to pay for any services under the agreement.

(10) Termination of agreement. The deposit agreement may be terminated by the foreign bank or the depository upon at least 60 days written notice to the other party. No termination shall be effective until (i) another depository has been designated by the foreign bank and approved by the FDIC; (ii) a deposit agreement acceptable to the FDIC has been agreed upon by the bank and the new depository; and (iii) the depository has released to the newly designated depository assets on deposit in accordance with the bank’s written instructions, as approved by the FDIC.

(11) Waiver of terms. The FDIC may by written order relieve the foreign bank or the depository from compliance with any term or condition of the agreement.

(1) Each insured branch shall separately comply with the requirements of this section. A foreign bank which has more than one insured branch in a State may treat all its insured branches in the same State as one entity and shall designate one branch to be responsible for compliance with this section.

(a) Suréty bond. In lieu of or in addition to a pledge of assets, a foreign bank may, with the approval of the FDIC, secure a surety bond for the benefit of the FDIC. The FDIC may set such terms and conditions for the surety bond as it deems necessary.

§346.20 Asset maintenance.

(a) An insured branch shall maintain on an average daily basis for the weekly computation period eligible assets that are payable in United States dollars (or in a currency freely convertible to United States dollars) in an amount at least equal in book value to the amount of the branch’s liabilities. In determining the eligible assets for the purposes of this section, the branch shall exclude (1) all amounts due from the head office and any other branch, agency, office or wholly owned subsidiary of the bank; (2) 50 percent or more of any asset classified “Doubtful” and 100 percent of any asset classified “Loss” in the most recent examination report prepared by the FDIC or the Comptroller of the Currency; (3) any deposit of the branch in a bank unless the bank has executed a valid waiver of offset agreement; and (4) any asset not supported by sufficient credit information to facilitate a review of the asset’s credit quality. An asset not in the branch’s actual possession shall be an eligible asset only if the branch holds title to such asset and the branch maintains records sufficient to enable independent verification of the branch’s ownership of the asset. In determining the amount of liabilities, the branch
shall exclude any amount due to the parent bank and any other branch, agency, office or wholly owned subsidiary of the bank.

(b) The average daily book value of the branch's assets and liabilities shall be computed at the close of the business every Wednesday for the preceding week. The branch may rely on this average value for the purpose of determining compliance with paragraph (a) of this section. Calculations as to the average daily value of the branch's assets and liabilities shall be retained by the branch until the next examination.

c) Whenever the State licensing authority or the Comptroller of the Currency requires the insured branch to maintain a prescribed ratio of assets to liabilities which ratio is greater than that required under this section, compliance by the insured branch with the State's or the Comptroller's rule will be deemed compliance with this section.

(d) A foreign bank which has more than one insured branch in a State may treat all of its insured branches in the same State as one entity and shall designate one branch to be responsible for compliance with this section.

§ 346.21 Exceptions.

Except as otherwise specifically provided by the FDIC, the provisions of §§ 346.17, 346.18, 346.19 and 346.20 do not apply to a bank organized under the laws of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands or the Virgin Islands which is an insured bank other than by reason of having an insured branch.

§ 346.22 Deductions from the assessment base.

An insured branch may deduct from its assessment base its portion of the insured branch to the credit of the foreign bank or any office, branch or agency of and any wholly owned subsidiary of the foreign bank.

By Order of the Board of Directors, June 28, 1979.

Federal Deposit Insurance Corporation.

Hannah Gardner,
Assistant Secretary.

[FR Doc 79-20500 Filed 7-6-79; 8:45 am]
BILLING CODE 6714-01-M
By direction of the Commission.
Lois D. Cashell,
Acting Secretary.

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

23 CFR Parts 660, 667
[ FHWA Docket No. 79–18 ]

Public Lands Highways Funds; Revision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This document condenses and clarifies current policy and procedures to be followed in administering funds authorized for public lands highways. DATES: The rule is effective July 11, 1979. Comments must be received on or before September 7, 1979.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 79–18, Federal Highway Administration, Room 4205, HCC–10 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Pertinent comments will be processed through existing procedures for making revisions to this regulation.

FOR FURTHER INFORMATION CONTACT: Mr. Vincent Ciletti, Office of Engineering, 202–426–0450; or Mr. Stan Abramson, Office of the Chief Counsel, 202–426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The existing regulation appears as Part 660, Subpart C of Chapter I, Title 23, Code of Federal Regulations, but is now transferred to a new Part 667 with this revision as the subject matter does not fall under the category of “Direct Federal.” This rule codifies material contained in Volume 6, Chapter 9, Section 4, Subsection 1 of the Federal-Aid Highway Program Manual.1 The revised regulation restates, without substantial change, current policy and procedures for administering funds which are available for the construction of highways and related facilities on land owned by the Federal Government. The revised regulation clearly indicates the type of work eligible for public lands highways funds and the involvement of Federal and State officials in the project development process. The revision also lists the factors to be considered by FHWA in reviewing candidate projects and specifically limits the amount of funds available for a project to the amount of funds allotted for that project.

This revision is made in accordance with 23 U.S.C. 101(a) and the philosophy and criteria recommended by the FHWA Regulations Reduction Task Force (49 FR 10579). Reduction and simplification of the existing regulation has been achieved.

Because this revision is basically a restatement and simplification of present policy and procedures, no economic or other burden is expected to be placed upon the economy, the private sector, consumers, or Federal, State or local governments. Therefore, the revised regulation is being issued in final form at this time. However, comments may be submitted to the public docket and will be considered by the agency in evaluating the need for future revisions.

This rule is issued under the authority of 23 U.S.C. 209 and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Vincent Ciletti at the address specified above.

Issued on June 29, 1979.

L. P. Lamm,
Executive Director.

In consideration of the foregoing, the Federal Highway Administration vacates and reserves Subpart C of Part 660 and adds a new Part 667 to Chapter I of Title 23, Code of Federal Regulations, to read as set forth below.

Part 667—PUBLIC LANDS HIGHWAYS FUNDS

Sec.

667.1 Purpose.
667.2 Allocation of funds.
667.3 Project procedures.
667.4 Eligibility.


§ 667.1 Purpose.

The purpose of this regulation is to outline procedures to be followed in administering public lands highways funds.

§ 667.3 Allocation of funds.

(a) Funds authorized for public lands highways shall be allocated among the States on the basis of need as determined by the Federal Highway Administrator upon application of the State highway agency (SHA).

(b) Periodically a call will be issued by the Federal Highway Administration (FHWA) to the respective SHA’s for candidate projects.

(c) All candidate projects submitted in response to the above call will be reviewed by FHWA and a priority of need determined on the basis of supporting information submitted with the application dealing with the following considerations:

(1) Current status and adequacy of the present road with regard to capacity and safety.

(2) Relationship of proposed improvement to the adequate development of a complete highway section.

(3) Service needs of Federal agency with jurisdiction over abutting Federal lands.

(4) Needs of FHWA direct Federal forces to perform work.

(5) Equitable distribution of available funds, and

(6) How soon physical construction will begin.

§ 667.7 Project procedures.

(a) The Administrator’s approval of a specific project constitutes program approval, thereby obviating the need for subsequent inclusion in the statewide program of projects. With approval, funds will be allotted to the Regional Administrator for each specific project.

(b) Upon receipt of advice of project approval, the project should be advanced expeditiously. Except for programing as covered above, projects may be constructed by the SHA in accordance with Federal-aid procedures applicable to regular Federal-aid primary projects, or by FHWA in accordance with the procedures applicable to forest highway projects. The method chosen will be determined by agreement between the SHA and FHWA Division Administrator.

(c) The amount of public lands highways funds available for the construction of a specific project is...
limited to the amount of funds allotted for that project.

§ 667.7 Eligibility.

Funds authorized for public lands highways are available for:
(a) Construction, excluding acquisition of rights-of-way;
(b) Construction of adjacent vehicular parking areas and sanitary, water, and fire control facilities; and
(c) Maintenance.

[FR Doc. 79-21002 Filed 7-6-79; 8:45 am]
BILLING CODE 4910-22-M

POSTAL SERVICE

39 CFR Part 10

International Postal Service; International Postal Rates and Fees; Nonstandard Surcharge

AGENCY: Postal Service.

ACTION: Final Rule on International Surcharge on Items with Nonstandard Sizes.

SUMMARY: This final rule amends existing regulations to provide a surcharge on certain items of international mail originating in the United States that are not in compliance with the size standards prescribed for those items.

A surcharge of 7 cents per item shall be added to the applicable postage and fees on all air and surface letters weighing one ounce or less and regular printed matter items weighing two ounces or less that:

(a) Do not have a height to length ratio (aspect ratio) between 1:1.3 and 1:2.5, inclusive or
(b) Exceed any of the following limitations:

Maximum Height--6½ inches.

Maximum Thickness--4 inch.

EFFECTIVE DATE: July 15, 1979.

FOR FURTHER INFORMATION CONTACT:
Marsha Springmann, 245-4518.

SUPPLEMENTARY INFORMATION: On May 31, 1979, the Postal Service published for comment its proposal to amend the regulations as described above. 44 FR 31231. We received one written comment.

The commenter stated his understanding to be that international mail was not machine processed, and accordingly he saw no need for a rule applying a surcharge on nonstandard international mail. The commenter also said, however, that if international mail is machine processed, he could understand the need for the rule. As a matter of fact, the bulk of the international letter mail passes through Los Angeles, San Francisco, New York (J. F. Kennedy) and Miami, and any machinable mail, which amounts to about 80% of the outgoing mail in those locations, is processed on the letter sorting machine (LSM).

The commenter also said that the Postal Service should delay implementation of this rule for about a year since a number of companies order their forms a year in advance.

For a number of years, it has been the practice of the Postal Service to apply to its international mail service basically the same rules as apply to domestic mail. The similarity of domestic and international mail rules even extended to the area of subsidized rates, so that rate close to the lower subsidized domestic rates for certain classes of mail was extended to the same or similar classes of international mail. This rate parallelism resulted in substantial benefits for certain international mailers. In view of these longstanding practices, we think mailers should have had a reasonable expectation that a surcharge would be placed on any of their nonstandard international mail.

The Postal Service encounters the same processing problems with nonstandard international mail as it does with nonstandard domestic mail. The solution to the problem, discouraging use of nonstandard mail through a surcharge, applies regardless of the destination.

The commenter compares the notice given in this rulemaking with the "almost two years [it took] to implement on a domestic basis." Actually, the Postal Service filed with the Postal Rate Commission its request for a surcharge on nonstandard domestic mail in January, 1973. More than three years later, in June 1976, the Governors of the Postal Service, acting on the Rate Commission's recommendation, established the dimensions of nonstandard mail. The question of the amount of the surcharge was further delayed from June of 1976 to July 15, 1979 in order to afford mailers a transition period to adjust their mailing habits.

We believe that international mailers should have seen the handwriting on the wall more than six years ago, and should have been preparing for the new size standards more than three years ago. It would seem unfair for international mailers to continue to use nonstandard sizes without a surcharge after July 15, 1979 and thereby tend to negative the benefits of standardization that domestic mailers are being asked to bring about.

In view of the considerations discussed above, the Postal Service believes it should not grant additional time to international mailers to adjust their mailing sizes to the new rules. Accordingly, the following changes are made to Publication 42, International Mail:

PART 221—CONDITIONS FOR ALL ARTICLES

1. In 221.3, revise .321(a)(2) to read as follows:

.321 Envelopes.

(a).

(1) Do not have a height to length ratio (aspect ratio) between 1:1.3 and 1:2.5, inclusive or (2) Exceed any of the following limitations:

Maximum Height--6½ inches.

Maximum Length--11½ inches.

Maximum Thickness--4 inch.

For the applicable surcharge, see Table 3-3 in Appendix A.

PART 224—CONDITIONS FOR PRINTED MATTER

2. Revise 224.4 to read as follows:

224.4 Weight and Size Limits.

The use of envelopes exceeding 8½ inches in height or 11½ inches in length is not recommended because they do not lend themselves to machine processing and often result in delays or damage to mail. A surcharge is applicable to letters weighing one ounce or less that:

(1) Do not have a height to length ratio (aspect ratio) between 1:1.3 and 1:2.5, inclusive or (2) Exceed any of the following limitations:

Maximum Height--6½ inches.

Maximum Length--11½ inches.

Maximum Thickness--4 inch.

For the applicable surcharge, see Table 3-10 in Appendix A.

Appendix A, Table 3-3—Summary Conditions, Letters and Letter Packages.

3. In item B, Size Limits, add at the end of point 1 the following note:

"Note.—A surcharge of 7 cents per item shall be assessed on all air and surface letters weighing one ounce or less that (1) do not have a height to length ratio (aspect ratio) between 1:1.3 and 1:2.5, inclusive or (2) Exceed any of the following limitations:

Maximum Height--6½ inches.
Maximum Length—11½ inches. 
Maximum Thickness—¼ inch.

Appendix A, Table 3-10—Summary Conditions, Printed Matter

4. In item B, Size Limits add at the end of point 1 the following note:

"Note.—A surcharge of 7 cents per item shall be assessed on all air and surface regular printed matter items weighing two ounces or less that (1) do not have a height to length ratio (aspect ratio) between 1:1.3 and 1:3.5, inclusive or (2) exceed any of the following limitations:

- Maximum Height—6½ inches.
- Maximum Length—31½ inches.
- Maximum Thickness—¼ inch.

A transmittal letter making these changes in the pages of Publication 42, International Mail, will be published in the Federal Register as provided in 39 CFR 10.3.

(39 U.S.C. 401, 407) 
W. Allen Sanders,
Acting Deputy General Counsel.

[FR Doc. 79-29162 Filed 7-19-79; 4:21 p.m.]
BILLING CODE 7710-12-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1240; Amdt. No. 7]

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of the Kansas City Southern Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Amendment No. 7 to Service Order No. 1240.

SUMMARY: This amendment extends an emergency order which authorizes the Chicago and North Western Transportation Company (CNW) to operate an unused yard of the Kansas City Southern Railway Company (KCS) at Kansas City, Missouri. Increases in traffic on the CNW in the Kansas City area have resulted in severe congestion and delays to shipments in the Kansas City terminals of that line. The adjoining Heming Street Yard of the KCS is no longer needed by that line because of changes in operating patterns.

DATES: Effective 11:59 p.m., June 30, 1979, and continuing in effect until further order of this Commission.

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


Upon further consideration of Service Order No. 1240 (41 FR 15069, 48343; 42 FR 22367, 44546; 43 FR 8282; 43 FR 39115, 45586; and 44 FR 6729), and good cause appearing therefor:

It is ordered, that § 1033.1240 Chicago and North Western Transportation Company Authorized To Operate Over Tracks of the Kansas City Southern Railway Company, Service Order No. 1240 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date. The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1979.

(49 U.S.C. (10304-10305 and 11121-11123))

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

H. C. Homme, Jr.,
Secretary.

[FR Doc. 79-29162 Filed 7-19-79; 4:21 p.m.]
BILLING CODE 7710-01-M

49 CFR Part 1033

[Decision Service Order No. 1385]

Consolidated Rail Corp. Authorized To Operate Over Tracks of the Baltimore & Ohio Railroad Co. and the Norfolk & Western Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1385.

SUMMARY: This order authorizes Consolidated Rail Corporation to operate over tracks of the Baltimore & Ohio Railroad Company, and the Norfolk & Western Railway Company between Plum Brook, Ohio, and Sandusky, Ohio, and over tracks jointly owned by the Baltimore & Ohio Railroad Company and The Norfolk & Western Railway Company at Sandusky, Ohio.

EFFECTIVE DATE: 12:01 a.m., July 2, 1979, and continuing until further order of this Commission.

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

SUPPLEMENTARY INFORMATION: The Baltimore and Ohio Railroad Company (B&O) has been authorized by the Commission to abandon a portion of its Sandusky Branch at Plum Brook, Ohio, and V.S. 6113-51.5, at or near Sandusky, Ohio. The B&O has also been authorized to abandon its operations over a line jointly owned with the Norfolk and Western Railway Company (N&W) between V.S. 6116-56.6, and V.S. 6141-62, at or near Sandusky, Ohio.

As a condition to these abandonments the Commission has required that Consolidated Rail Corporation (CR) continue to serve the shippers located at the valuation stations, described herein, until the sale of this portion of the Sandusky Branch is consummated and legally acquired by CR.

The shippers who are located at the described valuation stations are dependent upon the continued operation of these lines for essential railroad services. It is the opinion of the Commission that an emergency exists; that operation by CR over these tracks abandoned by the B&O is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1385 Consolidated Rail Corporation authorized to operate over tracks of the Baltimore and Ohio Railroad Company and the Norfolk and Western Railway Company.

(a) Consolidated Rail Corporation (CR) is authorized to operate over tracks of the Baltimore and Ohio Railroad Company (B&O) between Valuation Station (V.S.) 5876+76, at or near Plum Brook, Ohio, and V.S. 6113-51.5, at or near Sandusky, Ohio and over tracks jointly owned by the B&O and the Norfolk and Western Railway Company (N&W) between V.S. 6116-56.6, and V.S. 6141-62, at or near Sandusky, Ohio.

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

(c) Rates applicable. Inasmuch as this operation by CR over tracks previously operated by the B&O is deemed to be due to carrier's disability, the rates
applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via the B&O until tariffs naming rates and routes specifically applicable via CR become effective.

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

(e) Effective date. This order shall become effective at 12:01 a.m., July 2, 1979.

(f) Expiration date. 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 11121-11120.)

It is further ordered. That copies of 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; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-21123 Filed 7-6-79; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1056

Household Goods Carriers; Reasonable Dispatch Requirements Suspended

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Suspension of Rules.

SUMMARY: The Commission is relieving temporarily household goods carriers from their obligation to perform transportation with reasonable dispatch. This action is taken due to the present fuel crisis and is intended to relieve household goods carriers of an obligation which is presently extremely difficult to fulfill.

DATES: Effective date: June 29, 1979.

FOR FURTHER INFORMATION CONTACT: Joel E. Burns, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Due to the present shortcomings of fuel and difficulties in obtaining the service of owner operators, regulated carriers of household goods are having considerable difficulty in meeting the requirements for reasonable dispatch in performing transportation, which are set out in 49 CFR §1056.1(c) and 49 CFR §1056.12.

Under those regulations, reasonable dispatch means the performance of transportation on the dates or during the period of time agreed upon by the carrier and shipper, shown on the order for service, and recorded on the bill of lading.
The Commission has temporarily relieved the household goods carriers from the obligation to perform transportation with reasonable dispatch, set out in Commission regulations, provided that:

(1) The carrier in no respect, including claims settlement, prefers any shipper or class of shippers in the transportation of household goods;

(2) The carrier does not (indeed, may not) impose storage-in-transit charges on shippers who have not requested storage prior to pickup or who, on the occasion of pickup, agree to storage because of the carrier's inability to make timely deliveries.

(3) The carrier, in all bookings during this period of temporary relief from reasonable dispatch obligations, clearly informs every customer in writing upon execution of the order for service, executed after announcement of this relief, that the carrier will be unable to comply with the reasonable dispatch requirements of 49 CFR § 1056.12. The Commission's action does not abrogate the carrier's duty to inform the shipper of delays as required by 49 CFR § 1056.12 (b) and (c) or the requirements of 49 CFR § 1056.12 (d) and (e) relating to prohibiting false and misleading information and requiring a record of notification.

By the Commission, Chairman O'Neal and Commissioners Stafford, Gresham, Clapp and Christian; Vice Chairman Brown not participating.

H. G. Hopme, Jr.
Secretary.

[FR Doc. 79-21122 Filed 7-6-79; 8:45 am]
BILLING CODE 7035-01-M
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.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER
[1 CFR Ch. I]

Semiannual Agenda; Improving Government Regulations

AGENCY: Administrative Committee of the Federal Register.

ACTION: Agenda.

SUMMARY: In response to President Carter's Executive order on improving Government regulations, the Administrative Committee of the Federal Register is continuing a review of its existing regulations. The purpose of this review is to evaluate Federal Register publications and services so that the Committee can assist agencies in presenting their regulations to the public with maximum clarity and accessibility. This agenda reports on the areas under consideration in that review and on specific actions taken since issuance of the last agenda.


SUPPLEMENTARY INFORMATION: This agenda updates the agenda published in the Federal Register of January 8, 1979 (44 FR 1809). The regulations issued by the Administrative Committee of the Federal Register governing the Federal Register publications are contained in Title 1 of the Code of Federal Regulations (CFR).

The primary areas of the Committee's review are the regulations and procedures of the Office of the Federal Register which have been affected by increased volume of regulations, new requirements in the regulatory process, by changes in printing technology and the need to provide improved access to government regulations.

Production Demands

The first six months of 1979 have seen a 25% increase in the number of pages published in the Federal Register. This is partly due to 59 laws enacted in 1978 specifically requiring publication by agencies in the Federal Register. It is likely that this trend will continue. In the coming months, Office of the Federal Register staff and resources will concentrate on handling this increase in production. Of particular importance will be efforts to expand the finding aids for information retrieval and to make additional modifications in format to increase the usefulness of the publications.

Incorporation by Reference

Incorporation by reference is an increasing popular device employed by agencies to reduce the amount of material published in the Federal Register. To assure that the procedure is used correctly, the Office of the Federal Register issued amendments in the Federal Register of March 28, 1979, 44 FR 18630 (as corrected in the Federal Register of April 2, 1979, 44 FR 39131) to its regulations on incorporation by reference (1 CFR 51.13) to require that agencies follow new procedures to maintain approval of their incorporations by reference in the CFR. These amendments will allow the Office of the Federal Register to compile inventories of all materials approved for incorporation by reference and to keep those materials up to date.

Printing Technology

The Federal Register and Code of Federal Regulations are now produced by an electronic composition system. Some procedures and requirements that were developed in the era of linotype composition are no longer appropriate and must be amended to reflect this change. In addition, new services may be made available to our users as the production methods become more sophisticated.

Format

With the issue of April 2, 1979, changes in the Federal Register's format design were introduced. The changes are intended to make the Federal Register easier to read and easier to use. The most obvious change was in typography, with a change in the design of the typeface and an increase in the size of the type used. In addition, there was a redesign and rearrangement of the reader aids, such as the Highlights, Contents, Cumulative List of Parts Affected, and Reminders.

Part of the new format design was a simplification of the heading material in Rule and Proposed Rule documents. These headings now contain only the name of the agency, a citation to the CFR, and a brief description of the subject matter.

Authority

A proposed regulation on authority citations for documents (1 CFR 21.43) is in preparation. This amendment will clarify the proper form and placement of the authority citation as well as the procedure for amending a citation. This amendment will permit greater ease and accuracy in computer management of this material, and allow use of this database for production of related finding aids.

Full Text Amendment

As discussed in the agenda on January 8, 1979, the electronic composition system may require amendments to the CFR to be published only in complete paragraphs and not by printing single word changes. If amendments were published in at least full paragraphs, the editing and publication of the CFR would be more efficient and accurate. Agencies preparing documents for the Federal Register would examine the CFR and make a determination as to the clarity and readability of the appropriate part, section, or paragraph as the full text and amendment was prepared. This would provide agency staff and those who sign regulations an opportunity to "clean up" outdated or unclear regulations while expediting the CFR editing process. This would make it easier for the Federal Register reader to see the significance of each change or proposed change in context.

Continuing Review

The January agenda described other areas of concern which the Committee was considering. They included changes in regulations to accommodate "pre-rulemaking" documents, reorganization of the grouping of documents in the Federal Register, procedures for filing documents for public inspection, coordinated agency and Office of the Federal Register review of existing CFR regulations, and possible expansion of indexes of the Federal Register and Code of Federal Regulations. The Committee will continue review and revision of these regulations in these areas as resources are available.
Regulations to be reviewed include:
1 CFR 3.2—Public inspection of documents.
1 CFR Part 5—General.
1 CFR Part 6—Indexes and ancillaries.
1 CFR Part 10—Presidential Papers.
1 CFR Part 16—Agency Representatives.
1 CFR 18.13—Withdrawal of filed documents.
1 CFR 18.14—Correction of errors in documents.
1 CFR Part 21—Preparation of documents subject to codification.
1 CFR Part 22—Preparation of notices and rulemaking proposals.

Ernest J. Gable.
Acting Secretary, Administrative Committee of the Federal Register.

[FR Doc. 79-20905 Filed 7-6-79; 8:45 am]
BILLING CODE 6820-27-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

Fresh Pears, Plums, and Peaches Grown in California; Proposed Grade, Size, and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes minimum grade, size, and container requirements for shipments of fresh California Bartlett, Max-Red Bartlett, and Red Bartlett varieties of pears. The requirements are designed to provide orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received on or before July 20, 1979. Proposed effective dates: August 1, 1979, through July 31, 1980.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: Findings. This notice of proposed regulation is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in 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 Pear Commodity Committee, and upon other available information. This proposed regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

This proposed regulation is based upon an appraisal of the current and prospective market conditions for California pears. The commodity committee estimates that 3,570 cars of pears will be available for fresh shipment during the 1979 season compared to actual shipment of 2,516 cars last season. The proposed regulation would become effective August 1, 1979, and the requirements are the same as currently in effect through July 31, 1979, under California Pear Regulation 8 (42 FR 29565, 29569). Under the proposed shipments of Bartlett, Max-Red Bartlett, and Red Bartlett varieties of pears must grade at least U.S. Combination with not less than 80 percent, by count, of the pears grading U.S. No. 1 and be of a size not smaller than the size known commercially as size 105. Containers must be market with the name of the variety. Pears when packed in closed containers must conform to the requirements of standard pack, except such pears may be fairly tightly packed. Pears when packed in other than closed containers must not vary more than 5\% in their transverse diameter for counts 120 or less, and 1/4 inch for counts 135 to 165, inclusive. Volume fill cartons (pears not packed in rows and not wrap packed) must be well filled with pears uniform in size, packed fairly tight, include a top pad in each carton, and the top of the carton must be securely fastened to the bottom.

The proposed grade and size requirements are designed to ensure the shipment of ample supplies of pears of the better grades and more desirable sizes in the interest of producers and consumers. Orderly marketing conditions would be maintained by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-sizes pears when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed container requirements are designed to prevent deceptive packaging practices and to promote buyer confidence.

Such proposal reads as follows:

§ 917.451 Pear Regulation 9.
(a) During the period August 1, 1979, through July 31, 1980, no handler shall ship:
(1) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears which do not grade at least U.S. combination with not less than 80 percent, by count, of the pears grading at least U.S. No. 1:
(2) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 165;
(3) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such box or container conforms to the requirements of standard pack: except that such pears may be fairly tightly packed;
(4) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears when packed in closed containers, unless such box or container conforms to the requirements of standard pack:
(5) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears when packed in other than a closed container, unless such pears do not vary more than 5\% in their transverse diameter for counts 120 or less, and 1/4 inch for counts 135 to 165, inclusive. Provided: That 10 percent of the containers in any lot may fail to meet the requirements of this paragraph:
(6) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears in volume fill cartons (not packed in rows and not wrap packed) unless (i) such cartons are well filled with pears fairly uniform in size: (ii) such pears are packed fairly tight: (iii) there is an approved top pad in each carton that will cover the fruit with no more than 1/4 inch between the pad and any side or end of the carton: and (iv) the top of the carton shall be securely fastened to the bottom: Provided: That 10 percent of the cartons in any lot may fail to meet the requirements of this paragraph.

(b) Definitions. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
[18 CFR Part 157]
[Docket No. RM79-24]

Certain Transportation, Sales and Assignments by Pipeline Companies Not Subject to Commission Jurisdiction Under Section 1(c) of the Natural Gas Act

July 2, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission presents its tentative views of the status of natural gas pipelines which are exempt from the Commission’s jurisdiction under section 1(c) of the Natural Gas Act (Hinshaw pipelines), in light of the definitions of the Natural Gas Policy Act of 1978 (NGPA). To the extent that Hinshaw pipelines are to be treated as local distribution companies under the NGPA, the proposed rule would create a procedure for the issuance of blanket certificates of public convenience and necessity to allow Hinshaw pipelines to sell, assign and transport gas to the same extent that intrastate pipeline are so authorized under the NGPA.


SUPPLEMENTARY INFORMATION:

A. Background

The Federal Energy Regulatory Commission (Commission) is proposing a rule which would permit pipeline companies with facilities excluded from Commission jurisdiction pursuant to section 1(c) of the Natural Gas Act (NGA) to apply for certain blanket certificate authority pursuant to section 7(c) of the NGA. Any such certificate issued pursuant to section 7(c) of the NGA would permit the transportation and sale of natural gas in interstate commerce and the assignment of contractual rights to natural gas under the same conditions as those activities are permitted to be engaged in by intrastate pipelines under sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

Comments are solicited on this proposed rule and on the proposed interpretations of the definitions set forth in the following discussion.

B. Discussion

An important objective of the NGPA is to remove artificial restraints on the flow of gas between the interstate and the intrastate market. As part of its effort to reach this objective, Congress adopted sections 311 and 312 of the NGPA. Those sections permit the Commission to authorize intrastate pipelines to transport, sell, or assign natural gas to the interstate market. However, since only intrastate pipelines may transport natural gas under section 311(a)(2), sell natural gas under section 311(b) or assign natural gas under section 312(a), the effectiveness of these provisions, as well as the effectiveness of the policies which they implement, are dependent to a significant degree on the definition of an intrastate pipeline.

Section 2(16) of the NGPA defines “intrastate pipeline” as follows:

(16) INTRASTATE PIPELINE—The term “intrastate pipeline” means any person engaged in natural gas transportation (not including gathering) which is subject to the jurisdiction of the Commission under the Natural Gas Act (other than any such pipeline which is not subject to the jurisdiction of the Commission solely by reason of section 1(c) of the Natural Gas Act).

The problem which this rule addresses arises out of uncertainty as to the status of those portions of a pipeline company’s facilities which are not subject to Commission jurisdiction by reason of section 1(c) of the Natural Gas Act (referred to in this order as “Hinshaw facilities”). The Commission’s tentative views on the proper characterization of such facilities are set forth below and comments thereon are solicited. The proposed rule is necessary to insure that Hinshaw pipelines may proceed to make transactions under NGPA sections 311 and 312 without regard to the final resolution of these questions.

Pipeline companies completely exempted by section 1(c) are defined to be “local distribution companies.” The problem of categorization arises when the pipeline company holds an exemption from Commission jurisdiction pursuant to section 1(c) of the NGA as to another portion of its facilities. The Commission believes that the NGPA requires that Hinshaw pipelines be classified as local distribution

SEcurities and exChange Commission

[17 CFR Part 275]

[Release No. IA-680, File No. S7-7881

Performance-Based Compensation of Registered Investment Advisers to Business Development Companies

Correction

In FR Doc. 79-19742 appearing on page 37470 in the issue of June 26, 1979 make the following corrections:

On page 37471, in the third column, the third line of the first paragraph should have read: “relevant to paragraph (b)(4)(ii) of the “... on page 37472, in the first column, add the word “and” to the end of the fifth line of “Footnote 10.”

On page 37473, under “III. Possible Proposed Rule under the Investment Company Act of 1940”, the first word of the fourth line of the first paragraph should have read “relief”.

BILLING CODE 3410-02-M
companies. The Statement of Managers explains that such pipelines are so classified in order to insure that they will be subject to incremental pricing.  

The effectiveness of NGPA sections 311 and 312, dealing with certain transportation and sales of natural gas and assignments of interstate pipelines, is diminished by the determination that a pipeline holding an NGA section 1(c) exemption is to be treated as a local distribution company (as defined in section 2(17) of the NGPA), since transportation services, sales and assignments may be made under NGPA sections 311(a) (2), 311(b) and 312 only by intrastate pipelines. However, classifying a Hinshaw pipeline as a local distribution company would preserve that company's ability to buy natural gas under section 311(b) or receive assigned gas under section 312. This option would not appear to be available if the Hinshaw pipeline were classified as an intrastate pipeline. The Commission invites comment upon how the policy objectives of both Titles II and III of the NGPA can be furthered by interpretation of section 2(16).

The Commission is currently of the view that companies that are exempted by section 1(c) of the NGA are "local distribution companies." Any change in this view resulting from comments received in this rulemaking will be applied only prospectively.

While the Commission is not prepared at this time to express a final opinion as to the extent that pipelines which have Hinshaw facilities may nevertheless be treated as "intrastate pipeline" under the NGPA, the proposed rule nonetheless would permit transactions of the kind authorized under sections 311 and 312 of the NGPA to proceed. The proposed rule establishes a blanket certificate procedure permitting Hinshaw pipelines to carry out transactions of the kind permitted by NGPA sections 311 and 312. The effect of the proposed rule would be to permit Hinshaw pipelines to provide transportation service, make sales, and assign contractual rights to natural gas quickly and without confusion as to the extent of any possible authority under NGPA sections 311 and 312.

An example should clarify the rule. A pipeline company operates in a producing state but also receives natural gas from an interstate pipeline under a section 1(c) exemption. In order to permit the company to engage in sales and transportation of the kind authorized by NGPA sections 311 and 312, the proposed rule would allow the company to apply for a one-time blanket authorization pursuant to NGA section 7(c) permitting, in effect, transportation, sales and assignments of natural gas in interstate commerce identical to that permitted by NGPA sections, 311 and 312 for intrastate pipelines. In this way, the company would be allowed freely to transport and sell natural gas and to assign contractual rights to natural gas. This would be true despite the existence of an NGA section 1(c) exemption with respect to certain of its facilities, even if the scope of that exemption was uncertain.

The blanket certificate would not impair the continued validity of the pipeline company's NGA section 1(c) exclusion from Commission jurisdiction as to the other transactions. The NGA section 7(c) certificate contemplated by the proposed rule would be strictly limited to the type of activity permitted for intrastate pipelines by NGPA sections 311 and 312. In addition, in any future proceedings, the Commission would not assert its jurisdiction over other intrastate transactions which are not covered by the blanket certificate. Nor would acceptance of the limited certificate affect the scope of the NGA section 1(c) exemption if a question as to scope were raised in any future proceeding.

The terms and conditions which would be contained in these certificates would be those permitted by NGPA sections 311 and 312 of the NGPA. Similarly, compliance with the terms and conditions of the NGA certificate would be those permitted by NGPA sections 311 and 312 of the NGPA. The Commission does not contemplate the need to include such NGA requirements in the blanket certificates.

Certificate conditions will require that all volumes sold pursuant to the blanket certificate (1) shall be subject to incremental pricing to the same extent as if the sale had been authorized by section 311(b) of the NGA and (2) shall not exceed the volumes obtained intrastate sources.

The incremental pricing requirement in proposed paragraph (e)(2) is necessary to conform to the intent of Title II of the NGPA. The NGPA requires that certain volumes sold under Title III shall be incrementally priced by the buyer. (See section 203[a][10]. If the blanket certificate did not contain such a condition, then the legislative intent to incrementally price natural gas flowing in interstate commerce may not be achieved. The volumetric requirement in proposed paragraph (e)(3) is to prevent interstate system supplies from being resold by the Hinshaw pipeline under terms appropriate for only intrastate market sources.

In this regard, a suitably conditioned certificate would be issued authorizing NGPA sections 311 and 312 type activities which not otherwise affect a pipeline company's already exempt status. Similarly, compliance with the Commission's Uniform System of Accounts and general reporting requirements, other than those required by NGPA sections 311 and 312 and the Regulations thereunder would be waived.

Pipeline companies making application for the type of NGA section 7(c) certificate discussed here should state that the rates to be charged would be those permitted by NGPA sections 311 and 312. In this regard, weighted average acquisition costs with respect to any sale under NGPA section 311 should not separate the cost of intrastate gas from interstate gas acquired pursuant to an exemption under NGA section 1(c).

Proposed paragraph (f) clarifies the status of pipelines with Hinshaw facilities that do not obtain a blanket certificate. Such pipelines are not authorized to participate in transactions authorized by section 311 or 312 of the NGPA. Pipeline companies holding exemptions under NGA section 1(c) may, of course, still sell gas in fuel oil displacement transactions under subpart F of Part 284 as local distribution companies.

Two other alternatives are available to pipeline companies with Hinshaw facilities. First, a separate corporation can be created to operate the Hinshaw facilities. Such a reorganization would leave the company not operating the Hinshaw facilities as qualifying as an "intrastate pipeline" under section 2(16) of the NGPA. Second, the pipeline company can stop taking gas from the interstate market and request any interstate pipeline suppliers to file for abandonment.

The Commission proposes this rule because it is in the public interest to assist in the expansion of a national market for natural gas as well as a national transportation system as intended by Congress in the NGPA. For this reason, the Commission believes that pipeline companies with Hinshaw...
Written Comment Procedures

Interested persons are invited to submit written comments, data, views, or arguments with respect to this proposal. An original and 14 copies should be filed with the Secretary of the Commission. All comments received prior to 4:30 p.m., E.S.T., July 30, 1979, will be considered by the Commission prior to the promulgation of final regulations. All written submissions will be placed in the Commission’s public files and will be available for public inspection in the Commission’s Office of Public Information, 825 North Capitol Street, NE., Washington, D.C., during regular business hours. Comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20428, and should reference Docket No. RM79-24.

D. Public Hearing Procedures

A public hearing concerning this proposal will be held in Washington, D.C. on July 30, 1979, beginning at 9:30 a.m. and will continue if necessary on the following day. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m., E.S.T., on July 23, 1979.

Requests to participate in the hearing should include a reference to Docket No. RM79-24 as well as a concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone. Prior to the hearing, each person filing a request to participate will be contacted by the presiding officer or his designee for scheduling purposes. At least five copies of the statement shall be submitted to the Secretary of the Commission prior to 4:00 p.m. on July 27, 1979. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and as to substance. Persons participating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, as the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement.

Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission’s Office of Public Information.


In consideration of the foregoing, the Commission proposes to add a new §157.21 to Part 157, Subchapter E, Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the direction of the Commission.
Lois D. Cashell,
Acting Secretary.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT.

1. Part 157, Subchapter E, Chapter I of Title 18, Code of Federal Regulations, is amended by adding in the appropriate numerical order a new section to read as follows:

§157.21 Certain transportation, sales and assignments by pipeline companies not subject to Commission jurisdiction under section 1(c) of the Natural Gas Act.

(a) Applicability. This section applies to persons who are not subject to the jurisdiction of the Commission by reason of section 1(c) of the Natural Gas Act.

(b) Blanket certification. Upon application therefor, the Commission will issue to a pipeline company to which this section is applicable a blanket certificate, pursuant to section 7(c) of the Natural Gas Act, authorizing such pipeline company to engage in the sale, transportation, or assignment of natural gas to the same extent and in the same manner that intrastate pipelines are authorized to engage in such activities by sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) and Subparts B, C, and D of Part 284 of this chapter.

(c) Effect of certificate. (1) A certificate issued pursuant to this section will authorize the pipeline company to engage in transactions of the type authorized by Part 284.

(2) Acceptance of a certificate or conduct of an activity authorized thereunder will:

(i) Not impair the continued validity of any exclusion under section 1(c) of the Natural Gas Act which may be applicable to such pipeline company, and

(ii) Not subject such pipeline company to the Natural Gas Act jurisdiction of the commission except to the extent necessary to enforce the terms and conditions of the certificate.

(d) Application procedure. Applications for blanket certificates shall state:

(1) The name of the applicant,

(2) The volumes of natural gas received during a 12 month period by the applicant from another person within or at the boundary of a State which are exempt from the Natural Gas Act jurisdiction of the commission by reason of Section 1(c) of the Natural Gas Act,

(3) The total of natural gas received by the applicant from all sources during the same time period,

(4) Citation to all currently valid declarations of exemption issued by the Commission under Section 1(c) of the Natural Gas Act, and

(5) A statement that the applicant will comply with the conditions in paragraph (e) of this section.

(e) General conditions. (1) Any transaction authorized under a blanket certificate shall be subject to the same terms and conditions that would apply if the transaction were authorized by section 311 and 312 of the NGPA.

(2) Prior to engaging in any sale or assignment under the blanket certificate to a buyer subject to the incremental pricing provisions of Title II of the NGPA, the selling pipeline shall receive an undertaking from the buyer to incrementally price the volumes sold to the same extent required for transactions authorized under section 311(b) or 312 of the NGPA.

(3) The volumes of natural gas sold or assigned under the blanket certificate may not exceed the volumes obtained from intrastate sources.

(I) Pipeline companies without blanket certificate. A pipeline company to which this section applies and which does not obtain a blanket certificate under this section is not authorized to participate in intrastate pipeline
TRANSFERS OF FUNDS AND REALLOCATION OF FUNDS

transactions otherwise authorized by Subparts B,C,D and F of Part 284 of this chapter.

[FR Doc. 79-21201 Filed 7-6-79; 8:45 am]
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DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 141 and 142]
[T.D. 79-184]

Extension of Time for Comments on, and Delay in Effective Date of, Revised Customs Form to Facilitate Entry of Imported Merchandise

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

ACTION: Notice of extension of time for comments on and delay in effective date of revised Customs Form.

SUMMARY: Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978", made numerous changes in laws administered by the Customs Service relating to the entry of imported merchandise. A document proposing to amend the Customs Regulations to establish new procedures to reflect these changes was published in the Federal Register on November 29, 1978 (43 FR 55774). Comments received in response to that notice were being evaluated, and appropriate amendments in final form are being prepared for publication. A document published in the Federal Register on May 23, 1979 (44 FR 29919), informed the public that to facilitate the two-part process of entering imported merchandise prescribed by Pub. L. 95-410, Customs proposes to introduce a revised Customs Form 7501, the "Entry/Entry Summary", for use on October 1, 1979, and requested public comments relating to the revised form and its use.


SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95-410 (92 Stat. 888), the "Customs Procedural Reform and Simplification Act of 1978", approved October 3, 1978, made significant changes in the Customs laws relating to the entry of imported merchandise. A notice of proposed rulemaking to amend the Customs Regulations to establish new procedures to reflect these changes was published in the Federal Register on November 29, 1978 (43 FR 55774). Comments received in response to that notice were being evaluated, and appropriate amendments in final form are being prepared for publication.

SUMMARY: This notice extends the period of time for submission of comments on the revised Customs Form 7501 and delays the effective date for its use.

EFFECTIVE DATES: Comments must be received on or before June 22, 1979. The revised Customs Form 7501 will not be placed in use before January 1, 1980.

ADDRESS: Written comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2335, Washington, D.C. 20229.

The proposed rule establishes two alternative tests for eligibility for the suspension. The shipper is free to rely on either one. One test combines an objective time limit for delivery with a requirement that such delivery be necessary to maintain the value or usefulness of the letter. The alternative test is based on the cost of private delivery, and it is proposed as a conclusive presumption of time urgency.

We believe the willingness of a shipper to pay a cost which substantially exceeds normal postage charges may validly be accepted as one objective proof of the shipper's good faith belief in the urgency of his letter. Under such circumstances, subjective factors would play no role. No specific cost figure stands out as preferable to all others. The test we have suggested is the greater of three dollars or twice the applicable U.S. postage for first-class mail. This is designed to protect the postal system against the inroads of "cream skimming" by private carriers solely on the basis of their ability to undercut postal rates selectively. It is intended to test whether the shipper looks to a private carrier because he genuinely attaches an importance to prompt delivery, or simply because he desires to reduce shipping costs selectively. If selective cost savings were sufficient grounds to use a private courier to carry letters, the Private Express Statutes would be effectively nullified.

In Consideration of the foregoing, it is proposed to amend part 320 in Chapter 1 of Title 39, Code of Federal Regulations, to add the following new section.

W. Allen Sanders, Acting Deputy General Counsel

§ 320.8 Suspension for extremely urgent letters.

(a) The operation of 39 U.S.C. 601(a)(1) through (6) and § 310.2(b) (2) through (6) of this chapter is suspended on all post routes for extremely urgent letters if the conditions of this section are met.

(b) For letters dispatched within 50 miles of the intended destination, delivery of those dispatched by noon must be completed within 6 hours and delivery of those dispatched after noon must be completed by 10 A.M. of the addressee’s next business day. For other letters, delivery must be completed within 12 hours or by 10 A.M. of the addressee’s next business day. Those time limits exclude carriage time outside the 48 contiguous states of the United States and outside Hawaii and Alaska. The suspension is available only if the value or usefulness of the letter would be lost or greatly diminished if it is not
delivered within these time limits. For any part of a shipment of letters to qualify under the suspension, each of the letters must be extremely urgent.

(c) It will be conclusively presumed that a letter is extremely urgent and is covered by the suspension if the amount paid for private carriage of the letter is more than three dollars or twice the applicable U.S. postage for first-class mail (including priority mail) whichever is the greater. If a single shipment consists of a number of letters that are picked up together at a single origin and delivered together at a single destination, the applicable U.S. postage may be computed for purposes of this paragraph as though the shipment constituted a single letter of the weight of the shipment. If not actually charged on a letter-by-letter or shipment-by-shipment basis, the amount paid may be computed for purposes of this paragraph on the basis of the carrier's actual charge divided by a bona fide estimate of the average number of letters or shipments during the period covered by the carrier's actual charge.

(d) The sender must prominently mark the outside of containers of letters carried under this suspension with the words "Extremely Urgent," "Private Carriage Authorized by Postal Regulations (39 CFR 320.8)," or with a similar mark or stamp identifying the authority relied on for private carriage. The outside of each container or cover must show the name and address of the carrier, and the name and address of the addressee. Carrier's letter of the weight of the shipment. If not actually charged on a letter-by-letter or shipment-by-shipment basis, the amount paid may be computed for purposes of this paragraph on the basis of the carrier's actual charge divided by a bona fide estimate of the average number of letters or shipments during the period covered by the carrier's actual charge.

(e) Actions in violation of the terms of this suspension are grounds for administrative revocation of the suspension as to a particular shipper or carrier for a period of not less than one year in a proceeding instituted by the General Counsel, following a hearing by the Judicial Officer Department in accordance with the rules of procedure set out in Part 35 of this chapter.

(f) The following examples illustrate the application of this suspension.

Example (1). The headquarters of a city police department is located at the highest point in the city. By 8:00 A.M. each morning the list is circulated for use by law enforcement units operating from each station. Effective police recovery of stolen vehicles depends upon having this information handed out in written form to all units on at least a daily basis. The private carriage of these memoranda qualified under the test set out in paragraph (b) above.

Example (2). The same police department headquarters also from time to time distributes memoranda to the local precinct officers on departmental policy and vacation schedules, and responding to inquiries from the local precinct offices. Nothing substantial turns on whether these memoranda arrive within 6 hours or by 10 A.M. of the next business day or whether their transmission takes a day or more longer to complete. The private carriage of these memoranda would not qualify under the test set out in paragraph (b) above.

Example (3). A health maintenance organization (HMO) operating its own hospital facility sends, on a daily basis, a laboratory daily sends test samples and specimens from the HMO's hospital and clinics to its medical laboratory for diagnostic procedures. The private carriage of these reports would qualify under the "loss of value" test set out in paragraph (b) above.

Example (4). The same HMO's hospital and clinics send requisitions and invoices to the HMO's central office as the need arises for ordering of and payment for goods and services, which, are handled centrally. Every Friday, the central office sends the hospital and clinics reports and memoranda on expenditures for personnel, supplies, utilities, and other goods and services. Nothing substantial turns on whether these materials arrive within 6 hours or by 10 A.M. of the next business day or whether their transmission takes a day or more longer to complete. The private carriage of these materials would not qualify under the test set out in paragraph (b) above.

Example (5). On Sunday, Tuesday, and Thursday evenings, the central office of a regional grocery store chain sends out to its various stores in the area inventory bulletins prepared over the previous 24 hours showing the current availability and prices of meat, produce, dairy products, breadstuffs, frozen foods and similar items. Early in the afternoon of the second day following receipt of the bulletins, each store sends the bulletins back to the central office so that supplies of such items may be shipped to the store four days later. Nothing substantial turns on whether these bulletins arrive within 12 hours or by 10 A.M. of the next business day or whether their transmission takes a day or more longer to complete. The private carriage of these bulletins would not qualify under the test set out in paragraph (b) above.

Example (6). The headquarters office of a large bank each business day prepares and sends to its branch offices lists showing current foreign exchange rates and similar lists and sends to its branch offices lists showing current foreign exchange rates and similar lists. Letters are prepared over the previous 24 hours showing the current foreign exchange rates and similar lists. The reports are then promptly utilized by the hospital and clinics as part of regular diagnostic procedures. The private carriage of these reports would qualify under the "loss of value" test set out in paragraph (b) above.

Example (7). The headquarters office of an insurance company daily sends the insurance applications it has taken in that day to the company's central office. The applications are bound (i.e., constitute evidence of insurance), for 30 days, but may be canceled by the company. Few if any policies have been canceled by the company within 48 hours of their receipt at the central office, though the company normally begins processing the applications soon after their receipt. Nothing substantial turns on whether these applications are received within 12 hours or by 10 A.M. of the next business day or whether their transmission takes a day or more longer to complete. The private carriage of these materials would not qualify under the test set out in paragraph (b) above.

Example (8). An organization of realtors in a community issues periodic bulletins containing information about properties which have been listed for sale by the constituent realtors. Each realtor is entitled to a commission. Each realtor is entitled to a commission. Nothing substantial turns on whether the sale is made within 12 hours or by 10 A.M. of the next business day or whether their transmission takes a day or more longer to complete. The private carriage of these materials would not qualify under the test set out in paragraph (b) above.

Example (9). The headquarters office of a city police department is located at the highest point in the city. By 8:00 A.M. each morning the list is circulated for use by law enforcement units operating from each station. Effective police recovery of stolen vehicles depends upon having this information handed out in written form to all units on at least a daily basis. The private carriage of these memoranda qualified under the test set out in paragraph (b) above.

Example (10). The same organization distributes memoranda regarding speakers at real estate seminars, sales figures for a given period, and other information of significance and interest to realtors but which does not affect their competitive positions. A failure to make simultaneous or near simultaneous
ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 52, 81]

Approval and Promulgation of Implementation Plans for Vermont

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Vermont were submitted to the Environmental Protection Agency (EPA) on March 21, 1979 by the Governor. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act (the Act) as amended in 1977, “Plan Requirements for Non-Attainment Areas”, through the implementation of new measures for controlling emissions and providing for attainment of the ambient standards by the required dates. In addition, the revisions respond to certain other requirements of the Act, including those concerning the Prevention of Significant Deterioration (PSD) of Air Quality. This notice discusses the Vermont submittal and EPA’s proposed action.

DATES: EPA invites public comment on these proposed actions, the identified and other relevant issues, suggested corrections and conditions and whether the Vermont SIP revisions should be approved or disapproved. Comments may be submitted to EPA at the address listed below until August 8, 1979.

ADDRESSES: Copies of the SIP revisions are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; the Agency of Environmental Conservation, Air and Solid Waste Programs, State Office Building, Montpelier, Vermont 05602; the State Health Department, 60 Main Street, Burlington, Vermont 05401; and the Chittenden County Regional Planning Commission, 56 Pearl Street, Essex Junction, Vermont 05452.

Copies of EPA guidance pertaining to the requirements of the SIP revisions are available for inspection in Room 1903, JFK Federal Building, Boston, Massachusetts 02203; the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and at the Agency of Environmental Conservation, State Office Building, Montpelier, Vermont 05602.

Comments should be submitted to Frank J. Clavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203.

SUPPLEMENTARY INFORMATION: On April 4, 1979 EPA published the requirements for an approved non-attainment SIP in the Federal Register (44 FR 20372). That publication supplements this proposal by identifying the major requirements that guide EPA’s evaluation of State submittals. These criteria are not restated in this notice but copies of that document are available at the locations listed below.

EPA is hereby proposing to approve certain parts of the Vermont submission, and to approve others upon the fulfillment of certain stated conditions.

EPA is hereby proposing to approve:

1. Total Suspended Particulate (TSP) control strategies for the two non-attainment areas.
2. The entire Carbon Monoxide control strategy.
4. The Resource Commitments for undertaking the various control measures.
5. The Notice and Hearing provisions.
6. The changes to the State’s ambient air quality standards.

The Agency is also proposing to approve the following redesignations (under 40 CFR Part 51): 1. Of Vermont’s ozone non-attainment areas to unclassifiable except for Addison, Windsor, and Chittenden Counties. 2. Of the Vermont Valley Air Management Area from non-attainment for secondary TSP standards to attainment.

EPA is proposing to approve the submitted adjustments to the boundaries of the Burlington Region and the Barre Region nonattainment areas for the secondary TSP standard.

EPA is proposing to approve with conditions:

1. The New Source Review Program in non-attainment areas.
2. The Ozone Control Program.
3. The plan showing evidence of public, local, and state involvement.

Background

On March 3, 1976 (43 FR 8982) pursuant to the requirements of Section 107 of the Act, EPA promulgated lists designating as "non-attainment" areas where National Ambient Air Quality Standards (NAAQS) were not attained as of August 7, 1977, as "attainment" where the standards were attained, or as "unclassifiable" where insufficient information was available with respect to: carbon monoxide, total suspended particulates, sulfur dioxide, nitrogen dioxide and ozone, the air pollutants for which there are national ambient standards.

In Vermont, there is a statewide attainment for sulfur dioxide (SO2) and nitrogen dioxide (NO2). However, portions of the state were designated non-attainment for the secondary standard for total suspended particulates (TSP) and for carbon monoxide (CO). Although the March 3 Federal Register publication designated the whole State of Vermont as non-attainment for ozone (formerly oxidants), Vermont has requested redesignation so that only Chittenden, Windsor, and Addison Counties will be designated non-attainment for this pollutant. In addition, the March 3 Federal Register notice designated portions of the Vermont Valley Air Management Area, the Champlain Valley Air Management Area, and the Central Vermont Air Management Area as non-attainment for the secondary standard for TSP and Vermont has requested redesignation of portions of these areas to attainment.

Part D of the Act requires each state to revise its SIP to meet specific requirements in the areas designated as non-attainment. The SIP must demonstrate attainment of the NAAQS as expeditiously as practicable but no later than the end of 1982 (or the end of 1987 for areas with difficult ozone or carbon monoxide problems). In some cases of secondary standard non-attainment, the SIP may provide for an attainment date beyond 1982.

On April 4, 1979 (44 FR 20221) EPA published a notice that the Vermont SIP revisions were available for review and invited the public to comment on their
Basic Requirements

The following are, in general terms, the requirements a plan must meet to satisfy Part D. After each item is a citation to the applicable section of the Act and the applicable paragraphs of EPA Administrator Douglas Costle’s February 24, 1978 memorandum, “Criteria for Approval of 1979 SIP Revisions.”

1. Requirements for All Part D SIPs:
   - Demonstrate that both primary and secondary NAAQS will be attained within the non-attainment area as expeditiously as practicable, but for primary NAAQS no later than the following final deadlines: (§ 172(a); §§ 1, 3, 5.)
   - For sulfur oxides, particulate matter, and nitrogen dioxide, December 31, 1982.
   - For ozone or carbon monoxide, December 31, 1982, except, if the state demonstrates that attainment by December 31, 1982 is impossible despite implementation of all reasonably available measures, December 31, 1987.
   - Require reasonable further progress in the period before attainment, including regular, consistent reductions sufficient to assure attainment by the required date. (§ 172(b); § 6.)
   - Provide for implementation of all reasonably available control measures (RACM) as expeditiously as practicable, insofar as necessary to assure reasonable further progress and attainment by the required date. This includes reasonably available control technology (RACT) for stationary sources and reasonably available transportation control measures (§ § 172(b); (b)); § 4-5.)
   - Include an accurate, current inventory of emissions that have an impact on the nonattainment area, and provide for annual updates to indicate.

2. For the items in the text below, the section numbers refer to sections of the Clean Air Act and the paragraph numbers refer to paragraphs in the section of the Administrator’s memorandum entitled “GENERAL REQUIREMENTS OF ALL 1979 SIP REVISIONS” 43 FR 21673 (May 10, 1978).

   - Expressly quantify the emissions growth allowance, if any, that will be allowed to result from new major sources or major modifications of existing sources, which may not be so large as to jeopardize reasonable further progress or attainment by the required date. (§ 172(b); § 7.)
   - Require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act. (§ 172(b); § 8.)
   - Include the following additional SIP elements: (§ 172(b); (7), (9)-(10); §§ 4, 10-11.)
     - Identification and commitment of the necessary resources to carry out the Part D provisions of the plan.
     - Evidence of public, local government, and state legislative involvement and consultation in accordance with Section 174 of the Act.
     - Identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered, and a summary of the public comment on the analysis.
     - Written evidence that the state and other governmental bodies have adopted the necessary requirements in legally enforceable form.

   - Written evidence that the state and other governmental bodies are committed to implement and enforce the appropriate elements of the SIP. (§ 172(b); (7), (9)-(10); §§ 4, 10-11.)
     - Written evidence that the state and other governmental bodies are committed to implement and enforce the appropriate elements of the SIP.

   - These requirements were discussed in the notice in the April 4, 1979 issue of the Federal Register (44 FR 20372). A supplement to the April 4 notice was published on July 22, 1979 involving among other things, conditional approval.

   - EPA proposes to conditionally approve the plan where there are minor deficiencies and the state provides assurances that it will submit corrections on a specified schedule. This notice solicits comments on what items should be conditionally approved, and it solicits comments on the schedule where specified in this notice. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

I. Vermont’s Non-Attainment SIP Revisions

A. Total Suspended Particulates (TSP)

In the Federal Register notice of March 3, 1978 (43 FR 8962) three areas were designated non-attainment for the secondary total suspended particulate (TSP) standard. During the process of developing these revisions, a more precise definition of the geographical extent of the areas violating standards became possible based on dispersion modeling and other investigations conducted by the State and described in the revisions. Vermont has requested that the boundaries of the non-attainment areas be redefined for two of the areas previously designated non-attainment. These are:

1. A subpart of the Champlain Valley Air Management Area identified as the Burlington Region and consisting of the following communities:
   (a) Essex Junction
   (b) Burlington City
   (c) South Burlington City
   (d) Winooski City

2. A subpart of the Central Vermont Air Management Area identified as the Barre Region and consisting of the following area:
   (a) Barre City
   The State has also requested that the third area, the Vermont Valley Air Management Area, previously designated non-attainment, now be reclassified to attainment.

The existing Vermont SIP regulates a variety of traditional stationary sources of particulate matter including incinerators, fossil fuel combustion sources, asphalt concrete plants and various industrial process emissions. In addition, fugitive particulate emissions from process operations and from materials handling, transport and storage are regulated. A separate SIP revision setting an emission limit for wood fired boilers is being developed.

A statewide emissions inventory for 1975, updated to reflect 1977 conditions, indicates that standards violations result principally from non-traditional source categories, both statewide and in the non-attainment areas. The specific categories which comprise the bulk of TSP emissions are paved road reentrainment and unpaved road emissions.

Vermont has established a relationship between emissions and air quality based principally on EPA approved dispersion modeling procedures to determine the significant sources of particulates, to determine the emission reductions needed to attain the
standard, and to evaluate potential strategies to achieve attainment. A description of the attainment strategies follows.

1. Burlington Region

Description of the Plan: Dispersion modeling was used to predict base year annual and 24-hour TSP levels and to make projections to 1990. The highest total point source contribution predicted at any non-attainment location, on any violation day, was less than 5 ug/m^3. Accordingly, no single source or category of these sources was considered to have made a significant contribution to a TSP violation and no additional control of these sources was required as part of this plan.

Non-traditional sources have been identified as the major cause of violations, Vermont has focused on reentrained road dust to achieve the reductions needed to attain standards and the proposed revisions are directed at identifying, developing, and implementing control measures. Since knowledge of the behavior and control of this source category is incomplete, the strategy for attainment involves two development phases and a commitment to adopt consistent regulations.

Phase I of Vermont’s control strategy, to be completed by December 31, 1980, will consist of additional ambient air quality data collection through special studies, qualitative and quantitative analysis of “hi-volume” and “dichotomous” sampler filters and a detailed microinventory including installation of an additional traffic counter near the attainment monitor to determine the actual traffic related emissions in the area. The modeling results will then be refined.

Starting in mid-1980, when Phase II will commence, actual control measures such as road curbing, street sweeping, or paving of dirt parking or vehicle use areas in the urban core will be explored based on the evaluation of Phase I activities. The preferred strategies will be tested over a period of time, and by early 1983, full scale implementation of the selected strategies will be initiated with a target to achieve the necessary emission reductions by 1987. In view of the present uncertainty associated with non-traditional source controls, Vermont has proposed the above schedule of activities, with completion in 1987, as the most expeditious approach to attain the secondary TSP standard.

The State has committed to achieve attainment by 1987 and has provided an estimate of needed emission reductions and how reasonable further progress can be made. Control strategies would have to account for gradual emission reductions beginning in 1983 and intensifying to a reduction of 500 tons per year in paved road reentrainment by 1987 (55% of the projected 1987 rate) to attain the standard. These estimates are based on the best information presently available, and may be refined as a result of Phase I of Vermont’s activities.

In addition to the commitment described above, Vermont has indicated in the SIP narrative its intention to review whether the existing traditional point source regulations represent Reasonably Available Control Technology (RACT). EPA is presently developing particulate matter RACT determinations for specified sources, and Vermont has committed to review these and to submit regulatory changes consistent with the determinations.

Description of the Plan: The Federal Motor Vehicle Emission Control Program (FMVECP) and other Federal motor vehicle exhaust control regulations were assumed for this Region, andreaching the results will then be refined.

B. Burlington Region

Description of the Plan: Dispersion modeling efforts similar to those completed in the Burlington area were attempted for this Region, although the analysis was severely limited by the lack of monitored air quality and meteorological data, as well as by complex topography. Short-term modeling could not be performed, hence a statistical analysis relating concentrations from different averaging times was used instead. A review of the emissions from point sources (a total of 35 tons per year) suggested that traditional point source and source categories might make an even less significant contribution in Barre than in Burlington. Nevertheless, the State has committed, as in the Burlington plan, to review EPA’s RACT determinations and to adopt consistent regulations.

The strategy proposed for the Barre area is similar to that discussed for Burlington, with additional emphasis on increased air quality and meteorological data collection and modeling refinements in the early stages. The phased approach is also expected to lead to a complete implementation of control measures and attainment of the secondary particulate standard by 1987.

It was estimated that the same control measures that were required in Burlington, a 55% reduction in reentrained road dust, would be sufficient to attain the secondary particulate standard by 1987. This represents a reduction of about 125 tons per year of reentrained road dust in the central Barre area. The estimates will be further validated during Phase I of the control program.

To ensure the progress of this plan toward attainment of the standards, an emissions tracking mechanism will be employed, and emission updates will be reported annually to EPA by the end of the first quarter of each calendar year. Area and point sources of emissions will be updated annually. New Point sources of emissions will be tracked through the New Source Review process which will result in inclusion in the list of all sources down to 5 tons per year allowable TSP emissions. The annual reports of these updates will provide a comparison of the updated emission levels with those that this plan has projected.

Issues: There are no significant issues.

Proposed Action: EPA is proposing to approve this portion of the SIP since it meets the requirements of Part D, except Sections 172(b)(1), (6), (7), and (9) which are discussed later.

3. Vermont Valley Air Management Area

Description of the Plan: The State is requesting redesignation of attainment based on 8 quarters of violation-free monitoring data.

Issues: There are no significant issues.

Proposed Action: EPA is proposing to approve this redesignation in 40 CFR Part 81.

B. Carbon Monoxide (CO)

The following communities in the Champlain Valley Air Management Area have been designated non-attainment for the 8-hour carbon monoxide standard: Colchester Town; Winooski City; Essex Town (including Essex Junction); Burlington City; South Burlington City; Williston Town; Shelburne Town; and St. George Town. In order to achieve the required attainment standard by December 31, 1982, the State is relying on two strategies: The Federal Motor Vehicle Emission Control Program (FMVECP) and controls at areas of high CO concentrations (CO "hotspots").

Description of the Plan: Point and area source emission inventories indicate that the primary contributor to ambient CO levels in Vermont is the automobile, therefore the control strategies will be focused on vehicular control measures.

The Chittenden County Regional Planning Commission (CCRPC) in cooperation with the State of Vermont Agency of Environmental Conservation is studying CO problem areas and
developing control strategies to attain the CO standard by December 31, 1982. A schedule has been adopted to evaluate various corrective measures and includes interim decision points to assure implementation beginning on April 1, 1990.

Based on data from a CO monitor in the Burlington central business district, a reduction of 14% in CO emissions would be required to attain the 8-hour CO standard. Projected emission reductions of 18–25% could be achieved by the burdens of the Federal Motor Vehicle Emission Control Program (FMVECP) alone, assuring maintenance of the standard and accommodation of growth. Vermont recognizes that the location of the central business district monitor is not representative of all downtown CO problem areas, and for this reason the State and the CRPC have been trying to better define the number and location of present and potential CO problem intersections in the greater Burlington urban area, and jointly consider necessary control strategies. Each year the State will monitor and report to EPA the effectiveness of the implemented control measures.

Growth projections for new mobile and stationary CO sources are reflected in the determination of reasonable further progress toward attainment of the standard. New stationary CO sources that may interfere with reasonable further progress will be subject to the emission offset policy. EPA has determined that the CO control strategy meets the intent of the reasonable further progress (RFP) requirements.

Issues: There are no significant issues.

Proposed Action: EPA is proposing approval of this portion of the SIP since it meets the requirements of Part D except Sections 172(b)(1), (6), (7), and (9) which are discussed later.

C. Ozone (O$_3$)

Initially the March 3, 1978 Federal Register designated the entire state as non-attainment for ozone. Vermont has subsequently requested that all areas of the State be redesignated as unclassifiable except for Chittenden, Addison, and Windsor Counties which will maintain their original designation. In order to attain the standards in these counties by December 31, 1982 Vermont is utilizing as its control strategies the FMVECP and regulations to control industrial hydrocarbon (HC) emissions.

Description of the Plan: The revisions propose redesignation of all but three counties in Vermont from non-attainment to unclassified, based upon a lack of monitoring data and an absence of major sources of hydrocarbon emissions.

To achieve attainment in Chittenden, Addison and Windsor Counties, the State claims reductions in emissions from the FMVECP and by imposition of reasonably available control technology (RACT) on sources with potential hydrocarbon emission of 100 tons per year or greater for applicable industrial categories. EPA has identified thirteen industrial categories to which RACT must be applied in this revision. The State has certified that only one of these categories (Storage of Volatile Organic Compounds) exists in the state and has proposed RACT regulations consistent with the recommendations in EPA's Control Technology Guidelines (CTG) to control these facilities. This regulation applied statewide and requires sources to retrofit existing fixed roof storage tanks with internal floating roofs and to make certain other changes to improve vapor containment.

EPA's guidance for this regulation provides one year for sources to attain compliance, unless the State makes an adequate justification for additional time.

Issues: The effective date of this State regulation was March 24, 1978, with final control to be in place by September 1, 1979. This schedule allows one year and five months for compliance, more time than specified by EPA guidance. However, EPA recognizes that final approval of the SIP will not occur before July 1, 1978, and that affected sources could reasonably be expected to delay action until EPA rules on the adequacy of this regulation. This schedule is not a significant deviation from the EPA guidance, and satisfies the requirement of the Act to control emissions as expeditiously as practicable.

The petroleum storage terminals have associated loading racks for which EPA has also published a CTG. The State had elected to control the loading racks by a State regulation that would not be submitted as part of the SIP. Because loading racks are a major VOC emitting component of petroleum storage facilities, EPA requires the regulation of loading racks as part of the SIP ozone control strategy. The State of Vermont has agreed to hold a public hearing on a proposal to adopt a loading rack regulation, acceptable to EPA, as a formal element of the SIP.

Proposed Action: The Agency finds that the ozone non-attainment plan is consistent with Part D except Sections 172(b) (1), (6), (7) and (9) which are discussed later and proposes the following:

1. Approval of the regulation to control Volatile Organic Compounds (State Regulation 5-533) as submitted;
2. Approval of the ozone SIP conditioned upon receipt by November 1, 1979 of a regulation to control Volatile Organic Compound emissions from loading racks in non-attainment areas.

EPA is also proposing to approve the redesignation of ozone non-attainment areas to unclassifiable for the entire state except Addison, Chittenden and Windsor Counties in 40 CFR Part 81.

D. New Source Permit Program

To satisfy the requirements of Part D, a preconstruction review program must assure that permits for proposed major sources and major modifications may be issued only if the following conditions of Section 173 of the Act are satisfied:

1. The proposed major source or major modification is accommodated by one or both of the following approaches:
   a) There are sufficient case-by-case offsetting emission reductions (offsets) and other emission reductions required under the SIP, so that allowable emissions from all sources when the proposed major source or major modification is to commence operation represent reasonable further progress; or
   b) Emissions resulting from the proposed major source or major modification are accommodated by the emissions growth allowance for major new sources.
2. Any emission reductions required under paragraph (A) must be legally binding and enforceable before the permit may be issued.
3. The proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as the term is defined in Section 171(3) of the Act.
4. All major sources in the State owned or operated by the owner or operator of the proposed major source or major modification must be in compliance (or on a schedule for compliance) with the Act.

Description of Vermont's Permit Program Compliance with Section 173 of the Act

Vermont has chosen to meet this requirement using a combination of the two allowed options. Specifically, the State will require case-by-case emission offsets for major sources, while accommodating area and minor source emissions in the State's growth allowance.

1. [§ 173(1)]—Vermont regulation 5-502(6)(a)(i) which is applicable to "all major stationary sources which are constructed subsequent to July 1, 1979", 

requires a source which significantly contributes to a NAAQS violation to secure offsetting emission reductions such as to provide a "net emission reduction". Section 173(1)(A) of the Act applies to every major source located where the NAAQS is being violated, regardless of the significance of its ambient air quality impact. Furthermore, emission reductions required of such sources must be sufficient to represent reasonable further progress towards attainment. The Act further defines a major or modified stationary source as one having the potential to emit 100 tons per year of any regulated air pollutant. Vermont defines "Major Stationary Source" (Regulation 5-101(21)) as a source or modification "which increases the allowable emission rate of any air contaminant by an amount equal to or greater than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is more restrictive". This means that sources allowable emissions would be less than the stated amounts would not be required to obtain offsetting emission reductions. This approach is acceptable under §173(1)(B) assuming these emissions were included in a growth allowance in the State's calculation of their RFP lines for carbon monoxide and particulates (these are the pollutants of concern since offsets are not required in a totally rural state for hydrocarbons and Vermont is attainment for other pollutants). Those demonstrations are not evident in the SIP. Specifically, (a) Vermont has not indicated an emissions growth allowance for minor source growth in non-attainment areas as required by Section 172(b)(5), (b) Vermont excludes sources in non-attainment areas with insignificant impact from some of the Section 173 requirements, (c) Vermont does not specifically provide that emissions cannot be offset if they are otherwise needed for attainment, and (d) Vermont does not require offsetting emission reductions to additionally be consistent with reasonable further progress for attainment of the standards.

Vermont has agreed to revise their SIP to reflect the following:

(a) Concerning a margin for growth for CO. Vermont has determined that the CO problem is due to mobile sources, and has thus accommodated stationary source growth through compliance with the Federal Motor Vehicle Emissions Control Program. For particulates, Vermont has indicated that their reasonable further progress line accommodates minor point source growth. These factors contribute to more clearly in the narrative portion of their SIP.

(b) Similarly, Vermont has indicated that insignificant growth is also accommodated in the RFP line and such growth can likewise be quantified.

(c) Vermont will allow their NSR regulations to allow only those emission reductions which are otherwise needed for attainment to be used for offsets.

(d) Vermont has agreed to amend their NSR regulations to include an additional provision allowing the Secretary to disapprove the construction of regulated sources if the emissions from such sources would interfere with reasonable further progress towards attainment of standards.

2. (§173(2))—Vermont Regulation 5-502(3)(a) requires major stationary sources to "apply control technology adequate to achieve the most stringent emission rate". Regulation 5-502(3)(b) defines "most stringent emission rate" (MSER) as "based on the lowest emission rate which can be achieved in practice * * * unless the source demonstrates it cannot achieve such a rate due to energy, economic, and environmental impacts and other costs" and states that "costs of achievement of MSER will be accorded less weight for sources located in non-attainment areas * * *" This is less stringent than the federal LAER requirement in the following ways:

(a) The federal definition of LAER requires sources to meet the most stringent emission limit for that source category which is contained in any State SIP unless the source demonstrates that such limitation is not achievable.

Vermont does not have this requirement.

(b) The Vermont definition allows sources to demonstrate that the particular source cannot achieve an emission rate which another-source may. This is less stringent than the federal LAER requirement in the following ways:

(a) The State will certify in the narrative portion of the SIP that they interpret MSER to be equivalent to LAER. Also in the narrative portion of the SIP, the State will commit to specifying the most stringent achievable state SIP emission as a presumptive limit for MSER. Sources will still have the option to demonstrate such a limit is unachievable.

(b) Vermont will amend their MSER definition to exclude "environmental and energy impacts" as mitigating considerations. The State will retain "economic impact" and "other costs" as considerations in the MSER regulation, but will further explain in the narrative portion how such costs will be considered in a manner consistent with the federal definition of LAER.

Vermont's definition does not specify New Source Performance Standards (NSPS) as a maximum emission limit but this is acceptable since all sources must comply with applicable NSPS.

3. (§173(3))—Vermont Regulation 5-502(6)(a)(ii) satisfies this requirement. Finally, Vermont does not require that offsetting emission reductions must be legally binding before the issuance of a permit. Vermont has agreed to amend their regulation to require such offsets to be legally binding, and will further explain in the narrative portion of the SIP that binding offset requirements will be implemented as permit conditions.

Other New Source Permit Issues

1. Authority To Control Operations—Vermont interprets Regulation 5-501(4) as including authority to control operations and EPA agrees with this interpretation.

2. Denial of Permits—Regulation 5-501(d)(6) authorizes, but does not require, denial of permits, the issuance of which would cause or contribute to violation of standards (or violate a PSD increment). This provision must be made mandatory in order to satisfy Sections 110(a)(2)(D) and 165 of the Act. Vermont has agreed to amend this regulation to reflect this.

3. Default Permit—Regulation 5-501(4) provides that if an order approving or prohibiting construction is not issued within thirty days of the receipt of complete plans this failure shall be deemed an approval to proceed in compliance with the plans submitted. This provision could allow a source to proceed without necessary controls. EPA proposes to disapprove this provision unless it is eliminated. Upon such disapproval a source proceeding on the basis of the provision would be in violation of the federally-approved SIP. Vermont has agreed to notify EPA of all default permits issued. In addition, Vermont will also notify such affected sources that they are in violation of Federal requirements. These two commitments will be specified in the narrative portion of the SIP.

4. New Major VOC Sources in Unclassified Areas—In order to approve a new VOC source in an unclassified area for ozone the State will have to get ambient air quality data (up to one year) to determine the status of the area. If the
area is determined to be non-attainment the federal emission offset policy will apply until the state has an approved SIP revision. In rural unclassified areas where state-wide control of all major VOC source categories for which control technology guidelines (CTG) documents have been published has been applied, sources can be approved prior to the resolution of the attainment status. In these cases LAER is required and the attainment status can be determined via monitoring subsequent to the commencement of construction. This is possible because regulations equivalent to RACT for such major VOC source categories is considered an approvable plan in rural areas.

Proposed Action: On the basis of the above deficiencies, EPA proposes to conditionally approve the new source review requirements of the Vermont SIP for non-attainment areas subject to receipt of the specified regulatory amendments and changes to the narrative portions of the SIP on or before November 1, 1979. Upon receipt of these changes, EPA will propose action on the approvability of these SIP revisions, and will provide opportunity for public comment.

E. Resources Committed

Description of the Plan: For stationary source controls, the State has addressed the increased resources needed to carry out the measures described. Redistribution of resources within the State air agency will be required. Additional resource needs can be met through the increased federal grant funding resulting from Clean Air Act minimum funding provisions for implementation of the Act. Continued federal support is essential.

To carry out its mobile source control plan, Vermont has adequately identified and is committed to the required resources. The contract between the Agency of Environmental Conservation (AEC) and the Chittenden County Regional Planning Commission (CCRPC) identifies funds to be used by the Chittenden County RPC in the preliminary stages of the CO hotspot program. Future commitments are scheduled but not quantified. No resource commitments are identified by the Agency of Transportation (AOT) for their role in the consistency review. Financial and manpower needs should be identified in any application prior to section 178 funding for these programs.

Issues and Proposed Action: While resource commitments are somewhat sketchy, financial and manpower requirements will become clearer after Phase I of the TSP study is completed. In addition, the Chittenden County RPC is applying for section 175 funds from EPA and will be required to identify how these funds will be distributed among tasks and manpower needs. EPA proposes to approve this portion of the plan since it meets the requirements of section 172(b)(7).

F. Evidence of Public, Local and State Involvement

Description of the Plan: In accordance with section 174 of the Act, lead responsibility for preparing a carbon monoxide control plan was delegated by the Governor to the Chittenden County Regional Planning Commission (CCRPC) for the Burlington area. Agreements were developed between the AEC and the CCRPC. The Commission will be responsible for development of solutions and strategies to correct CO hotspots. In conjunction with the AEC and local governments, the CCRPC will develop a schedule for implementing the chosen strategies.

Development of the overall revisions was accomplished through the efforts of a broad based advisory group which helped to determine some major policy decisions, several meetings with regional planning commissions, a state A-95 review and two-hour-long programs on Vermont's educational television station, the first devoted to public education on the SIP and the second the actual public hearing preceding formal adoption.

Issues: Vermont has submitted an economic analysis of the new source review program and VOC regulations but has not included a similar analysis on health, welfare, energy, and social effects nor has it provided a summary of public comments on these analyses as required by section 172(b)(6)(A) of the Act.

Although the State has documented involvement by the public and local and State officials in determining the substance of these revisions in accordance with section 172(b)(8), the SIP does not describe a program for sustaining that participation.

Proposed Action: The Agency proposes the following actions:

1. Approval of the participation and involvement efforts to date in the SIP development;
2. Approval of the issues analysis conditioned upon receipt by November 1, 1979 of an analysis and public comment on the health, welfare, energy, and social effects involved in this submission;
3. Approval of the public participation element conditioned upon compliance with grant conditions to be contained in Vermont's Fiscal Year 1980 program grant under section 103 of the Act. EPA grant guidance to the State requires the State to submit by January 1, 1980 a comprehensive plan for public participation. That plan is to identify a skilled public participation staff person in the State aid program with overall responsibility for carrying out an effective public participation program and a commitment of resources to be devoted to that effort.

G. Adoption After Notice and Hearing

Description: On February 13, 1979 the State of Vermont held a one-hour public hearing on the Vermont educational television station following 30 days public notice. These SIP revisions were adopted by the state and became effective on March 24, 1979.

Issues and Proposed Action: There are no significant issues. EPA is proposing approval since this portion of the submittal meets the requirements of Section 172(b)(1).

II. General SIP Measures

A. Prevention of Significant Deterioration (PSD)—Part C and section 110(a)(2)(D) of the Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by National Ambient Air Quality Standards (NAAQS).

The amount of deterioration permitted is quantified by a table of air quality increments which appear in section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. At present EPA is operating a federal permit system designed to protect the increments and will continue to do so until the state adopts an equivalent program.

Regulations under which the Agency is operating are found at 40 CFR, § 52.21 as published June 19, 1976 (43 FR 26383 to 26410). Regulations specifying requirements for approvable State plans are found at 40 CFR, § 51.24 as published June 19, 1976 (43 FR 26380 to 26388).*
Description of the Plan: Through its New Source Review (NSR) orders (i.e., Section 5–501(4), which is equivalent to a new source permit), the State completes a detailed analysis of the emissions from proposed new or modified major stationary sources within a Preconstruction Nonattainment Area. Emissions which would significantly impact an attainment area or which cause specified increments in the attainment area to be exceeded would be prohibited.

Issues: In some respects, the State’s review is more stringent than that required by EPA. However, there are many aspects of the Vermont program which deviate significantly from EPA requirements. The following is a discussion of those areas of the Vermont plan which are not equivalent to EPA Part 51 requirements, and a description of the regulatory and other SIP changes which would make Vermont’s PSD plan approvable. EPA solicits comments on these issues. Vermont has indicated a willingness to adopt the necessary regulatory changes and to revise the applicable narrative portions of the SIP before November 1, 1979.

1. Definitions of Major Stationary Source

Vermont’s definition is based on allowable (controlled) emissions as opposed to potential (uncontrolled) emissions as required in the federal program. On its face, this would appear to contravene federal requirements. EPA’s regulatory approach of one tier/two tier review specifies a more detailed technical review for larger sources than for smaller ones. However, Vermont maintains that their State regulations, when viewed as a whole, offer equivalent levels of review.

Specifically, EPA’s “one tier” review consists of review of a source for conformance with New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPS), and the applicable State SIP, as well as a determination of no Class I impact, and an opportunity for public comment. Vermont maintains that Section 5–501 of their SIP requirements, which pertains to all air contaminant sources, is equivalent to EPA’s Tier I review in that (1) it specifies that sources impacting on Class I areas will be subject to the additional State regulatory requirements of Section 5–502 for major stationary sources, (2) it provides a mechanism for public review, and lastly (3) and applicable source is subject to Federal NSP and NESHAPS regardless of State requirements.

Vermont’s “tier II” review additionally requires major stationary sources to undergo a review for air impacts (including NAAQS, PSD, soils, vegetation, and visibility), and best available control technology (BACT). Vermont maintains that Section 5–502 of their SIP requirements, which also pertains to all sources over 50 tons per year, is equivalent to a tier II review in that (1) it requires both NAAQS and PSD air impact analyses, (2) it imposes the most stringent emission rate which is more stringent than BACT, and (3) as explained in the narrative portion of the SIP, Vermont intends to satisfy the review requirement for soils, vegetation, and visibility via its land use law. Act 250.

In order to verify that their NSR program controls the same types of sources to the same degree of emission reduction, Vermont submitted a comparative study of permits issued within the last two years. This study showed that Vermont regulated more sulfur dioxide and particulate matter than would have been regulated by EPA. As a result of these studies and a review of the Vermont regulations, EPA concludes that Vermont’s approach to major source applicability is equivalent to that required by the Federal program.

2. Definition of Major Modification

Vermont exempts from review modifications which result in a net decrease in allowable source emissions, i.e., Vermont’s “edible” Tier I source emission reductions to be credited against an individual modification. This is not equivalent to EPA requirements. Furthermore, although Vermont considers any increase in allowable emissions to be a modification, such modifications are often subject only to Vermont’s equivalent of a Tier I review. EPA requirements would often result in a more detailed Tier II review.

When these regulatory deficiencies were brought to the State’s attention, Vermont responded that it intended to regulate modifications as new sources if such modifications were comprised of new or reconstructed facilities. Emission reductions occurring elsewhere at the source could not be taken into account for purposes of BACT review, but could be taken into account for purposes of air impact analysis. All but the last item would result in an approach to modified source applicability equivalent to the federal program, and EPA would accept such an approach. Vermont has agreed to make the necessary regulatory changes to reflect this.

3. Definition of Source/Facility

The Vermont definition of source is the same as EPA’s. However, Vermont does not regulate reconstructed facilities which do not increase aggregate source emissions. Vermont has agreed to amend their NSR regulations to control as new sources those reconstructed facilities which total more than 30% of the capital cost of a comparable new facility.

4. Definition of BACT

Vermont’s counterpart to BACT is MSER (most stringent emission rate). Vermont has combined EPA’s BACT and LAER requirements into one State definition. Concerning the adequacy of MSER for satisfaction of BACT, Vermont’s regulatory definition is equivalent except that under MSER Vermont cannot specify an equipment standard or operational practice, and also Vermont did not specify a “floor” of NSP and NESHAPS. However, the narrative portion of the SIP does specify the use of NSP and NESHAPS as a floor. If Vermont changes its definition of MSER to satisfy EPA’s LAER requirements (see previous discussion under Section 173 requirements), the application of MSER as BACT would always be more stringent and would thus satisfy this requirement.

5. Baseline Concentration

Vermont does not define baseline concentration, but rather, specifies the effective date of their regulations as the date of EPA approval of the PSD plan. Vermont does not make clear which sources are grandfathered into EPA’s baseline, or that certain sources subject to review for PSD after August 7, 1977 are not included in the baseline. Each source permitted by EPA for PSD would have to undergo another review by the State. Furthermore, Vermont’s regulations as written allow each major source which is subject to their equivalent tier II review, pollution rights to the full PSD increments regardless of...
the increment consumption that has occurred from previously permitted sources. This clearly was not intended, as explained in the narrative portion of the SIP. The State has agreed to clarify this regulation to reflect their intent.

Vermont is presently considering whether to require sources permitted by EPA to undergo another State review. After this decision is made, the state will revise the SIP such as to require all emissions not included in the baseline to be counted against the PSD increments.

6. Definition of “Other Dispersion Techniques”

Vermont does not presently include this term in its good engineering practice stack height requirement for air quality impact evaluations. EPA recommends its inclusion in order to prevent circumvention of emission reductions necessary to meet applicable NAAQS and PSD increments, and Vermont has agreed to do this.

7. Phased Construction

Section 5-502(1)(b) of Vermont’s regulations specify that emissions from phased construction projects will be added together to determine the type of analysis required. The federal program requires BACT review prior to each phase. EPA recommends this be accomplished through a permit requirement on phased-constructed sources. Vermont will amend the narrative portion of the SIP to indicate that this procedure will be followed.

8. Air Quality Review

Section 5-501(b) of Vermont’s regulations allow but does not require the Secretary to prohibit construction or modification of any source which will violate ambient air quality standards or applicable PSD increments. EPA requires a prohibition on construction in all such cases. This problem will be eliminated by a regulatory change necessitated by a Section 173 requirement (see Section 173 discussion under Denial of Permits).

9. Air Quality Models

For stationary sources, Section 5-406(2) of the Vermont regulations specifies modeling techniques to be determined by the Air Pollution Control Officer on a case-by-case basis. The Governor’s cover letter accompanying the plan commits the State to EPA approved modeling procedures. However, the narrative portion of the SIP details the use of modeling procedures drafted by the New England Staff for Coordinated Air Use Management (NESCAUM). Vermont’s alternate approach is not equivalent to EPA procedures.

EPA proposes to approve Section 5-406(2) of the Vermont regulation based on the statement in Governor Snelling’s letter, but is proposing to disapprove the narrative portion of the SIP which references the NESCAUM proposal. This means that Vermont must always require the use of EPA-approved modeling procedures since no public comment provisions are presently available for the use of alternate modeling procedures. If such provisions were available, the EPA Administrator could approve the use of alternative modeling procedures.

10. Area and Minor Source Growth

The draft NESCAUM agreement provides for assessment of increment consumption from area growth every five years beginning in 1982. Since EPA is disapproving the draft NESCAUM agreement, the State must recommit to this assessment. EPA recommends this assessment be done annually in conjunction with the required assessment for reasonable further progress (RFP) towards attainment. The State has agreed to recommit to a periodic assessment to be performed no less frequently than every five (5) years commencing in 1982.

11. Secondary Emissions

Vermont specifies in the narrative portion of the SIP that secondary emissions will be considered through interdepartmental consultation via their land use law, Act 250. The procedure as outlined appears adequate, and EPA proposes approval.

12. Monitoring

The narrative portion of the SIP specifies the use of monitoring for increment tracking. This is not consistent with EPA policy. However, Vermont really intended such monitoring to define background concentration when the NAAQS rather than the PSD increments were the limiting constrain, and the State has agreed to clarify this misconception. Vermont limits the collection of ambient monitoring data to specified areas and other locations at the discretion of the Secretary.

EPA recommends that monitoring also be required in unclassified areas and where sources have the potential to significantly impact non-attainment areas, and that other circumstances which may necessitate monitoring be as fully explained as possible. Additionally, EPA recommends that the State commit to following the monitoring procedures specified in 40 CFR, Part 58, Appendices B, C, and E. The State has agreed to amend the narrative portion of the SIP to reflect these clarifications and additions.

13. Class I Additional Impacts

The Vermont regulation requires the State to transmit a copy of every PSD application to EPA. The narrative portion of the SIP commits to notifying EPA prior to permit issuance through the public notice and to notify EPA of final action via the CDS (Compliance Data System) reporting system. In this manner, EPA could always request a completed PSD application in order to resolve any questions or discrepancies. However, in order for the Agency and the public to judge the effect of this action, Vermont should specify the Class I impact in the public notice. Vermont will revise the narrative portion of the SIP to specify that this information will be included in the public notice.

14. Notification

Vermont’s program presently makes no provision to include Federal Land Managers in the PSD review process or to notify them and affected local officials of preliminary PSD determinations.

EPA proposes to approve this portion of the SIP based on Vermont’s commitment to revise the narrative portion of the SIP specifying that the public notice will be sent to the Federal Land Managers as well as affected land use planning agencies, local and county officials, and adjacent states. Vermont will also state that they will consider the Federal Land Manager’s comments regarding the air quality impact of the proposed source.

Proposed Action: EPA is proposing to approve the Vermont PSD plan upon receipt of the specified regulatory amendments and changes to the narrative portion of the SIP. If these amendments and changes raise any substantive issues not discussed in this notice, EPA will republish action to provide adequate opportunity for public comment on the new issues.

B. Monitoring—Section 110[a](2)(C) and Section 110[a](2)(K) require a comprehensive air quality monitoring network. The Vermont proposal is currently being reviewed by EPA in light of recently promulgated regulations.

Proposed Action: None at this time.

C. Permit Fees—Section 110[a](2)(K) requires each state to institute a fee system for those sources applying for a permit to cover the administrative costs of reviewing that application as well as
those incurred in monitoring and enforcing the permit conditions.

Because EPA has not yet promulgated regulation concerning the permit fee requirements, Vermont has not included this provision with the submittal. The State acknowledges its obligation to submit such a provision within 9 months of publication of the final regulations.

Proposed Action: None at this time.

D. Consultation—Section 126 requires a state to provide a satisfactory process for consultation with local governments for federal land managers on the development of the SIP.

EPA has proposed regulations governing consultation. Although they have not yet been promulgated Vermont has met in part the spirit of the requirements in this version. The State of Vermont included several types of local officials on its Advisory Committee which was clearly instrumental in developing policies in this submission. However, the submittal does not indicate any contact with Federal Land Managers, nor does it provide for a continuing consultation process. Vermont has agreed to submit a SIP revision to meet the requirements of Section 126 within nine (9) months of promulgation by EPA of final regulations to implement this section of the Act.

Proposed Action: None at this time.

F. Stack Height—Section 123 provides that the degree of emission limitation necessary may not be affected by stack height in excess of good engineering practice or by other dispersion techniques.

* The State of Vermont regulation Section 5-602(4)(d) will exclude the effect of any portion of the stack that exceeds good engineering practice but makes no mention of any other dispersion techniques. This regulation was intended to satisfy a Federal PSD requirement and was not intended to satisfy Section 123 of the Act. EPA proposed stack height regulations on January 12, 1979, but has not promulgated regulations to date.

Proposed Action: None at this time.

G. Interstate Pollution—Section 120 requires states to identify existing major sources which may significantly contribute to air pollution levels and to provide written notice to nearby states. In addition, it must do the same for any proposed major new stationary source.

On November 8, 1977 the State wrote to the New Hampshire Air Pollution Control Agency regarding the results of the point source modeling which indicated that no sources were significantly contributing to New Hampshire's pollution levels. For new sources, Vermont has not submitted this requirement as part of its regulations. Vermont does intend to make this provision part of its new source review procedures.

Proposed Action: None at this time.

H. Conflict of Interest—Section 128 requires that any existing state board which is empowered to approve or enforce permits required under the Act must have a majority of members who represent the public interest. Any members with any potential conflict of interest must disclose that fact.

The Vermont submission does not include such provision since there is no existing board. However, the State still must adopt requirements regarding conflict of interest for staff members of the State who make permit and enforcement determinations.

Proposed Action: None at this time.

I. Ambient Air Quality Standards—The Vermont submission is proposing to revise some of its ambient air quality standards to the level of the federal standards. These changes affect the standards for primary and secondary sulfur dioxide; primary particulate matter and ozone. This is not a required action.

Proposed Action: Approval.

Interested persons are invited to comment on all elements of the Vermont revisions and whether they meet the requirements of the Clean Air Act. Comments should be submitted to EPA, preferably in triplicate, to the address listed in the front of this notice. Comments received by (30 days after the date of publication) will be considered in EPA's final decision on the SIP. EPA believes the available period for comments is adequate because:

1. The issues involved in the Vermont SIP are sufficiently clear to allow comments to be developed in the available 30-day period;
2. The SIP has been available for inspection and comment since March 21, 1979. EPA's notice published on April 4, 1979, indicated the possibility that the comment period may be less than 60 days; and
3. EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979, on that portion of the SIP that addresses the requirements of Part D.

All comments received will be available for inspection at EPA's Region I office, Room 1093, JFK Federal Building, Boston, Massachusetts 02203.

Note.—Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has determined that this is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: June 20, 1979.

Rebecca W. Hamer,
Acting Regional Administrator, Region L

[FR Doc. 79-21146 Filed 7-6-79; 0:43 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[44 CFR Part 67]

[Docket No. FI-5614]

Proposed Flood Elevation Determinations for the Village of Alorton, St. Clair County, Ill., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Alorton, St. Clair County, Illinois.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Village Clerk's Office, 4821 Bond Avenue, Alorton, Illinois. Send comments to: The Honorable Curtis Miller, Mayor, Village of Alorton, Village Hall, 4821 Bond Avenue, Alorton, Illinois 62007.


SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior flooding</td>
<td></td>
<td>411</td>
<td>National Geodetic System Vertical Datum</td>
</tr>
<tr>
<td>AH Zones.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>300 feet northeast of the intersection of Missouri Avenue and 45th Street</td>
<td>410</td>
<td></td>
<td>National Geodetic System Vertical Datum</td>
</tr>
<tr>
<td>300 feet northeast of the intersection of Missouri Avenue and Janis Place</td>
<td>410</td>
<td></td>
<td>National Geodetic System Vertical Datum</td>
</tr>
<tr>
<td>200 feet north of the intersection of Route 163 and Mary Street</td>
<td>410</td>
<td></td>
<td>National Geodetic System Vertical Datum</td>
</tr>
<tr>
<td>200 feet each of the intersection of Route 163 and Mary Street</td>
<td>410</td>
<td></td>
<td>National Geodetic System Vertical Datum</td>
</tr>
<tr>
<td>500 feet north of the intersection of Missouri Avenue with Harding Ditch</td>
<td>410</td>
<td></td>
<td>National Geodetic System Vertical Datum</td>
</tr>
<tr>
<td>900 feet east of the intersection of Missouri Avenue with Harding Ditch</td>
<td>410</td>
<td></td>
<td>National Geodetic System Vertical Datum</td>
</tr>
</tbody>
</table>


Issued: June 22, 1979.

Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 79-20618 Filed 7-4-79; 8:45 am]
BILLING CODE 4210-25-M
<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chopin King Road</td>
<td>(Upstream Side)</td>
<td>42</td>
</tr>
<tr>
<td>Downstream Service Road</td>
<td>(Upstream Side)</td>
<td>46</td>
</tr>
<tr>
<td>Upstream Service Road</td>
<td>(Upstream Side)</td>
<td>51</td>
</tr>
<tr>
<td>River Bridge Road (Upstream Side)</td>
<td></td>
<td>52</td>
</tr>
<tr>
<td>State Route 311 (Upstream Side)</td>
<td></td>
<td>56</td>
</tr>
<tr>
<td>State Route 311 (Upstream Side)</td>
<td></td>
<td>56</td>
</tr>
<tr>
<td>State Route 311 (Upstream Side)</td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>State Route 311 (Upstream Side)</td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>Tedy Island Creek</td>
<td>River Bridge Road (Upstream Side)</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>River Bridge Road (Upstream Side)</td>
<td>41</td>
</tr>
<tr>
<td>Smith Leslie Branch</td>
<td></td>
<td>43</td>
</tr>
<tr>
<td>Confluence with Tedy Island Creek</td>
<td></td>
<td>43</td>
</tr>
<tr>
<td>Conical (Upstream Side)</td>
<td></td>
<td>55</td>
</tr>
<tr>
<td>State Route 311 (Upstream Side)</td>
<td></td>
<td>59</td>
</tr>
<tr>
<td>Mystic (Downstream Side)</td>
<td></td>
<td>64</td>
</tr>
<tr>
<td>Marchy Hope Creek</td>
<td>River Bridge Road (Upstream Side)</td>
<td>56</td>
</tr>
<tr>
<td>Faulkner Branch</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>Toll Branch</td>
<td></td>
<td>16</td>
</tr>
<tr>
<td>12,000 feet upstream of Toll Branch</td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>Conclusion of Smithville Ditch</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>Smithville Ditch</td>
<td>Conclusion with Marchy Hope Creek</td>
<td>22</td>
</tr>
<tr>
<td>Bloomery Creek</td>
<td></td>
<td>23</td>
</tr>
<tr>
<td>500 feet upstream of Bloomery Road</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>Tanyard Branch</td>
<td>Downstream Corporate Limits</td>
<td>22</td>
</tr>
<tr>
<td>Old State Route 318</td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>State Route 318 (Upstream Side)</td>
<td></td>
<td>37</td>
</tr>
</tbody>
</table>

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Winchester, Middlesex County, Massachusetts.

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

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

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Engineer, Winchester, Massachusetts. Send comments to: Mr. Thomas Groux, Town Manager of Winchester, 71 Mount Vernon Street, Winchester, Massachusetts 01890.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8072, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Winchester, Middlesex County, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1383 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19897; and delegation of authority to Federal Insurance Administrator 44 FR 20993).

Issued: June 22, 1979.
Gloria M. Jimenez,
Federal Insurance Administrator.

**[44 CFR Part 67]**

**[Docket No. FI-5617]**

**Proposed Flood Elevation Determinations for the City of Cranston, Kent County, R.I., Under the National Flood Insurance Program**

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cranston, Kent County, R.I., Under the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a...
These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are most stringent in their flood plain management requirements.

The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pigeon Creek</td>
<td>At eastern corporate limits</td>
<td>838</td>
</tr>
<tr>
<td></td>
<td>Approximately 200 feet upstream of Highway 15</td>
<td>840</td>
</tr>
<tr>
<td>Pettis Hollow</td>
<td>At western corporate limits</td>
<td>838</td>
</tr>
<tr>
<td></td>
<td>At western corporate limits</td>
<td>838</td>
</tr>
</tbody>
</table>

The proposed base (100-year) flood elevations listed below for selected locations in the Town of Agency, Buchanan County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town of Agency, Buchanan County, Missouri. Send comments to: Mr. Richard W. Krimm, National Flood Insurance Program, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 20963; and delegation of authority to Federal Insurance Administrator.

Issued: June 22, 1979.
Gloria M. Jimenez, Federal Insurance Administrator.

FR 19397; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.

[44 CFR Part 67]

[Docket No. FI-5618]

Proposed Flood Elevation Determinations for the Town of Agency, Buchanan County, Mo., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Jefferson City, Cole County and Callaway County, Mo., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Jefferson City, Cole County and Callaway County, Missouri.

BILLOW CODE 4210-25-44

[44 CFR Part 67]

[Docket No. FI-5619]

Proposed Flood Elevation Determinations for the City of Jefferson City, Cole County and Callaway County, Mo., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Jefferson City, Missouri. Send comments to: The Honorable George Hartshield, Mayor, City of Jefferson City, P.O. Box 1024, Jefferson City, Missouri 65101.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8672, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.


These elevations, together with the flood plain management measures required by section 80.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri River</td>
<td>Upstream corporate limit</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>Confluence with Wears Creek</td>
<td>556</td>
</tr>
<tr>
<td></td>
<td>Downstream corporate limit</td>
<td>552</td>
</tr>
<tr>
<td></td>
<td>Highway B.</td>
<td>558</td>
</tr>
<tr>
<td></td>
<td>Downstream corporate limit</td>
<td>553</td>
</tr>
<tr>
<td>Monroe River</td>
<td>50 feet upstream of Lafayette Street</td>
<td>570</td>
</tr>
<tr>
<td></td>
<td>40 feet downstream of Lafayette Street</td>
<td>576</td>
</tr>
<tr>
<td></td>
<td>100 feet upstream of Dunklin Street</td>
<td>576</td>
</tr>
<tr>
<td></td>
<td>50 feet downstream of Elm Street</td>
<td>570</td>
</tr>
<tr>
<td></td>
<td>Just upstream of the Whorton Expressway near Monroe Street</td>
<td>568</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Jefferson Street</td>
<td>563</td>
</tr>
<tr>
<td></td>
<td>Just downstream of Jefferson Street</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>At confluence with Wears Creek</td>
<td>559</td>
</tr>
<tr>
<td>East Branch Wears Creek</td>
<td>650 feet upstream of Jaycee Drive</td>
<td>619</td>
</tr>
<tr>
<td></td>
<td>Just downstream of Jaycee Drive</td>
<td>619</td>
</tr>
<tr>
<td></td>
<td>160 feet downstream of Jaycee Drive</td>
<td>614</td>
</tr>
<tr>
<td></td>
<td>1,500 feet upstream of Dix Road</td>
<td>582</td>
</tr>
<tr>
<td></td>
<td>60 feet upstream of Dix Road</td>
<td>580</td>
</tr>
<tr>
<td></td>
<td>250 feet downstream of Dix Road</td>
<td>574</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Whorton Expressway cutting nearest to Dix Road</td>
<td>565</td>
</tr>
<tr>
<td></td>
<td>350 feet upstream of U.S. Highway 54</td>
<td>563</td>
</tr>
<tr>
<td></td>
<td>600 feet upstream of confluence with Wears Creek</td>
<td>559</td>
</tr>
<tr>
<td></td>
<td>At confluence with Wears Creek</td>
<td>559</td>
</tr>
<tr>
<td>North Branch Wears Creek</td>
<td>At upstream corporate limit</td>
<td>563</td>
</tr>
<tr>
<td></td>
<td>2,150 feet upstream of Southwest Boulevard</td>
<td>573</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Southwest Boulevard</td>
<td>572</td>
</tr>
<tr>
<td></td>
<td>1,250 feet downstream of Southwest Boulevard at Access Road</td>
<td>556</td>
</tr>
<tr>
<td></td>
<td>1,400 feet downstream of Southwest Boulevard at Access Road</td>
<td>562</td>
</tr>
<tr>
<td></td>
<td>Just downstream of U.S. Highway 54</td>
<td>561</td>
</tr>
<tr>
<td></td>
<td>250 feet upstream of Main Street</td>
<td>558</td>
</tr>
<tr>
<td></td>
<td>Just downstream of Main Street</td>
<td>556</td>
</tr>
<tr>
<td>Grays Creek Tributary</td>
<td>About 0.9 mile upstream of the confluence with Grays Creek (about 600 feet downstream of Beair Drive)</td>
<td>562</td>
</tr>
<tr>
<td></td>
<td>At confluence upstream Grays Creek</td>
<td>559</td>
</tr>
</tbody>
</table>

(44 CFR Part 67)

[Docket No. FI-5620]

**Proposed Flood Elevation Determinations for the Village of Ottawa Hills, Lucas County, Ohio, Under the National Flood Insurance Program**

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

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Ottawa Hills, Lucas County, Ohio.

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

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, 2125 Richards Road, Toledo, Ohio. Send comments to: The Honorable Weston L. Gardner, Mayor, Village of Ottawa Hills, 2125 Richards Road, Toledo, Ohio 43606.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8672, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determination of base (100-year) flood elevations for the Village of Ottawa Hills, Lucas County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 890, which added section 1303 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of
Elevation Determination will be published in the near future.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, National Flood Insurance Program, (202) 795-5261 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.


Issued: June 22, 1979.

Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 72-20935 Filed 7-4-72; 45 FR 4210-23-M]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5621]

Proposed Flood Elevation Determinations for the Township of Carroll, York County, Pa., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Carroll, York County, Pennsylvania.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building. Send comments to: Mr. Larry Eichelberger, Chairman of the Township of Carroll, R.D. 3, Dillsburg, Pennsylvania 17019.


SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Carroll, York County, Pennsylvania.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upstream side of Junction Road</td>
<td>442</td>
<td></td>
</tr>
<tr>
<td>Downstream of Conrail</td>
<td>447</td>
<td></td>
</tr>
<tr>
<td>Spring Lane Road</td>
<td>461</td>
<td></td>
</tr>
<tr>
<td>State Route 74 (Downstream Side)</td>
<td>465</td>
<td></td>
</tr>
<tr>
<td>State Route 74 (Upstream Side)</td>
<td>469</td>
<td></td>
</tr>
<tr>
<td>1,050 feet upstream of State Route 74</td>
<td>494</td>
<td></td>
</tr>
<tr>
<td>Upstream side of Old Mill Road</td>
<td>522</td>
<td></td>
</tr>
<tr>
<td>Dogwood Lane</td>
<td>552</td>
<td></td>
</tr>
<tr>
<td>Camp Ground Road</td>
<td>578</td>
<td></td>
</tr>
<tr>
<td>2,650 feet upstream of Camp Ground Road</td>
<td>610</td>
<td></td>
</tr>
<tr>
<td>Upstream Corporate Limits</td>
<td>637</td>
<td></td>
</tr>
</tbody>
</table>

Issued: June 22, 1979.
Gloria M. Jimenez,
Federal Insurance Administrator.


SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Edgeworth, Allegheny County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Borough Secretary, 735 Market Street, Bridgewater, Pennsylvania. Send comments to: Mr. Samuel N. Phillips, Council President of Bridgewater, 599 Mulberry Street, Beaver, Pennsylvania 15015.


SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Edgeworth, Allegheny County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Borough Secretary, 735 Market Street, Bridgewater, Pennsylvania. Send comments to: Mr. Samuel N. Phillips, Council President of Bridgewater, 599 Mulberry Street, Beaver, Pennsylvania 15015.


SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Edgeworth, Allegheny County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Borough Secretary, 735 Market Street, Bridgewater, Pennsylvania. Send comments to: Mr. Samuel N. Phillips, Council President of Bridgewater, 599 Mulberry Street, Beaver, Pennsylvania 15015.


SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Edgeworth, Allegheny County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Borough Secretary, 735 Market Street, Bridgewater, Pennsylvania. Send comments to: Mr. Samuel N. Phillips, Council President of Bridgewater, 599 Mulberry Street, Beaver, Pennsylvania 15015.


SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Edgeworth, Allegheny County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Borough Secretary, 735 Market Street, Bridgewater, Pennsylvania. Send comments to: Mr. Samuel N. Phillips, Council President of Bridgewater, 599 Mulberry Street, Beaver, Pennsylvania 15015.


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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio River Downstream Corporate Limits</td>
<td>713</td>
<td>vertical datum</td>
</tr>
<tr>
<td>Ohio River Upstream Corporate Limits</td>
<td>715</td>
<td>vertical datum</td>
</tr>
</tbody>
</table>

Issued: June 22, 1979.
Gloria M. Jimenez, Federal Insurance Administrator.

Federal Register / Vol. 44, No. 132 / Monday, July 9, 1979 / Proposed Rules

[Docket No. FI-5625]

Proposed Flood Elevation Determinations for the Township of Ransom, Lackawanna County, PA, Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ransom, Lackawanna County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Star Route, Renovo, Pennsylvania 17764. These proposed elevations will also be available for review at the Township of Noyes, Clinton County, Pennsylvania.

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

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ransom, Lackawanna County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Star Route, Renovo, Pennsylvania 17764. These proposed elevations will also be available for review at the Township of Noyes, Clinton County, Pennsylvania.
Proposed Flood Elevation Determinations for the Township of Clarendon, Rutland County, Vt., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Clarendon, Rutland County, Vermont.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation In feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susquehanna River</td>
<td>Bridge</td>
<td>564</td>
</tr>
<tr>
<td>Confluence of Gardner Creek</td>
<td>568</td>
<td></td>
</tr>
<tr>
<td>Gardner Creek</td>
<td>Bridge</td>
<td>572</td>
</tr>
<tr>
<td>Upstream side of Main Street Bridge</td>
<td>573</td>
<td></td>
</tr>
<tr>
<td>L. R. 35012 Bridge</td>
<td>661</td>
<td></td>
</tr>
</tbody>
</table>


Issued: June 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

BILLY CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5627]

Proposed Flood Elevation Determinations for the Township of Tinicum, Delaware County, Pa., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Tinicum Delaware County, Pennsylvania.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation In feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware River</td>
<td>Entire River Bank</td>
<td>10</td>
</tr>
<tr>
<td>Darby Creek</td>
<td>Confluence of Delaware River</td>
<td>10</td>
</tr>
<tr>
<td>Upper Darby Creek</td>
<td>Westamaker Avenue</td>
<td>10</td>
</tr>
<tr>
<td>Northeast Corporate Limits</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

FOR FURTHER INFORMATION CONTACT: Mr. Harry McKelzey, Chairman of the Board of Supervisors of Tinicum, Delaware County, Pa., Under the National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

Issued: June 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

BILLY CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5627]
The proposed base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarendon River</td>
<td>Downtown Corporate Limits</td>
<td>503</td>
</tr>
<tr>
<td></td>
<td>3,003 foot upstream of Corporate Limits</td>
<td>552</td>
</tr>
<tr>
<td></td>
<td>4,003 foot upstream of Corporate Limits</td>
<td>559</td>
</tr>
<tr>
<td></td>
<td>Upstream side of State Aid Highway No. 3</td>
<td>556</td>
</tr>
<tr>
<td></td>
<td>7,003 foot upstream of State Aid Highway No. 3</td>
<td>553</td>
</tr>
<tr>
<td></td>
<td>9,003 foot upstream of State Aid Highway No. 3</td>
<td>557</td>
</tr>
<tr>
<td></td>
<td>9,003 foot upstream of Atlantic Road</td>
<td>553</td>
</tr>
<tr>
<td></td>
<td>12,716 foot upstream of Atlantic Road</td>
<td>557</td>
</tr>
<tr>
<td></td>
<td>25,716 foot upstream of Atlantic Road</td>
<td>559</td>
</tr>
<tr>
<td></td>
<td>Chippokes Road</td>
<td>542</td>
</tr>
<tr>
<td></td>
<td>8,003 foot upstream of Chippokes Road</td>
<td>545</td>
</tr>
<tr>
<td></td>
<td>Constabulary of M.J. River</td>
<td>547</td>
</tr>
<tr>
<td></td>
<td>4,003 foot upstream of Constabulary of M.J. River</td>
<td>553</td>
</tr>
<tr>
<td></td>
<td>Upstream Corporate Limits</td>
<td>554</td>
</tr>
</tbody>
</table>


[FR Doc. 79-21076 Filed 7-6-79; 7:45 p.m. EDST]
BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5628]

Proposed Flood Elevation Determinations for the Town of Blacksburg, Montgomery County, Va., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Blacksburg, Montgomery County, Virginia.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Clarendon, Vermont. Send comments to: Mr. Gerald Cook, Chairman of the Board of Selectmen of Clarendon, Town Office, Clarendon, Vermont.


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

The proposed base (100-year) flood elevations for selected locations are:
Federal Register / Vol. 44, No. 132 / Monday, July 9, 1979 / Proposed Rules

40996

Source of flooding 

Location 

Elevation in feet 

national geodetic vertical datum 

Toms Creek Downstream corporate limits 1,088 S.R. 655 (upstream) 1,056 S.R. 655 (upstream) 1,022 Cedar Run Downstream limit of Detailed Study 1,975

Study [Access Road (upstream)] 1,978 Upstream limit of Detailed Study 2,052 Study

Stroobles Creek Downstream corporate limits 1,944 Limit of Detailed Study downstream from U.S. Route 460 Bypass 2,013 Confluence of East Branch 2,024 Stroobles Creek

Greenhouse Road 2,031 Confluence with Stroobles Creek 2,024

East Branch Stroobles Creek Limit of Detailed Study 2,031 Limit of Detailed Study 2,032 State Branch Downstream Corporate Limits 2,048 Limit of Detailed Study 2,048


[FR Doc. 79-20203 Filed 7-6-79; 8:45 am] BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5629]

Proposed Flood Elevation Determinations for the Town of Rocky Mount, Franklin County, Va., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Rocky Mount, Franklin County, Virginia.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Rocky Mount, Virginia.

Send comments to: Honorable A. O. Woody, Jr., Mayor of Rocky Mount, 220 Donald Avenue, Rocky Mount, Virginia 24151.


These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding 

Location 

Elevation in feet 

national geodetic vertical datum 

Pigg River Downstream Corporate Limits 978 U.S. Route 220 Business 900 Upstream Corporate Limits 1,003

(44 CFR Part 67)

[Docket No. FI-5630]

Proposed Flood Elevation Determinations for the City of Benwood, Marshall County, W. Va., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Benwood, Marshall County, West Virginia.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, 430 Main Street, Benwood, West Virginia.

Send comments to: Honorable Anthony J. Scaffidi, Mayor of Benwood, 430 Main Street, Benwood, West Virginia 26031.


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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation (feet)</th>
<th>Virtual datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch o River</td>
<td>Downstream Corporate Limits</td>
<td>659</td>
<td>1970.451</td>
</tr>
<tr>
<td>Ch o River</td>
<td>Gresch System Bridge Downstream Corporate Limits</td>
<td>658</td>
<td>1970.451</td>
</tr>
<tr>
<td>Ch o River</td>
<td>Upstream Corporate Limits</td>
<td>657</td>
<td>1970.451</td>
</tr>
</tbody>
</table>

Issued: June 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[F.R. Doc. 79-20303 Filed 7-6-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5631]

Proposed Flood Elevation Determinations for the City of McMechen, Marshall County, West Virginia, Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of McMechen, Marshall County, West Virginia.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, 47 th Street, McMechen, West Virginia.

Send comments to: Honorable Harry Howard, Mayor of McMechen, 47 th Street, McMechen, West Virginia 26040.


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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation (feet)</th>
<th>Virtual datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch o River</td>
<td>Upstream Corporate Limits</td>
<td>659</td>
<td>1970.451</td>
</tr>
<tr>
<td>Ch o River</td>
<td>Gresch System Bridge Downstream Corporate Limits</td>
<td>658</td>
<td>1970.451</td>
</tr>
<tr>
<td>Ch o River</td>
<td>Upstream Corporate Limits</td>
<td>657</td>
<td>1970.451</td>
</tr>
</tbody>
</table>

[44 CFR Part 67]

[Docket No. FI-5632]

Proposed Flood Elevation Determinations for the Village of Cambridge, Dane County and Jefferson County, Wis., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of Village Clerk, Box 89, Cambridge, Wisconsin.

Send comments to: Mr. Mailyn Raymond, Village Clerk, Village of Cambridge, Box 89, Cambridge, Wisconsin 53523.
SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Sturtevant, Racine County, Wisconsin.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Village Clerk, 2555 Wisconsin Street, Sturtevant, Wisconsin.

Send comments to: Mr. Abe Kirkorian, Village President, Village of Sturtevant, 2555 Wisconsin Street, Sturtevant, Wisconsin 53177.


These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements.

The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Koshkonong Creek</td>
<td>Just upstream from southern corporate limit.</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>380 feet upstream from Water Street.</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Approximately 60 feet upstream from Main Street.</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Just downstream of corporate limit.</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(Approximately 2,500 feet upstream of Main Street),</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Downstream from the most northern corporate limit.</td>
<td>0</td>
</tr>
</tbody>
</table>

Source of flooding | Location | Elevation in feet, national geodetic vertical datum |
Wadkde Tributary | Downstream most corporate limits. | 679 |
                    | Just downstream of 90th Street. | 566 |
                    | Just upstream of 90th Street. | 561 |
                    | 0.2 mile upstream of 90th Street. | 560 |
                    | Just downstream of Wisconsin Street. | 570 |
                    | Just upstream of Wisconsin Street. | 571 |
                    | Unnamed tributary to at mouth. | 712 |
                    | Approximately 120 feet upstream Wisconsin Street. | 711 |
                    | At upstream corporate limits. | 720 |
Waydale Tributary | At upstream corporate limits. | 720 |
                    | Just upstream of Charles Street. | 571 |
                    | Approximately 120 feet upstream Wisconsin Street. | 715 |
                    | At upstream corporate limits. | 720 |


Issued: June 22, 1979.
Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-20837 Filed 7-6-79; 8:45 am]
BILLING CODE 4210-23-M
Council in the fishery. The amendment will relieve restrictions on both foreign and domestic fishermen. The components of the amendment, and the basis for the changes are as follows:

1. Reduce the number of fishing areas in the Gulf of Alaska from 5 to 3 in order to relieve both foreign and domestic fishermen while retaining sufficient delineation among stocks to prevent localized overfishing.

2. Allow foreign fishing within the 3-12 mile zone between 160° and 170° W. longitude— to correct an omission in the original FMP.

3. Remove the restriction which allowed only 25% of the total allowable level of foreign fishing (TALFF) to be taken from December 1 to May 31. This provision, after experience, was judged unnecessary, since the requirement that foreign vessels use pelagic trawls in the winter adequately protects halibut stocks.

4. Allow foreign longlining for sablefish seaward of 400 meters (instead of 500 meters) from May 1 to September 30 in the area between 140° and 170° W. longitude. Because incidental halibut catch by longliners is low during the summer, this change increases areas for foreign nations to catch sablefish while retaining adequate protection for halibut stocks.

5. Permit a directed longline fishery for Pacific cod between 140° and 151° W. longitude (in addition to the authorized fishery between 157° and 170° W. longitude) seaward of 12 miles, except during the U.S. halibut season. By encouraging foreign longliners, rather than foreign trawlers, to take the Pacific cod TALFF, the incidental mortality of halibut will be reduced.

6. Exempt foreign longline vessels from the provisions of the foreign regulations which required that fishing by all vessels of a nation in a fishing area cease when the allocation for any species has been taken. The exemption does not apply if the allocation reached is for a target species of the longliners. This change prevents the foreign trawl fishery from inadvertently closing the foreign longline fishery (which tends to have low incidental catch mortality) before the longline fishermen achieve their allocation of target species.

7. Increase the squid optimum yield (OY) to 5,000 metric tons from 2,000 mt. This adjustment of OY allows foreign nations a sufficient incidental catch of squid while maintaining harvest of squid at levels below the estimated maximum sustainable yield.

8. Increase the Atka mackerel OY by 2,000 metric tons to 20,000 mt. The increase conforms the OY to new information indicating higher historical catches of Atka mackerel by foreign nations.

9. Remove the domestic one-hour low restriction. After experience, the Council judged this an unnecessary management measure given the separate incidental catch quota on halibut for domestic fishermen.

10. Remove the domestic requirement for the use of off-bottom travel from December 1 to May 31. As in number 9, above, this measure was considered redundant for the protection of halibut.

11. Require domestic permits to be renewed annually and domestic reporting (i.e., fish tickets) to be submitted within 7 days instead of 72 hours to eliminate an unnecessary inconsistency between Federal and State regulations.

The Assistant Administrator for Fisheries, under a delegation of authority from the Secretary, has determined that this amendment to the FMP (1) is necessary and appropriate to the conservation and management of Gulf of Alaska groundfish resources; (2) is consistent with the National Standards and other provisions of the Act; (3) does not constitute a major Federal action requiring the preparation of an environmental impact statement; and (4) does not constitute a significant action requiring the preparation of a regulatory analysis under Executive Order 12044.

Signed at Washington, D.C., this 23rd day of June 1979.

Winfred H. Melbohm, 
Executive Director, National Marine Fisheries Service

A. The Fishery Management Plan for the Gulf of Alaska Groundfish which was published on April 21, 1978 in the Federal Register (43 FR 17243) is amended as follows:

(All changes are made in sequential order by Federal Register page number and section.)

Page 17245, section, summary, change— Under "1.", delete 2nd sentence and substitute the following:

"Foreign sablefish longlining seaward of the 500m isobath is prohibited except foreign longlining for sablefish is allowed seaward of the 400m isobath from May 1 to September 30 and seaward of the 200m isobath from October 1 to April 30 in the area between 149 degrees and 163 degrees West longitude, a directed Pacific cod longline fishery is allowed in the area between 149 degrees and 169 degrees West longitude and seaward of 12 miles year-round. EXCEPT foreign longlining is prohibited seaward of the 400m isobath during the U.S. halibut season as established by the International Pacific Halibut Commission (IPHC)."

If. 1. Reduce the number of fishing areas in the Gulf of Alaska from 5 to 3 in order to relieve both foreign and domestic fishermen while retaining sufficient delineation among stocks to prevent localized overfishing.

2. Allow foreign fishing within the 3-12 mile zone between 160° and 170° W. longitude— to correct an omission in the original FMP.

3. Remove the restriction which allowed only 25% of the total allowable level of foreign fishing (TALFF) to be taken from December 1 to May 31. This provision, after experience, was judged unnecessary, since the requirement that foreign vessels use pelagic trawls in the winter adequately protects halibut stocks.

4. Allow foreign longlining for sablefish seaward of 400 meters (instead of 500 meters) from May 1 to September 30 in the area between 140° and 170° W. longitude. Because incidental halibut catch by longliners is low during the summer, this change increases areas for foreign nations to catch sablefish while retaining adequate protection for halibut stocks.

5. Permit a directed longline fishery for Pacific cod between 140° and 151° W. longitude (in addition to the authorized fishery between 157° and 170° W. longitude) seaward of 12 miles, except during the U.S. halibut season. By encouraging foreign longliners, rather than foreign trawlers, to take the Pacific cod TALFF, the incidental mortality of halibut will be reduced.

6. Exempt foreign longline vessels from the provisions of the foreign regulations which required that fishing by all vessels of a nation in a fishing area cease when the allocation for any species has been taken. The exemption does not apply if the allocation reached is for a target species of the longliners. This change prevents the foreign trawl fishery from inadvertently closing the foreign longline fishery (which tends to have low incidental catch mortality) before the longline fishermen achieve their allocation of target species.

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Winfred H. Melbohm, 
Executive Director, National Marine Fisheries Service

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Page 17246; section, Table of Contents; change.—5.2.1—following [DAC], add "and Intent to Process [DAP])."

Page 17247; section, 3.1; change.—6th line, delete "major statistical" and insert "regulatory"; delete all after "areas:" insert "Western, Central and Eastern (Figure 1)."

Figure 1a indicates regulatory areas as defined by INPFC consisting of Shumagin, Kodiak Chirikof, Yakutat and Southeastern." Page 17248; section, 4.7; change.—Table 56—insert new table to reflect change in OY for Atka mackerel and squid.

Page 17310; section, 4.7.8.1; change.—9th line, delete "2,000", insert "5,000."

Page 17312; section, 5.2.1; change.—add "and Intent to process [DAP]" to title of section heading.

Figure 1. Regulatory Areas of the Gulf of Alaska.
Figure 1a -- Regulatory Areas of the Gulf of Alaska (IMPPC)
Page 17312: section 5.2.1.2: change.—Paragraph 3, delete the 1st line of the equation and substitute the following:

("150 days x 711mt + (100 days x 1289mt)")

Page 17312: section 5.2.1.2: change.—Add a new paragraph after paragraph 3 as follows:

"The intended U.S.-Foreign joint ventures will be working entirely on groundfish and their capacity is based on a 200-day fishing season. Both vessels together are capable of processing and freezing 500 tons of raw product per day, a total of 180,000mt per year."

Page 17312: section 5.2.1.3: change.—Delete equation line and insert: "(150 days x 1,184mt + (100 days x 1,289mt) = 300,000mt.)"

Page 17313: section 5.2.2.1: change.—1st paragraph, line 9, insert period and delete all after techniques."

Page 17313: section 5.2.2.1: change.—Delete last paragraph.

Page 17313: section 5.2.2.2: change.—Delete present language and insert the following:

"Delivery of U.S.-caught groundfish to foreign processing vessels was permitted during the last four months of 1976. Such delivery will again be permitted as a condition of joint-venture operations. The two vessels that have currently been given permits estimate a harvest of 155,000mt of pollock and assorted by-catch during the period for which the regulations are in effect for this FMP. If the joint-venture operations harvest that amount, it is not unreasonable to make in-season adjustments between foreign and domestic fisheries. Such adjustments will be dictated by domestic fishery performance and will be accomplished as follows:

The initial TALFF for each species for the regulatory year will equal DAH subtracted from the 155,000mt of OY less specific amounts for each species held in reserve.

Initial TALFF will be computed as: TALFF = (0.8 OY) - DAH - vor reserve.

Joint-Venture Reserve (mt)

<table>
<thead>
<tr>
<th>Species</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollock</td>
<td>100,000</td>
</tr>
<tr>
<td>Other rockfish</td>
<td>2,000</td>
</tr>
<tr>
<td>Pacific ocean perch</td>
<td>3,000</td>
</tr>
<tr>
<td>Sablefish</td>
<td>500</td>
</tr>
<tr>
<td>Pacific cod</td>
<td>500</td>
</tr>
<tr>
<td>Flounders</td>
<td>500</td>
</tr>
<tr>
<td>Squid</td>
<td>500</td>
</tr>
<tr>
<td>Atka mackerel</td>
<td>500</td>
</tr>
<tr>
<td>Other species</td>
<td>1,000</td>
</tr>
</tbody>
</table>

The reserve (20% of OY + amounts shown in the Table) will be apportioned to foreign or domestic fisheries as the season progresses on the basis of cumulative appraisals of DAH. The Gulf of Alaska schedule of OY/ reserve/DAH/TALFF is given in Table 62. TALFF and reserve will also be apportioned to individual statistical areas (Table 64).

Page 17313: change.—Table 62—delete and insert new table.

Page 17313: change.—Table 63—delete and insert new table.

Page 17316: change.—Table 64—delete and insert new table.

Page 17317: change.—1st line, delete “major” and insert “priority.”

Page 17317: 2nd line, delete “of” and insert “for.”

Page 17317: 3rd line, delete “fisheries” and insert “fishery.”

Page 17317: 3rd line, insert “Following” following "Alaska."
Table 62—Gulf of Alaska TALFF

<table>
<thead>
<tr>
<th>Species</th>
<th>OY Reserve</th>
<th>DAH</th>
<th>TALFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollock</td>
<td>168.6</td>
<td>133.8</td>
<td>14.2</td>
</tr>
<tr>
<td>Cod</td>
<td>34.8</td>
<td>10.0</td>
<td>15.5</td>
</tr>
<tr>
<td>Flounder</td>
<td>33.5</td>
<td>9.7</td>
<td>7.2</td>
</tr>
<tr>
<td>Pacific Ocean perch</td>
<td>25.9</td>
<td>7.9</td>
<td>11.1</td>
</tr>
<tr>
<td>Rockfish</td>
<td>7.6</td>
<td>3.5</td>
<td>2.0</td>
</tr>
<tr>
<td>Sablefish</td>
<td>13.0</td>
<td>4.1</td>
<td>4.0</td>
</tr>
<tr>
<td>Atka Mackerel</td>
<td>26.8</td>
<td>5.9</td>
<td>0</td>
</tr>
<tr>
<td>Squid</td>
<td>5.0</td>
<td>1.5</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>18.2</td>
<td>4.7</td>
<td>0.5</td>
</tr>
<tr>
<td>Total</td>
<td>200.7</td>
<td>181.1</td>
<td>44.5</td>
</tr>
</tbody>
</table>

*Initial allocation— reassessed bi-monthly to provide for assignments to reserves to TALFF is appropriate. The regular reserves held for domestic fishermen are 25% of the stated OY. Regulations provide for allocation of 25% of the initial reserve amount to TALFF or lesser amounts based on the harvest from reserves by U.S. fishermen.*

Table 63—Percentages of OY Appointed to GOA Reserve Areas

<table>
<thead>
<tr>
<th>Area</th>
<th>Western</th>
<th>Central</th>
<th>Eastern</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>TALFF</td>
<td>9.6</td>
<td>2.1</td>
<td>0.8</td>
<td>12.5</td>
</tr>
<tr>
<td>DAH</td>
<td>7.9</td>
<td>2.0</td>
<td>0.7</td>
<td>10.6</td>
</tr>
<tr>
<td>Other</td>
<td>11.1</td>
<td>2.8</td>
<td>0.6</td>
<td>14.5</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

*Amounts shown include additions of joint venture reserve amounts to the initial OY reserve allocations. "Special joint ventures reserve" and "deepwater reserve" are considered a single reserve but spoken of separately to identify the source of TALFF.

Table 64—OY/DAH-TALFF Reserve by Area (1,000's mt)

<table>
<thead>
<tr>
<th>Species</th>
<th>OY Reserve</th>
<th>DAH</th>
<th>TALFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollock</td>
<td>57.0</td>
<td>55.2</td>
<td>16.6</td>
</tr>
<tr>
<td>Cod</td>
<td>46.2</td>
<td>75.5</td>
<td>12.3</td>
</tr>
<tr>
<td>Flounder</td>
<td>7.0</td>
<td>11.7</td>
<td>2.1</td>
</tr>
<tr>
<td>Pacific Ocean perch</td>
<td>2.7</td>
<td>5.7</td>
<td>1.8</td>
</tr>
<tr>
<td>Other rockfish</td>
<td>10.4</td>
<td>14.7</td>
<td>8.4</td>
</tr>
<tr>
<td>Sablefish</td>
<td>3.0</td>
<td>3.4</td>
<td>2.4</td>
</tr>
<tr>
<td>Atka mackerel</td>
<td>5.2</td>
<td>7.2</td>
<td>4.2</td>
</tr>
<tr>
<td>Squid</td>
<td>0.9</td>
<td>2.5</td>
<td>4.5</td>
</tr>
<tr>
<td>Other species</td>
<td>2.2</td>
<td>5.1</td>
<td>0.2</td>
</tr>
</tbody>
</table>

*Based on percentages shown in Table 63.*

*Includes additional reserves (4-20% of OY) for possible use in joint ventures.*

Delete all after "Alaska;"

4th line, delete entire line; Under (A), delete ("A") and insert ("1"); Under (B), delete ("B") and insert ("g"); delete "Protect" and insert "Protection of;" Under (C), delete ("C") and insert ("o"); delete "Provide" and insert "Provision;" Under (D), delete ("D") and insert ("g"); delete "Provide" and insert "Provision." Page 17317; section 8.3.1.1 (A), change—

Under (A), delete heading and insert "Division of TALFF by Area;"

3rd line delete "statistical," insert "fishery;"

Page 17317; section 8.3.1.1(D)(2); change—

17th line delete all of 8.3.1.1.(D)(2) after "this period;", insert: "Western, 25m Central, 32m Eastern, 31mt.

Page 17317; section 8.3.1.1(E); change—

Delete all of 8.3.1.1(E) except heading, selection none."
sablefish, Atka mackerel, squid and others, for each of the following areas (Fig. 1).

PART 611—FOREIGN FISHING

It is proposed to amend 50 CFR Part 611 as follows:

§ 611.92 [Amended]

1. Section 611.92, 8.2.2, change “Eastern, Central and Western.”

2. Section 611.92(b), change “fishing area” to “regulatory area” where it appears as follows:

§ 611.92(b)(1)—one place.

§ 611.92(b)(1)(ii)—two places.

§ 611.92(b)(2)(i)(A)—four places.

3. Section 611.92(b)(1), remove Table I and replace it with the following Table I.

Table I—Gulf of Alaska Groundfish Fishery: TALFF and Reserve 1 by Species and Regulatory Area for 1979–1979: Regulatory Areas 2

<table>
<thead>
<tr>
<th>Species</th>
<th>Western</th>
<th>Central</th>
<th>Eastern</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollock</td>
<td>Reserve</td>
<td>29,600</td>
<td>49,450</td>
<td>8,650</td>
</tr>
<tr>
<td>Pacific cod</td>
<td>Reserve</td>
<td>22,600</td>
<td>37,750</td>
<td>3,650</td>
</tr>
<tr>
<td>Flounder</td>
<td>Reserve</td>
<td>3,936</td>
<td>2,150</td>
<td>4,980</td>
</tr>
<tr>
<td>Pacific Ocean perch (POP)</td>
<td>Reserve</td>
<td>6,450</td>
<td>6,350</td>
<td>11,800</td>
</tr>
<tr>
<td>Other rockfishes*</td>
<td>Reserve</td>
<td>125</td>
<td>400</td>
<td>1,000</td>
</tr>
<tr>
<td>Pollock</td>
<td>Reserve</td>
<td>50</td>
<td>300</td>
<td>1,500</td>
</tr>
<tr>
<td>Pacific cod</td>
<td>Reserve</td>
<td>1,475</td>
<td>2,575</td>
<td>1,700</td>
</tr>
<tr>
<td>Flounder</td>
<td>Reserve</td>
<td>125</td>
<td>1,125</td>
<td>1,000</td>
</tr>
<tr>
<td>Atka mackerel</td>
<td>Reserve</td>
<td>3,000</td>
<td>17,250</td>
<td>2,500</td>
</tr>
<tr>
<td>Pacific Ocean perch (POP)</td>
<td>Reserve</td>
<td>125</td>
<td>400</td>
<td>1,000</td>
</tr>
<tr>
<td>Other rockfishes*</td>
<td>Reserve</td>
<td>50</td>
<td>300</td>
<td>1,500</td>
</tr>
<tr>
<td>Pollock</td>
<td>Reserve</td>
<td>50</td>
<td>300</td>
<td>1,500</td>
</tr>
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<td>Reserve</td>
<td>1,475</td>
<td>2,575</td>
<td>1,700</td>
</tr>
<tr>
<td>Flounder</td>
<td>Reserve</td>
<td>125</td>
<td>1,125</td>
<td>1,000</td>
</tr>
<tr>
<td>Atka mackerel</td>
<td>Reserve</td>
<td>3,000</td>
<td>17,250</td>
<td>2,500</td>
</tr>
<tr>
<td>Pacific Ocean perch (POP)</td>
<td>Reserve</td>
<td>125</td>
<td>400</td>
<td>1,000</td>
</tr>
<tr>
<td>Other rockfishes*</td>
<td>Reserve</td>
<td>50</td>
<td>300</td>
<td>1,500</td>
</tr>
<tr>
<td>Pacific Ocean perch (POP)</td>
<td>Reserve</td>
<td>1,475</td>
<td>2,575</td>
<td>1,700</td>
</tr>
<tr>
<td>Flounder</td>
<td>Reserve</td>
<td>125</td>
<td>1,125</td>
<td>1,000</td>
</tr>
<tr>
<td>Atka mackerel</td>
<td>Reserve</td>
<td>3,000</td>
<td>17,250</td>
<td>2,500</td>
</tr>
<tr>
<td>Pacific Ocean perch (POP)</td>
<td>Reserve</td>
<td>125</td>
<td>400</td>
<td>1,000</td>
</tr>
</tbody>
</table>

1. The TALFF's specified in this table may be modified during the year if reserves are apportioned to TALFF
2. See Figure 1 of this section 611.92(b) for description of regulatory areas.
3. The category “other species includes all species of fish except (A) the other fish listed in the table, and (B) shrimp, scallops, salmon, steelhead trout, Pacific halibut, herring, and Continental Shelf fishery resources.

4. Section 611.92(b)(1), insert the new Figure 1.—Regulatory Areas of the Gulf of Alaska:

Figure 1. Regulatory Areas of the Gulf of Alaska
5. Section 611.92 is amended by revising (b)(1)(ii)(A), adding (b)(2)(ii)(D), (b)(2)(ii) and (C) revised, (b)(2)(ii)(D) and (E) deleted, paragraph (c) is revised, and paragraph (d)(3) is amended as set forth below.

§ 611.92 Gulf of Alaska Groundfish fishery.
   (b) * * *
   (1) * * *
   (ii) * * *

   (A) Apportionment of reserve amounts. As soon as practicable after each of the following dates, the Regional Director shall apportion to the TALFF’s twenty-five (25) percent of the initial annual reserve amount for each species in each regulatory area: January 2, March 2, May 2, and July 2.

   (2) * * *
   (i) * * *

   (D) The provisions of paragraph (A) of this section 611.92(b)(2)(i) do not apply to foreign vessels using longline gear unless the allocation reached is for Pacific cod or sablefish.

   (ii) The Regional Director shall issue a notice of closure, pursuant to the procedures of § 611.15(c), prohibiting fishing for the applicable species of groundfish, in the applicable regulatory area during the applicable periods using the applicable gear, as listed in paragraphs (A) through (C) below, when it is determined that one or more of the following catch limitations will be reached:

   (C) The allocation of a nation for any groundfish species, or species group, in a regulatory area: the Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in that regulatory area until November 1, except that if a national allocation for sablefish or Pacific cod in a regulatory area will be reached, the Regional Director shall prohibit fishing for groundfish in that regulatory area by all vessels of that nation until November 1.

   (D) [Reserved].

   (E) [Reserved].

   (c) Open areas. Except as prohibited in paragraph (d) of this section, foreign fishing for groundfish is permitted in the Gulf of Alaska beyond twelve nautical miles from the base line used to measure the U.S. territorial sea, and between three and twelve nautical miles from the base line used to measure the U.S. territorial sea between 169° and 170° W. longitude.

   (d) * * *

   (3) Fishing with longline gear. (i) General. Longline fishing for groundfish by vessels subject to this section is prohibited east of 140° W. longitude at all times. For the purpose of this section 611.92, longline means a stationary, buoyed and anchored line with hooks or pots attached, or the taking of fish by means of such a device.

   (ii) Longline fishing for sablefish. Longline fishing for sablefish by vessels subject to this section between 140° and 169° W. longitude is prohibited: (A) landward of the 400 meter depth contour, from May 1 to September 30; and (B) landward of the 500 meter depth contour, between October 1 and April 30.

   (iii) Longline fishing for Pacific cod. Longline fishing for Pacific cod by vessels subject to this section between 140° to 169° W. longitude is prohibited landward of the 400 meter depth contour during the halibut fishing seasons as established by regulations of the International Pacific Halibut Commission. The Regional Director shall give notification of the opening and closing dates of the U.S. halibut fishing seasons to the designated representative of each foreign nation, at least 48 hours before the opening and closing dates of the U.S. halibut fishing seasons.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

C. It is proposed to amend 50 CFR Part 672 as follows:

1. Section 672.2, delete the paragraph commencing “Fishing area . . .”, delete the paragraph commencing “Off-bottom trawl . . .”, and add the following new definition:

§ 672.2 Definitions.

   * * *

   Regulatory area means any of three areas of the FCZ of the Gulf of Alaska seaward of the State of Alaska. The three regulatory areas are described as follows:

   Area and Location

   Eastern, between 132° 40' and 147° W. longitude.

   Central, between 147° and 189° W. longitude.

   Western, between 159° and 170° W. longitude.

   * * *

2. Section 672.4(e) is amended to read as follows:

§ 672.4 Permits.

   * * *

   (c) Duration. A permit shall continue in full force and effect for one year, or until it is revoked, suspended, or modified pursuant to 50 CFR Part 621 (Civil procedures).

§ 672.5 [Amended]

3. Section 672.5, change “72 hours” to “seven days” where it appears as follows:

   672.5(b)—two places.

   672.5(d)—one place.

4. Section 672.50(a), Table I, (c)(1), and (e)(1) are amended to read as follows:

   * * *
§ 672.20 General limitations.

(a) Optimum yield. The optimum yield (OY) and reserves for species regulated under this Part in the three regulatory areas are set forth in Table I. These specifications of OY and reserves are effective for a fishing year beginning on December 1, 1978, and ending on October 31, 1979. The OY of each species in Table I is the maximum amount of that species which may be caught or harvested during the fishing year by vessels of the United States and foreign nations in each regulatory area.

### Table I—Optimum Yield and Reserves; Regulatory Areas

<table>
<thead>
<tr>
<th>Species</th>
<th>Western</th>
<th>Central</th>
<th>Eastern</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pollock</td>
<td>57,000</td>
<td>95,200</td>
<td>16,600</td>
<td>168,800</td>
</tr>
<tr>
<td>Pacific cod</td>
<td>9,600</td>
<td>19,400</td>
<td>5,800</td>
<td>34,800</td>
</tr>
<tr>
<td>Flounder</td>
<td>1,500</td>
<td>2,150</td>
<td>1,200</td>
<td>4,850</td>
</tr>
<tr>
<td>Pacific Ocean perch (POP)</td>
<td>2,700</td>
<td>7,500</td>
<td>14,000</td>
<td>25,500</td>
</tr>
<tr>
<td>Other rockfish</td>
<td>300</td>
<td>600</td>
<td>1,500</td>
<td>2,400</td>
</tr>
<tr>
<td>Skate</td>
<td>2,100</td>
<td>3,800</td>
<td>7,100</td>
<td>13,000</td>
</tr>
<tr>
<td>Alaska mackerel</td>
<td>4,400</td>
<td>19,400</td>
<td>3,000</td>
<td>26,800</td>
</tr>
<tr>
<td>Squid</td>
<td>600</td>
<td>2,150</td>
<td>500</td>
<td>3,150</td>
</tr>
<tr>
<td>Other species*</td>
<td>4,400</td>
<td>8,600</td>
<td>3,200</td>
<td>16,200</td>
</tr>
</tbody>
</table>

* Includes all stocks of fishes except: (1) those listed above; and (2) salmon, steelhead trout, and Pacific halibut.

(c) Apportionment of reserve amounts.

As soon as practicable after each of the following dates, the Regional Director shall apportion to Total Allowable Level of Foreign Fishing (TALFF) twenty-five (25) percent of the initial annual reserve amount for each species in each regulatory area: January 2, March 2, May 2, and July 2.

(e) If, during the period between December 1 and May 31, the Regional Director determines that the estimated total catch of halibut in any regulatory area by vessels regulated by this Part will reach the amount listed below, he shall issue a field order pursuant to § 672.22(a) prohibiting, until June 1, groundfish fishing with trawl gear in that regulatory area by vessels regulated by this Part.

### Regulatory Area and Catch Amount

<table>
<thead>
<tr>
<th>Regulatory Area</th>
<th>Catch Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western</td>
<td>29 metric tons (m.t.)</td>
</tr>
<tr>
<td>Central</td>
<td>52 m.t.</td>
</tr>
<tr>
<td>Eastern</td>
<td>31 m.t.</td>
</tr>
</tbody>
</table>

§§ 672.20 and 672.22 [Amended]

5. Sections 672.20 and 672.22, change “fishing area” to “regulatory area” where it appears as follows:

6. Sections 672.24 and 672.25 are amended to read as follows:

§ 672.24 Gear limitations. [Reserved]

§ 672.25 Effort limitations. [Reserved]
This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Authorization for Watershed Planning

Concerned State Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for the indicated watersheds. The State Conservationists may proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act, Public Law 83-566, and in accordance with requirements of the National Environmental Policy Act of 1969, Public Law 91-190.

Persons interested in these projects may contact the State Conservationists listed below:

Paw Paw Bottoms Watershed, Sequoyah County, Oklahoma, State Conservationist—Roland W. Willia, Soil Conservation Service, Agricultural Center Office Building, Farm Road & Brumley Street, Stillwater, Oklahoma 74074; 405/624-3990

Upper Vermillion Bayou Watershed, Iberia, Lafayette, and St. Martin Parishes, Louisiana, State Conservationist—Alton Mangum Soil Conservation Service, 3737 Government Street, P.O. Box 1830, Alexandria, Louisiana 71301; 318/448-3421

Roy's Creek Watershed, Brown County, Kansas, State Conservationist—John W. Tippie, Soil Conservation Service, 769 South Broadway, P.O. 600, Salina, Kansas 67401; 913/625-9535

Morlee Watershed, Franklin County, Iowa, State Conservationist—William L. Brune, Soil Conservation Service, 603 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309; 515/682-4250

Murdock River Watershed, Kent County, Delaware, State Conservationist—Otis D. Fincher, Soil Conservation Service, Treadway Towers—Suite 2-4, 9 East Loockerman Street, Dover, Delaware 19901; 302/678-9750

Public.

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.

Hogansburg Agricultural Land Drainage RC&D Measure, New York; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Hogansburg Agricultural Land Drainage RC&D Measure, St. Lawrence and Franklin Counties, New York.

The environmental assessment of this project indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Hilliard, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The measure concerns a plan for agricultural land drainage. The planned works of improvement include the modification of a stream channel. A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, U.S. Courthouse and Federal Building, Room 771, 100 South Clinton Street, Syracuse, New York 13260, telephone 315-423-5521. (Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program.)

North Cuero Watershed, Texas; Intent To Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for North Cuero Watershed, DeWitt County, Texas.

The environmental assessment of this project indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for stabilizing a critical sediment source area. The planned work includes grade stabilization structures, streambank stabilization measures, shaping, vegetation, and fertilization needed to stabilize about 23 acres.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, Temple, Texas 76501, 817-774-1255. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until August 8, 1979.
CIVIL AERONAUTICS BOARD

Braniff Airways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause: Order 79-7-4.

SUMMARY: The Board proposes to approve the following application:

Applicant: Braniff Airways, Inc.

Application Date: May 10, 1979; Docket No. 35521.

Authority Sought: Removal of restriction to operate directly between Rio de Janeiro, Brazil and Buenos Aires, Argentina.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall file a statement of such objections no later than August 2, 1979, with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, Pan American World Airways, Inc., the Department of Transportation, the Department of State, the Ambassadors of Brazil and Argentina, and the Secretaries of the Departments of Defense, Transportation, the Department of State, and the Secretaries of the Departments of Agriculture and Commerce.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

For further information contact:
Ms. Patricia Lofts DePuy, Bureau of International Aviation, Civil Aeronautics Board, 202-673-5878.

By the Civil Aeronautics Board: July 2, 1979.

Phyllis T. Kaylor, Secretary.

[FR Doc. 79-21064 Filed 7-6-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-7-4]

Braniff Airways, Inc.; Establishing Further Procedures Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Establishing Further Procedures Subpart Q; Order 79-7-4.

SUMMARY: The Board has decided to consider expeditiously the following application:

Applicant: Braniff Airways, Inc.

Application Date: May 2, 1979; Docket No. 35455.

Authority Sought: Removal of one-stop restriction on service between Rio de Janeiro and Sao Paulo and points in the United States.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

For further information contact:
Ms. Patricia Lofts DePuy, Bureau of International Aviation, Civil Aeronautics Board, 202-673-5878.

By the Civil Aeronautics Board: July 2, 1979.

Phyllis T. Kaylor, Secretary.

[FR Doc. 79-21064 Filed 7-6-79; 8:45 am]
BILLING CODE 6320-01-M

[Docket 35507]

Fitness Investigation of Fleming International Airways; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to the undersigned judge.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

For further information contact:
Ms. Patricia Lofts DePuy, Bureau of International Aviation, Civil Aeronautics Board, 202-673-5878.

By the Civil Aeronautics Board: July 2, 1979.

Phyllis T. Kaylor, Secretary.

[FR Doc. 79-21064 Filed 7-6-79; 8:45 am]
BILLING CODE 6320-01-M

[Docket 33363]

Former Large Irregular Air Service Investigation; Continuance of Hearing

1. The hearing heretofore set on the application of Duncan Tours, Inc. for 2 July 1979 is cancelled.

2. The hearings heretofore set on the applications of Robert G. Rutkowski, d/b/a Northeastern Airlines, and Lone Star Airways, Inc. for 28 and 31 July 1979 respectively are continued to the following dates:

Rutkowski—September 26, 1979.

The hearings will be held at the place heretofore set and will commence at 9:00 a.m.

Rudolf Sobernheim,
Administrative Law Judge.
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Tuesday, July 31, 1979, at 10 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1979, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

General Session
(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Nomination and election of a new Chairman.
(4) Discussion of accuracy parameters for numerically controlled machine tools.
(5) New business.

Executive Session

(6) Discussion of matters properly classified under Executive Order 11652 and 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent permitted members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary for administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any Subcommittees thereof, was published in the Federal Register on October 25, 1978 (43 FR 49828).


For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.
East-West Trade Working Group; President's Export Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the East-West Trade Working Group of the President's Export Council will be held on Monday, July 16, at 3:00 p.m. in the Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., Room 4830. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11627 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12100 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1975, to advise the President on matters relating to United States export trade, including the implementation of the President's National Export Policy. The Working Group has been formed to study U.S. governmental restrictions on East-West trade and other applicable trade relations issues and to make recommendations to the Council regarding changes or improvements in present U.S. laws and policies relating to East-West trade. The Working Group is composed solely of members of the Council.

The agenda for the meeting will be as follows:

- Discussion of Working Group's goals, responsibilities.
- Overview of U.S.-Soviet, U.S.-China trade relations and other East-West trade issues of possible working group interest.
- Identification of subjects and issues to be addressed by the Working Group.
- Organizational business and discussion of the Working Group's future work.

A limited number of seats at the meeting will be available to the public on a first-come basis. The public may file written statements with the Working Group before or after each meeting. Oral statements may be presented at the end of the meeting to the extent that time is available.

Copies of the minutes of the meeting will be made available on written request, addressed to the Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230. Further information concerning the President's Export Council may be obtained from Mr. Gus Maffrey, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5534.

Dated: June 29, 1979.

Kempton B. Jenkins, Deputy Assistant Secretary for East-West Trade.

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Executive Committee of the President's Export Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Executive Committee of the President's Export Council will be held on Thursday, July 19, at 8:30 a.m. in the Rayburn House Office Building, Washington, D.C., Room B-384. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11827 of January 4, 1975; Executive Order 11948 of December 20, 1976, and Executive Order 12100 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1975, to advise the President on matters relating to United States export trade, including the implementation of the President's National Export Policy. The Executive Committee has been formed to make recommendations to the Council as to actions or positions to be taken by the Council and to act on behalf of the Council between Council meetings. The Executive Committee is composed solely of members of the Council.

The purpose of the meeting is to consider the initial projects to be undertaken by the Council to form the basis for Council recommendations to the President. The agenda is as follows:

- Report by the Chairman on the Direction of Council Activities.
- Report by the Chairman of the subcommittee on work to be undertaken by those bodies.
- Comments or Reports by other Executive Committee members.
- Discussion and other Business.

A limited number of seats at the meeting will be available to the public on a first-come basis. The public may file written statements with the subcommittee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent that time is available.

Copies of the minutes of the meeting will be made available on written request, addressed to the Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230. Further information concerning the President's Export Council may be obtained from Ms. Wendy Haines, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5719.


Peter G. Gould, Deputy Assistant Secretary for Export Development.

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Export Promotion Working Group of the President's Export Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Export Promotion Working Group of the President's Export Council will be held on Wednesday, July 18, at 10:00 a.m. in the Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., Room 317. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12100 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1975, to advise the President on matters relating to United States export trade, including the implementation of the President's National Export Policy. The Working Group has been formed to make recommendations to the Council regarding programs to promote U.S. exports and to create greater export awareness in the U.S. The Working Group is composed solely of members of the Council.

The agenda for the meeting will be as follows:

- Report on the Commerce Department's export promotion programs.
- Identification of subjects and issues to be addressed by the Working Group and organizational business.
A limited number of seats at the meeting will be available to the public on a first-come basis. The public may file written statements with the subcommittee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent that time is available.

Copies of the minutes of the meeting will be made available on written request, addressed to the Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the President's Export Council may be obtained from Ms. Wendy Haimes, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5719.

Dated: July 2, 1979.

Peter G. Gould,
Deputy Assistant Secretary for Export Development.

[FR Doc. 79-21142 Filed 7-10-79; 8:45 am]
BILLING CODE 3510-25-M

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**National Oceanic and Atmospheric Administration**

**New England Fishery Management Council's Scientific and Statistical Committee; Meeting**

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The New England Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and the Council has established the Scientific and Statistical Committee which will meet to discuss a draft fishery management plan for pollock; preliminary development of the redfish management plan; and other business.

**DATES:** The meeting will convene on Tuesday, July 17, 1979, at approximately 9:30 a.m., and will adjourn at approximately 3:00 p.m. The meeting is open to the public.

**ADDRESS:** The meeting will take place at the Holiday Inn, Peabody, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:** New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts, Telephone: (617) 535-5450.

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**COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED**

**Procurement List 1979; Deletion**

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Deletion from Procurement List.

**SUMMARY:** This action deletes from Procurement List 1979 commodities produced by workshops for the blind or other severely handicapped.

**EFFECTIVE DATE:** July 6, 1979.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On May 14, 1979 the Committee for Purchase from the Blind and Other Severely Handicapped published notice (44 FR 28036) of proposed deletion from Procurement List 1979, November 15, 1979 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1979:

**Class 7920**
Mophead, Wet
7920-00-141-5541
7920-00-235-8250
7920-00-235-5531
7920-00-235-0548
7920-00-141-5541
7920-00-235-5500
7920-00-235-5503
E. R. Alley, Jr.,
Acting Executive Director.

**BILLING CODE 3510-25-M**

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**DEPARTMENT OF ENERGY**

**DOE/EIS-0049-D**

Baca Geothermal Demonstration Power Plant; Availability of Draft Environmental Impact Statement and Public Hearing on the DEIS

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability of draft environmental impact statement (DEIS) and public hearing on the DEIS.

**SUMMARY:** The Department of Energy (DOE) announces the availability of a draft environmental impact statement, DOE/EIS-0049-D, Geothermal Demonstration Program, 50 MWe Power Plant, Baca Ranch, Sandoval and Rio...
II. Background for the Proposed Project

The applicants, Union Oil and Public Service of New Mexico, jointly responding to a DOE Request for Proposal, proposed to construct and operate a 50 MWe single flash geothermal powerplant. DOE support, through sharing of capital costs, is sought to complete well-field development and construct a 50 MWe powerplant and necessary transmission lines. The proposed project would be located within the Valles Caldera, on the Baca Ranch (private land) in Sandoval and Rio Arriba Counties, New Mexico. The project site is approximately 30 kilometers (km) west of Los Alamos and 90 km north of Albuquerque. The proposed well-field and plant site are located within Redondo Creek Canyon in an area of approximately 300 hectares (ha). The proposed project would require construction of at least 30 km of 115 kilovolt (kv) transmission lines that would cross lands of the Santa Fe National Forest, the Los Alamos Scientific Laboratory Site, private lands, and, depending on the alternative transmission corridor selected, lands of the Bandelier National Monument.

To date, Union Oil has drilled eighteen wells at the site. Thirteen to sixteen additional wells will have to be drilled and flow-tested to complete field development for the resource required for the proposed 50 MWe capacity plant.

III. Scope of the DEIS

The DEIS addresses the potential impact of the DOE cost-shared funding of the construction and operation of a 50 MWe plant and its associated well-field and transmission lines. In addition, the potential long-range and cumulative impacts of possible future expansion of the resource to support a 400 MWe development for the resource required.

The applicants, Union Oil and Public Service of New Mexico, jointly responding to a DOE Request for Proposal, proposed to construct and operate a 50 MWe single flash geothermal powerplant. DOE support, through sharing of capital costs, is sought to complete well-field development and construct a 50 MWe powerplant and necessary transmission lines. The proposed project would be located within the Valles Caldera, on the Baca Ranch (private land) in Sandoval and Rio Arriba Counties, New Mexico. The project site is approximately 30 kilometers (km) west of Los Alamos and 90 km north of Albuquerque. The proposed well-field and plant site are located within Redondo Creek Canyon in an area of approximately 300 hectares (ha). The proposed project would require construction of at least 30 km of 115 kilovolt (kv) transmission lines that would cross lands of the Santa Fe National Forest, the Los Alamos Scientific Laboratory Site, private lands, and, depending on the alternative Transmission corridor selected, lands of the Bandelier National Monument.

To date, Union Oil has drilled eighteen wells at the site. Thirteen to sixteen additional wells will have to be drilled and flow-tested to complete field development for the resource required for the proposed 50 MWe capacity plant.

III. Scope of the DEIS

The DEIS addresses the potential impact of the DOE cost-shared funding of the construction and operation of a 50 MWe plant and its associated well-field and transmission lines. In addition, the potential long-range and cumulative impacts of possible future expansion of the resource to support a 400 MWe complex are discussed.

The range of alternatives addressed in the DEIS includes the no action alternative, funding a plant at other locations, and alternative use of the geothermal resource. Alternative plant designs and alternative transmission corridors are also addressed.

III. Comment Procedures

A. Availability of Draft EIS

Copies of the DEIS have been distributed to Federal, State, and local agencies, organizations, and to individuals known to be interested in the Baca geothermal demonstration power plant. Additional copies may be obtained from the Baca Geothermal Demonstration Project Office, U.S. Department of Energy, Plaza del Sol Bldg., Room 712, 600 Second Street, NW., Albuquerque, New Mexico 87102, (Phone: 505/768-3822) or from the Division of Geothermal Energy at the Washington, D.C. address given above. Copies of the DEIS and copies of the documents used in preparing the DEIS are available for public inspection at: Santa Fe National Forest Office, Federal Post Office Building, Paseo de Peralta, Santa Fe, New Mexico.

A copy of the bibliography of these documents as well as copies of the DEIS are also available for public inspection at the following locations:

Public Reading Room, FOI Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC.
Chicago Operations Office, 9300 South Cass Avenue, Argonne, Illinois.
Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Illinois.
Richland Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Energy Information Center, 215 Fremont Street, San Francisco, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.
Regional Energy/Environment Information Center, Denver Public Library, 1257 Broadway, Denver, Colorado.

B. Written Comments

Interested parties are invited to provide written comments on the DEIS to the Division of Geothermal Energy at the Washington, D.C. address given above. Comments should be identified on the outside of the envelope with the designation "Draft EIS on Baca Demonstration Power Plant." All comments and related information should be received by DOE by September 7, 1979, in order to insure consideration in preparing the final statement. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing. Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

C. Public Hearing

1. Participation Procedure. A public hearing on the draft statement will be held at the Shalako Motor Inn, 12901

Arriba Counties, New Mexico (July, 1979) for a proposed DOE action to cost share the construction and operation of a geothermal powerplant with Union Geothermal Company of New Mexico and Public Service Company of New Mexico. The proposed project would also include installation of a 115,000 volt transmission line to a substation located 30 kilometers from the plant.

Written comments are invited and a public hearing will be held with respect to the DEIS.

DATES: Written comments should be received at DOE by September 7, 1979, in order to insure consideration in preparing the final environmental impact statement. The public hearing is scheduled to be held on August 30, 1979, in Albuquerque, New Mexico, from 9:00 a.m. to 5:00 p.m. Depending on the response to this notice, the hearing may be continued on August 31. Intentions to speak and preferred times (e.g., a.m. or p.m.) should be received at DOE by August 15.

ADDRESSES: Written comments on the DEIS and intentions to speak at the hearing should be addressed to:

The public hearing will be held at the Shalako Motor Inn, 12901 Central Avenue NE, Albuquerque, New Mexico 87123.

FOR FURTHER INFORMATION YOU MAY CONTACT:
Phone: 202/376-1690.
2. Mr. Arthur Wilbur, Department of Energy, Plaza del Sol Bldg., Room 712, 600 Second Street, NW., Albuquerque, New Mexico 87102.
Phone: 505/768-3822.
Phone: 202/376-5998.
Phone: 202/245-6047.

SUPPLEMENTARY INFORMATION:
I. Previous Notice of Intent

The Department of Energy published a Notice of Intent (44 FR 7998) on February 8, 1979, regarding the preparation of a draft EIS on the Baca geothermal demonstration power plant.
Central Avenue NE, Albuquerque, New Mexico, on August 30, 1979 from 9:00 a.m. to 5:00 p.m. to provide an opportunity for oral presentations by interested persons. Depending on the responses to this notice, the hearing may be continued on August 31.

A DOE official will designate a presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing. Any person who desires to speak at the hearing should notify the Division of Geothermal Energy at the Washington, D.C. address listed above before August 15, 1979, so that time can be scheduled. Although not required, persons who intend to speak are encouraged to provide a brief summary of the presentation. Each person desiring to speak will be notified in writing by DOE before August 23, 1979, of the time schedules for the presentations and of the time available. Speakers will also be notified by telephone if numbers are provided.

Individuals who did not make an advance arrangement to speak may register to speak at the hearing. After all scheduled speakers, an opportunity will be provided to these individuals to speak. Time for each participant will be limited depending on time available and the number of responses.

2. Conduct of Hearing. DOE will arrange the schedule of presentations to be heard and will establish basic rules and procedures for conducting the hearing. The length of each presentation may be limited, depending on the number of persons desiring to speak.

Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any participant who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer.

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

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 Office, Room GA-162, Forrestal Building, 100 Independence Avenue, SW, Washington, D.C. 20585, and at the Geothermal Demonstration Project Office, Plaza del Sol Building, Room 712, 600 Second Street, NW, Albuquerque, New Mexico 87102, between the hours 8:00 a.m. and 4:30 p.m., Monday through Friday. Additional copies of the complete transcript will also be available at the public document centers noted above. Any person may purchase a copy of the transcript from the reporter.

D. Public Meetings

In addition to the public hearing, DOE will also conduct an informal public information meeting on the DEIS in one or more of the communities in the proximity of the proposed project. DOE will issue specific information on the time and place of the meetings in the local news media.

James L. Liverman,
Deputy Assistant Secretary for Environment
[FR Doc. 79-2147 Filed 7-5-79; 4:15 pm]
BILLING CODE 6550-51-M

Economic Regulatory Administration

Northern States Power Co.; Availability of Proposed Order To Authorize Transmission of Electric Energy to Canada

AGENCY: Department of Energy, Economic Regulatory Administration.


SUMMARY: ERA has issued a proposed order in ERA Docket No. IE-78-6 authorizing Northern States Power Company to export electric energy to the Manitoba Hydro-Electric Board of Canada.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: Northern States Power Company (NSP) filed an application with the Federal Power Commission in Docket No. E-9389 on April 18, 1977 for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Canada. In addition, by separate application also filed on April 18, 1977, NSP sought permission, pursuant to Executive Order No. 10585, as later amended by Executive Order No. 12033, for a presidential permit to construct, connect, operate and maintain a 500 kV international interconnection at the United States-Canadian border. Both applications were transferred to the Department of Energy upon its formation. On March 6, 1979 the Administrator of the Economic Regulatory Administration (ERA) signed the Presidential Permit authorizing the interconnection.

The electric energy proposed to be transmitted to Canada by NSP will be sold to the Manitoba Hydro-Electric Board (Manitoba Hydro) in accordance with the terms and at the rates set forth in the Coordinating Agreement and the Transactions Agreement, both dated July 21, 1976, copies of which were filed as exhibits to the application. According to the application, Manitoba Hydro will utilize the electric energy purchased and received from NSP to improve the reliability and security of its electric supply.

Notice of the application was given by publication in the Federal Register on May 2, 1977 (42 FR 22198) stating that any person desiring to be heard or to make any protest with reference to the application should on or before May 6, 1977 file with the Federal Power Commission, Washington, D.C. 20581, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.10). No petition or protest or request to be heard in opposition to the granting of the application was received by the FPC or ERA.

Upon consideration of the matter, ERA proposes to find that the proposed transmission of electric energy from the United States to Canada as limited and authorized by the proposed order would not impair the sufficiency of electric supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of ERA.

ERA proposes to authorize NSP to export electricity in the following six categories:

1. Emergency Energy—1,500,000 megawatt-hours annually.
2. Seasonal Diversity Capacity—263,000 megawatt-hours annually.
3. Loop Flows—800,000 megawatt-hours annually.
4. Storage Transfer Energy—1,250,000 megawatt-hours annually.
5. Short-term Firm Power—5,000,000 megawatt-hours annually.
6. Interruptible Energy—Any power not sold under the preceding five categories will be sold as interruptible energy [up to the maximum energy transfer capacity of the 500 kV international transmission line, 8,200,000 megawatt-hours].
distinguished between various categories of energy exported. These specific categories with accompanying limits on amounts of energy exported thereunder will provide ERA with more control over and better information on the transmission of electricity across international borders. Furthermore, the proposed permit is similar to the one issued by the National Energy Board of Canada to Manitoba Hydro allowing it to sell energy to NSP pursuant to the Transactions and Coordinating Agreements of July 21, 1977 between the two companies.

Any person desiring to comment on the proposed order should submit such comments to the System Reliability and Emergency Response Branch, Economic Regulatory Administration, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, on or before July 9, 1979. Comments received by July 9, 1979 will be considered by ERA in issuing the final order to NSP.

Copies of the proposed order 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, NW., Washington, D.C., and at the System Reliability and Emergency Response Branch, Room 4110, 2000 M Street, NW., Washington, D.C.


Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

Mr. Kenneth F. Plumb,

Re: ERA Certification of Eligible Use, ERA Docket No. 79-CERT-005, Anchor Hocking Corporation.

Dear Mr. Plumb:

Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting the enclosed certification of an eligible use of natural gas to displace fuel oil to the Commission. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 10 CFR Part 284, Subpart F (FERC Order No. 30, 44 FR 20398, May 25, 1979). As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the Federal Register and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Nielsen, Director, Import/Export Divisions, Economic Regulatory Administration, 2000 M Street, N.W., Room 6318, Washington, D.C. 20461, telephone (202) 254-9730. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-005.

Sincerely,

Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Anchor Hocking Corp.

Applicant for Certification

Pursuant to 10 CFR Part 595, Anchor Hocking Corporation (Anchor) filed an application for certification of an eligible use of up to 3,000 Mcf of natural gas per day at its Salem Plant with the Administrator of the Economic Regulatory Administration (ERA) on April 20, 1979. The application states that the eligible sellers of the gas are Gas Transport, Inc. and Carl E. Smith, Inc. and that the gas will be transported by Transcontinental Gas Pipe Line Corporation and Columbia Gas Transmission Corporation. Attached to the application was an affidavit stating, among other things, that the natural gas will be used to displace approximately 175,000 barrels of No. 6 fuel oil (up to 2% sulfur) and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 3,000 Mcf of natural gas per day at Anchor's Salem Plant purchased from Gas Transport, Inc. and Carl E. Smith, Inc. is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F.


Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

[ERADocketNo.79-CERT-005]

Anchor Hocking Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Anchor Hocking Corporation (Anchor) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Salem Plant with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on April 20, 1979. Notice of that application was published in the Federal Register (44 FR 20398, April 5, 1979). The Administrator has determined that Anchor's application satisfies the criteria enumerated in 10 CFR Part 595.

The Administrator has carefully reviewed Anchor's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that Georgia-Pacific's application satisfies the criteria enumerated in 10 CFR Part 595.

[ERADocketNo.79-CERT-023]

Georgia-Pacific Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Georgia-Pacific Corporation (Georgia-Pacific) filed an application for certification of an eligible use of natural gas to displace fuel oil at its gypsum manufacturing facility in Lovell, Wyoming, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on May 25, 1979. Notice of that application was published in the Federal Register (44 FR 35002, June 10, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The Administrator has carefully reviewed Georgia-Pacific's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that Georgia-Pacific's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the
transmittal letter and the actual certification are appended to this notice.


Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

Mr. Kenneth F. Plumb,

Re: ERA Certification of Eligible Use, ERA Docket No. 79-CERT-023, Georgia-Pacific Corporation.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting the enclosed certification of an eligible use of natural gas to displace fuel oil to the Commission. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F (FERC Order No. 30, 44 FR 30323, May 25, 1979). As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the Federal Register and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 6318, Washington, D.C. 20441, telephone (202) 254-9730. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-023.

Sincerely,
Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Georgia-Pacific Corp.

Application for Certification

Pursuant to 10 CFR Part 595, Georgia-Pacific Corporation (Georgia-Pacific) filed an application for certification of an eligible use of natural gas at its gypsum manufacturing plant in Lovell, Wyoming, with the Administrator of the Economic Regulatory Administration (ERA) on May 25, 1979. The application states that Georgia-Pacific could purchase up to 500,000 Mcf of natural gas per year from Montana Power Company for use at the Lovell facility. It also states, however, that Georgia-Pacific’s average natural gas use at the Lovell facility over the past two years is 458,000 Mcf per year and that current curtailment has reduced the availability of natural gas to 73,204 Mcf per year, leaving an approximate additional requirement of 377,000 Mcf per year. The application states that the gas will be purchased from Montana Power Company and will be transported by the Montana-Dakota Utilities Company.

Attached to the application was an affidavit stating, among other things, that the 377,000 Mcf per year will displace 2,500,000 gallons of No. 2 fuel oil (3.3-3.6% sulfur) and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant’s facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 377,000 Mcf of natural gas per year at Georgia-Pacific’s gypsum manufacturing facility at Lovell, Wyoming, purchased from Montana Power Company is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F.


Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 79-20982 Filed 7-14-79; 8:45 am] BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-021]

Long Island Lighting Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Long Island Lighting Company (Long Island) filed an application for certification of an eligible use of natural gas to displace fuel oil at its E. F. Barrett Electric Plant, Glenwood Electric Plant, and Far Rockaway Electric Plant with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on May 17, 1979. Notice of that application was published in the Federal Register (44 FR 35003, June 18, 1979) and an opportunity for public comment was provided for a period of 10 calendar days from the date of publication. No comments were received.

The Administrator has carefully reviewed Long Island’s application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 7, 1979). The Administrator has determined that Long Island’s application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.


Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

Mr. Kenneth F. Plumb
Secretary,


Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting the enclosed certification of an eligible use of natural gas to displace fuel oil to the Commission. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F (FERC Order No. 30, 44 FR 30323, May 25, 1979). The certification application indicates that there is an application by Transcontinental Gas Pipe Line Corporation to transport this supply of natural gas to Long Island Lighting Company pending at the Commission (Docket No. CP 79-203). As noted in the certification, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the Federal Register and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 6318, Washington, D.C. 20441, telephone (202) 254-9730. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-021.

Sincerely,
Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Long Island Lighting Co.

Application for Certification

Pursuant to 10 CFR Part 595, Long Island Lighting Company (Long Island) filed an application for certification of an eligible use of natural gas to displace fuel oil at its E. F. Barrett Electric Plant, Glenwood Electric Plant, and Far Rockaway Electric Plant with the Administrator of the Economic Regulatory Administration (Docket No. CP 79-203). As noted in the certification, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the Federal Register and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 6318, Washington, D.C. 20441, telephone (202) 254-9730. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-021.

Sincerely,
Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Long Island Lighting Co.

Application for Certification

Pursuant to 10 CFR Part 595, Long Island Lighting Company (Long Island) filed an application for certification of an eligible use of 10,000 Mcf of natural gas per day at its E. F. Barrett Electric Plant, Glenwood Electric Plant, and Far Rockaway Electric Plant with the Administrator of the Economic Regulatory Administration (ERA) on May 17, 1979. The application states that the eligible seller of the gas is Dakota Gas Pipeline Corporation and the gas will be transported by Transcontinental Gas Pipeline Corporation. The application and supplementary information indicates that the 10,000 Mcf per day will displace...
approximately 540,000 barrels of No. 6 fuel oil (3.7% sulfur) and 68,000 barrels of No. 2 fuel oil (3.7% sulfur). The affidavit attached to the application states that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 505, that the use of up to 10,000 Mcf of natural gas per day at Long Island's E. F. Barret Electric Plant, Glenwood Electric Plant, and Far Rockaway Electric Plant purchased from Delhi Gas Pipeline Corporation is an eligible use of gas within the meaning of 10 CFR Part 505.

Effective Date

This certification is effective upon the date issued, and expires one year from that date, unless a shorter period of time is required by 10 CFR Part 284, Subpart F.


Barton R. House,
Acting Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 79-20000 Filed 7-6-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2873]

Iowa Power & Light Co.; Application for Preliminary Permit


Take notice that on October 5, 1979, Iowa Power and Light Company filed an application for preliminary permit, pursuant to the Federal Power Act, 16 U.S.C. § 791(a)--825(r) for a proposed water power project to be known as the Red Rock Dam Project, FERC No. 2873, located on the Des Moines River in Marion County, Iowa. The proposed project would utilize the U.S. Corps of Engineers’ Red Rock Dam. Correspondence with the Applicant should be directed to Mr. Jerry C. Correa, Attorney, Iowa Power and Light Company, 666 Grand Avenue, P.O. Box 697, Des Moines, Iowa 50309.

Purpose of Permit—The Iowa Power and Light Company would sell the total power generated at the project to retail consumers in central and southwestern Iowa.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it proposes to conduct field surveys, and economic and environmental studies, and to develop preliminary and final designs of the project. The Applicant estimates the cost of the proposed studies would be $120,000.

Project Description—The Red Rock Dam Project would consist of: (1) a proposed powerhouse with an installed capacity of 22,000 kW, and (2) appurtenant facilities. The estimated average annual output of the proposed project would be 97,600,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction: A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission’s Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission’s Rules.

Any protest, petition to intervene, or agency comments must be filed on or before August 27, 1979. The Commissioner’s address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb.
Secretary.

[Docket No. CP77-457]

Northwest Pipeline Corp.; Order Granting Rehearing for Further Consideration

Issued: June 29, 1979.

On April 26, 1979, the Commission issued an order which requested, inter alia, Northwest Pipeline Corporation [Northwest] to credit net revenues received from providing short-term transportation service to its Account No. 191 as a condition to receiving authority to transport natural gas under Section 7(c) of the Natural Gas Act.

An application for rehearing and consolidation was filed on May 29, 1979, by Northwest which requests the Commission vacate parts of the April 26, 1979, order concerning crediting of revenues to Account No. 191 and requests the instant docket be consolidated with Docket No. CP77-378 for the purpose of considering whether Northwest is entitled to retain the revenues.

We shall grant Northwest’s application for rehearing solely for purposes of further consideration and defer action on the consolidation request until such time as we act on rehearing. This action does not constitute a grant or denial of the application on its merits in whole or in part. As provided in Section 1.34(d) of the Commission’s Rules of Practice and Procedure, no answers to the application for rehearing will be entertained by the Commission since his order does not grant rehearing on any substantive issues.

The Commission orders:

(A) Northwest’s Application For Rehearing filed on May 29, 1979, is hereby granted for the limited purpose of further consideration of our April 26, 1979, order.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

1 Order on Remand Establishing Procedures.
2 Account No. 191 is designated “Uncovered Purchased Gas Costs” in the Commission’s Uniform System of Accounts prescribed for Natural Gas Companies.
By the Commission.
Kenneth F. Plumb, Secretary.

[FR Doc. 79-20973 Filed 7-6-79; 6:45 am]
BILLING CODE 6450-01-M

[Docket No. GP79-38]
State of Montana; Preliminary Finding
Issued: June 28, 1979

On May 14, 1979, the Montana Board of Oil and Gas Conservation submitted to the Commission notices of affirmative determination that two True Oil Co. wells (Consolidated State 42-20, JD79-4818; Burlington Northern 42-2, JD79-4821) meet all the requirements of the new onshore reservoir provision in section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. 95-621.

According to section 102(c)(1)(C)(ii) of the NGPA, a reservoir shall not qualify as a new onshore reservoir if it was penetrated before April 20, 1977 by an old well from which natural gas or crude oil was produced in commercial quantities, and natural gas could have been produced in commercial quantities from such reservoir through the old well before April 20, 1977.

The records show that Consolidated State 42-20 was spudded on July 30, 1976 and was completed as an oil well on Oct. 1, 1976. The well produced crude oil in commercial quantities before April 20, 1977. The records also show that Burlington Northern 42-2, as spudded on August 30, 1976, and was completed as an oil well on Nov. 14, 1976. The well produced crude oil in commercial quantities before April 20, 1977. In both cases the casinghead gas produced in conjunction with the oil has been vented.

Since both reservoirs were penetrated by old wells from which crude oil was produced in commercial quantities, and both reservoirs demonstrated that they could have produced natural gas in commercial quantities before April 20, 1977, the reservoirs are subject to the behind-the-pipe exclusion in section 102(c)(1)(C)(ii) and are not new onshore reservoirs as defined in the NGPA.

Accordingly, the Commission hereby makes a preliminary finding (pursuant to section 275.202(a)(1)(C)) that the determinations submitted by the Montana Board of Oil and Gas Conservation are not supported by substantial evidence in the record on which the determinations were made.

By direction of the Commission.
Kenneth F. Plumb, Secretary.

[FR Doc. 79-20970 Filed 7-6-79; 6:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-199]
Transcontinental Gas Pipe Line Corp. and Columbia Gas Transmission Corp.; Joint Application
June 27, 1979

Take notice that on March 1, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P. O. Box 1386, Houston, Texas 77001 and Columbia Gas Transmission Corporation (Columbia), P. O. Box 1273, Charleston, West Virginia 25322, filed in Docket No. CP79-199, a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange natural gas under the terms of an exchange agreement dated January 23, 1979, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that it has contracted to purchase gas produced from the Lake Hatch Field, Terrebonne Parish, Louisiana. It is stated that Transco is obligated to arrange for the transportation from the Lake Hatch Field of gas owned by several of its distribution Company customers, its only direct industrial customer, and two industrial customers of Transco's distribution customers, or their affiliates. It is stated that such gas is owned by these customers as a result of their participation in a joint venture exploration and drilling program organized by Transco Exploration Company and McMoRan Exploration Company, as more fully described in the application that Transco filed in Docket CP79-49.

According to the agreement Transco would deliver or cause to be delivered, gas to Columbia Gulf Transmission Company (Columbia Gulf), for Columbia's account, at a defined delivery point in the Lake Hatch Field. Likewise, Columbia would receive or cause to be received, such gas up to a maximum of 1,000 Mcf per day, plus such other volumes of gas as Columbia from time to time shall agree to accept from Transco, it is said. Columbia would then redeliver or cause to be redelivered, to United Gas Pipe Line Company (United), for Transco's account, at a defined redelivery point in the Lake Hatch Field, volumes of gas equivalent in thermal content to the gas being received by Columbia from Transco at the delivery point, Applicants state.

If deliveries of gas to balance the differences in volumes received and redelivered cannot be accomplished at the redelivery point, Transco and Columbia have agreed to exchange at a defined balance point such volumes as necessary to accomplish such balance. The location of the balance point is in the Orange Grove Field, Terrebonne Parish, Louisiana, where both Transco and Columbia have gas available which could be delivered to the other. It is indicated.

The term of the agreement will be for a primary term of five years from the date of first delivery of exchange gas and thereafter the term will be for successive periods of one year, with no charge being made by Transco or Columbia for this proposed exchange service, it is stated. The exchange would be handled through existing facilities, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D. C. 20428, 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 the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.
Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumh,
Secretary.

[FR Doc. 79-29072 Filed 7-6-79; 8:45 am]
BILLING CODE 8450-01-M

{Docket No. CP79-359}
Transcontinental Gas Pipe Line Corp.; Application

June 27, 1979

Take notice that on June 12, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-359 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Transco to transport natural gas from Delmarva Power & Light Company (Delmarva) and Elizabethtown Gas Company (Elizabethtown) to the Transcontinental Gas Co. (Transco) for one-year underground storage service in the amount of 450,000 Mcf and 1,500,000 Mcf respectively, and have requested Transco to transport injection and withdrawal quantities for their respective accounts.

Injection quantities would be delivered to Supply Corporation through existing facilities at the Wharton Storage Field in Pennsylvania. Withdrawal quantities would be delivered to Transco at that point and in turn delivered to Delmarva and Elizabethtown at existing points of delivery to those customers in Pennsylvania and New Jersey, respectively.

It is stated that of the quantities transported, 3 percent during injection and 4 percent during withdrawal would be retained by Transco for compressor fuel and line loss makeup, subject to change as operating conditions warrant. For all quantities transported and delivered, Delmarva and Elizabethtown would pay Transco an initial rate of 7.0 cents per dekatherm.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20546, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein. If the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, if a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumh,
Secretary.

[FR Doc. 79-3353 Filed 7-5-79; 8:45 am]
BILLING CODE 8450-01-M

Western Area Power Administration
Central Valley Project (CVP); Proposed Order Confirming, Approving, and Placing Increased Power Rates in Effect on an Interim Basis

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of a Proposed Rate Order and Opportunity for Public Comment—Central Valley Project, California.

SUMMARY: Notice is given of a proposed Rate Order, No. WAPA-2, of the Assistant Secretary for Resource Applications placing increased power rates into effect October 1, 1979, on an interim basis for power marketed by the Western Area Power Administration (WAPA) from the Central Valley Project, California. The rate proposal involving a single rate structure (Rate Structure A) would increase rates for FY 1980 13 percent above the interim rates in effect since May 25, 1978 and increase annual project revenues by $5.6 million. The increase in proposed rates above the rate in effect prior to May 25, 1978 represents an overall increase of 115 percent, and an increase in annual project revenues of $25.8 million in FY 1980. The proposed Rate Order discusses the principal factors leading to the decision and responds to the major comments, criticisms and alternatives offered during the rate increase proceedings. Interested persons will have 30 days from publication of notice to submit comments in writing to the Assistant Secretary on the proposed decision. An opportunity for an oral presentation of views, data, and arguments will be afforded interested persons upon request.

DATES: Written comments are due on or before August 8, 1979. Requests for an oral presentation must be received within 15 days after the publication of this notice.

ADDRESSES: Requests for an oral presentation and three copies of written comments should be submitted to: Assistant Secretary for Resource Applications, Director, Office of Power Marketing Coordination, Department of Energy, Room 3353, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20541, (202) 633-4336.

In addition, three copies of the written comments should also be sent to each of the following:

Mr. Robert L. McPhail, Administrator, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401.

Mr. Gordon R. Estes, Area Manager, Sacramento Area Office, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, CA 95825.

The oral hearing, if scheduled, would be held at Sacramento, California and would be announced in a future Federal Register notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Gordon R. Estes, Area Manager, Sacramento Area Office, Western Area Power Administration, Department of Energy.
Proposed Rate Order—Department of Energy, Assistant Secretary for Resource Applications

Central Valley Power Project Power Rates: Order Confirming, Approving, and Placing Increased Power Rates in Effect on an Interim Basis

[Rate Order No. WAPA-2] [ , 1979]

In the matter of: Western Power Administration—Central Valley Project Power Rates, Rate Order No. WAPA-2. Pursuant to Section 302(a) of the Department of Energy Organization Act of August 4, 1977 (42 U.S.C. 7101 et seq.), the power marketing functions of the Secretary of the Interior for the Bureau of Reclamation, under the Reclamation Act of 1902 (43 U.S.C. 372 et seq.), as amended by subsequent enactments, particularly Section 9 (c) of the Reclamation Act of 1939 (43 U.S.C. 485b(c)) and acts specifically applicable to the Central Valley Project, were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60630, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Background

Existing rates

The rates which are the subject of this order supersede the following existing CVP rates:

Existing rate and effective dates:


Rate Schedule CV-P2R, Commercial Irrigation and/or Drainage Pumping Service and for Wholesale Firm Power Service When Supplied in Conjunction Therewith—May 25, 1979, extended through October 31, 1979.

Public Notice and Comment

The power repayment study which was prepared for the Central Valley Project (CVP) in 1973 showed that the existing rates failed to produce sufficient revenues to pay all power costs and to repay the project investment allocated to power within the repayment period as established by law. Efforts made to increase the power rates on CVP during the years 1973 through 1976 were futile. Proposed rate actions were either set aside by the courts, primarily on the basis of improper procedures, or abandoned because of delays and changed conditions. In early 1977, it was decided to abandon previous efforts and to start a new rate adjustment proceeding using updated data.

Current and Revised Power Repayment Studies dated September 1, 1977, showed that in order to accomplish repayment, average annual revenues would have to be increased $42.4 million during the 1979-1981 period. This would be an increase of about 180 percent above the average annual revenues from commercial power sales (there are revenues from other sources) based on then current rates. Two tentative power rates (Alternative A and Alternative B) which would achieve the necessary increase in CVP power revenues were developed from rate design studies dated September 1977 using historical data through FY 1976.


Three Public Information Forums were held in Sacramento, California, on October 5, October 25, and November 3, 1977. A Public Comment Forum was held in Sacramento on November 30 and December 1, 1977. Predominant among the comments was the contention from many interested parties that the existing time schedule did not allow sufficient time to analyze the tentative rate proposals, particularly the “A” and “B”
alternatives, and prepare effective comments. As a result of comments received and the need to reduce the ongoing CVP deficit, procedures were established that provided for interim rates and an extension of the information and comment period (see section below on Interim Rates).

Supplemental Public Information Forums concerning the tentative power rates were held in Sacramento on April 27, June 9, September 27 and 28, and October 19 and 20, 1978. Written comments were received through November 22, 1978, and written rebuttal comments were received through December 22, 1978. A Public Comment Forum was held in Sacramento on January 9 and 10, 1979. Final written summaries were received through noon, February 1, 1979.

Interim Rates

Interim rates were approved for one year by the Economic Regulatory Administration (ERA) by an order published in the Federal Register on March 24, 1978, at 43 FR 12361. The interim rates became effective May 25, 1978, for customers of the CVP. These new rates which resulted in a composite average yield of 8.38 mills/kWh, increased annual revenues by about $20 million.

The interim rates include a capacity charge of $2.00/kW/mo and an energy charge of 4.2 mills/kWh. The previously existing rates, which were in effect since 1945, consisted of a capacity charge of $.75/kW/mo and declining charges of 4; 3, and 2 mills/kWh for increasing blocks of energy. The interim rates were extended by order of the Assistant Secretary for Resource Applications. Notice of the extension was published in the Federal Register on April 17, 1979, at 44 Fed. Reg. 22804.

Discussion

Repayment

The revised Power Repayment Study dated September 1, 1977, showed that the composite rate for commercial power sales would have to be increased from about 4.3 mills per kilowatthour to nearly 12.5 mills per kilowatthour. Two alternative rate designs which would produce the same increase in CVP power revenues were also developed and presented for public review and comment.

As a result of comments received which indicated that more time was needed for adequate review of the alternative rates, interim rates, coupled with an extension of the period for public review and comment were proposed. After reviewing written comments regarding interim rates, proposed interim rates were approved by the Assistant Secretary for Resource Applications on January 4, 1978, and customers were subsequently notified. The proposed rates involved two steps. The first step which was to become effective May 1, 1978, yielded about 8.4 mills per kilowatthour, and the second step, which was to become effective April 1, 1979, involved a dual energy charge and yielded about 10.7 mills per kilowatthour. Subsequently, the ERA issued a final decision approving only the first step of the proposed interim rates in its order of March 20, 1978. The approved interim rate which yielded about 8.4 mills per kilowatthour became effective May 25, 1978.

As a result of customer comments and continuing WAPA staff review, a new Revised Power Repayment Study, dated May 11, 1978, showed that an initial composite rate of 10.85 mills per kilowatthour with adjustments in 1996 (increased to cover purchased power cost between 1996 and 2004) and reduced to 901 in 2005 (when contractual requirements to meet a 1050 MW load level expires) would be sufficient to accomplish repayment. This change, which was based, in part, on comments received during public review, resulted from:

1. Revised water and power operation studies reflecting the end of the 1976-77 drought, and revised system energy loss calculations, both of which increased salable project generation;
2. Revised assumptions regarding increased Project Dependable Capacity (PDC) in 1985 and thereafter that would require changes in the existing contract with the Pacific Gas and Electric Company (PG&E) before the higher capacity amounts projected in the September 1977 study could become effective; (3) Revised estimates of customeloads based on more current information (which reduced the need for purchased power); and
4. Revised estimates of the cost of power purchased from the Northwest (based, in part, on more recent cost data acquired by customer consultants).

After further public comments and consideration of other policy issues that were not addressed in the May 1978 Revised Power Repayment Study, another Revised Power Repayment Study, dated September 22, 1978, was made available for public review. This study showed that an initial composite rate of 10 mills per kilowatthour would be adequate to accomplish repayment. Changes in the study were:

1. The restoration of PDC to predrought levels, as a result of the end of the 1976-77 drought, with resulting increased capacity sales;
2. A reduction in the cost of wheeling over the PG&E system from 1.33 mills per kilowatthour to 1.20 mills per kilowatthour to reflect WAPA's position before the FERC; and
3. The inclusion of the assumption that sales to PG&E of power purchased from the Northwest would be at cost from April 1, 1981, (the next opportunity to revise the sale price) through December 31, 1983, when such sales and purchases cease.

Single or Dual Rates

Single and dual rate proposals were developed for public comment because it was argued that CVP does not provide the same service to all its firm power customers. Seven customers have their total requirements assured through 1980 or until the total CVP load reaches 1050 MW. One customer, the City of Santa Clara, receives only power which is withdrawable. The remaining customers have fixed long-term entitlements plus, in some cases, withdrawable power. Also, several of the customers purchase power from PG&E to cover their additional requirements.

The obligations to serve the total requirements of the seven customers, referred to as "load-growth customers", developed as a result of the California Congressional delegation requesting that the amount of power to be imported from the Northwest (purchased power) be increased so that CVP customer load-growth could be met through 1980. The cost of purchased power in recent years has increased beyond expectations at the time the arrangements were made, and customers not receiving the load-growth service have objected to paying part of the cost of the power purchased for the load-growth customers, particularly since some of the nonload-growth customers must purchase their additional requirements at even higher rates from PG&E.

In recognition of the objection by the nonload-growth customers, the two alternative rate structures (Alternatives A and B) were presented in September 1977. The Alternative A rate structure, consisting of a single capacity and energy charge ($2.00/kW/mo and 8.28 mills/kWh), would apply to all CVP firm power sales. Alternative B rate structure had a single capacity charge ($2.00/kW/mo) which would apply to all firm capacity sales, and a dual energy charge ($4.3 and 20.91 mills/kWh) in which the lower charge would apply to the nonload-growth portion of CVP energy.
supplied to all CVP customers, and the higher charge would apply to the growth portion of the load-growth customers' loads. Because of inconsistent results which developed in the application of the Alternative B rate structure criteria contained in the May 11, 1978, Revised Power Repayment Study (the overall rate decreased, but the load-growth portion showed an increase), it was replaced in September 1978 by an Alternative C rate structure which consists of both a dual capacity charge ($1.18 and $2.40/KW/mo) and a dual energy charge ($3.60 and $3.32 mills/KWh), with the lower charges applicable to CVP generated supply and the higher charges applicable to the purchased power supply.

The load-growth customers object to the dual rate concept (Alternative B and Alternative C), by contending that:

(1) At no time when their contracts were being amended to provide for load-growth service were they led to believe that such service might sometime be at a different monetary rate than other CVP firm power.

(2) Their contracts provide only for increasing obligations from CVP and do not distinguish between load-growth service and nonload-growth service, or between CVP generated service and purchased power service;

(3) The traditional approach to rate setting by the Bureau of Reclamation, now the WAPA, has been a single rate for firm power for each project (such as CVP);

(4) If any power should be subject to a higher rate it should be the withdrawable power, since without the purchased power the withdrawable power would have been withdrawn long ago to meet long-term obligations;

(5) Nonload-growth customers with load less than the fixed long-term entitlements receive load-growth service if and as their loads grow (up to their fixed long-term entitlements); and

(6) Load-growth service from CVP for the load-growth customers will continue through 1980 or until the total CVP load reaches 1050 MW, after which the load-growth customers must obtain their additional requirements from another source the same as the nonload-growth customers.

Load-growth customers also make the argument that economic principles require that the cost of additional power needed to meet a utility's load-growth is to be charged on a uniform basis to all consumers served by the utility. We do not adopt this argument.

Rate Structure A (single rate) and Rate Structure C (dual rates) were considered in depth during the rate increase proceedings on the CVP. Each of these two rate structures is valid. Each of them, however, as explained in this rate order, has been objected to by various customers during the proceedings. In addition, many interrelated and inseparable issues, which are identified and explained in this rate order, remain unresolved. We believe that if Rate Structure C was to be implemented at this time, it might interject other conditions which may further compound unresolved issues. Furthermore, dual rates would be more difficult and costly to administer, and might set an interest-free precedent. For these reasons, and the reasons presented by the load-growth customers, we have selected the single rate for confirmation and approval by this rate order.

Special Irrigation Rate for Non-Federal Irrigation Loads

During the public review and comment period, the irrigation district officers of the CVP prepared legal briefs and a study that purported to show that non-Federal irrigation loads should have the same preference as the Federal project loads, and therefore should qualify for the Federal project rate, which is $2.50 per kilowatthour for the CVP. As a minimum, they claim that non-Federal irrigation districts should be entitled to a special rate based on an interest-free investment for service to them, exclusive of any costs associated with purchased power and irrigation assistance that must be repaid by power revenues.

It is our position that legislative provision for priority is use by Federal projects and, consequently, for special project rates clearly applies to uses by Federal projects and is not applicable to non-Federal irrigation loads. Therefore non-Federal irrigation loads are not exempt from rates which include purchased power cost and/or irrigation assistance for the Federal project. In addition, none of the Federal project investment allocated to commercial power is interest free. Therefore, we conclude the non-Federal loads are not entitled to a special rate based on interest-free investment.

A review of existing practices and analysis of the potential effect of establishing a special rate for non-Federal irrigation loads indicates that in the interest of equity and fairness to all commercial power customers, the existing practices, as employed for some time by the Bureau of Reclamation, should be continued. Under these practices, non-Federal irrigation (districts) loads are charged the same firm power rate as that charged other commercial power customers. However, because of the seasonal nature of irrigation pumping load, the minimum monthly bill provision which applies to other commercial power customers has been waived for commercial irrigation and/or drainage pumping service and for other purposes when supplied in conjunction therewith.

Power Allocations and Obligations

Present allocations of CVP power were made in 1964. Contracts with seven customers have been amended to provide for CVP to supply their total loads through 1980 or until the total CVP load reaches 1050 MW. These amendments were made possible by Contract No. 14-06-200-2918A between the United States and Pacific Gas and Electric Company (Contract 2918A), which allows CVP to serve increasing customer loads up to 1050 MW in 1980. The contract with PG&E established a certain customer load level of 925 MW, including power marketed on a withdrawable basis, until the loads served under long-term obligations reach that level, and then the customer load level would increase with load-growth up to a maximum of 1050 MW in 1980. These amounts (925 MW and 1050 MW) are for simultaneous or coincident loads.

The CVP firm power obligations for 1978 and as now projected for 1980 are shown below:

<table>
<thead>
<tr>
<th>CVP Firm Obligation</th>
<th>1978</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Customer Load Level (Maximum simultaneous load under FG&amp;E Agreement)</td>
<td>925</td>
<td>1050</td>
</tr>
<tr>
<td>B. Obligations (non-simultaneous)</td>
<td>1,022.6</td>
<td>1,179.6</td>
</tr>
<tr>
<td>1. Long-term</td>
<td>962.0</td>
<td>1,044.9</td>
</tr>
<tr>
<td>2. Withdrawable</td>
<td>57.6</td>
<td>0</td>
</tr>
<tr>
<td>3. Available for load-growth or reallocation</td>
<td>0</td>
<td>135.0</td>
</tr>
</tbody>
</table>

The amount of load actually served above the 925 MW limit results from existing customers' non-simultaneous load limits. The 1,022.6 MW is the current limit (1,022.0 MW).

*Includes the same diversity as experienced in 1976.

Excludes 45.4 MW of a 50 MW long-term firm allocation to Windom. No new control of which 4.4 MW are currently being used. We assume the option, when CVP customer load includes 1,520 MW, of paying for the full 50 MW or losing the part they will not pay for.

In their final summary comments on the CVP proposed rate increase, Santa Clara argues against the 1984 allocations that resulted in Santa Clara not receiving a firm allocation of CVP power. Santa Clara does receive withdrawable power (120 MW in 1970, reduced to 63.3 MW in 1978.) Santa Clara also pointed out that based on projections on CVP customer load level used in the September 22, 1978, power...
replenishment study (PRS), for FY 1976, which showed a CVP customer load level of 935 MW in 1980, approximately 117 MW would be available for meeting load-growth. Santa Clara further argues that the commitment to meet load-growth was through 1980 and since load has not grown as fast as expected, the 117 MW (the amount of load that could be added to the projected 935 MW load level to reach 1,050 MW) should be reallocated. Santa Clara called for rulemaking in this regard. In view of the uncertain outcome of the pending litigation, it would be inappropriate at this time to modify the PRS for this purpose.

**PG&E Bank Accounts**

Under provisions of Contract 2948A, entered into in 1967, the then existing energy account was designated Energy Account No. 1, a new energy account was designated Energy Account No. 2, and a new capacity account was established. Under these provisions, the CVP sells capacity and energy that is surplus to the current need of CVP preference customers to PG&E for deposit in the appropriate account and for repurchase by PG&E when needed to meet future obligations. Energy Account No. 1 was closed to additional deposit in 1967 with a balance of about $15 billion kilowatthours when Contract 2948A was signed. Since 1967, only withdrawals can be made from Energy Account No. 1 and a repurchase rate of 2.616 $/mils per kilowatthour, which includes a 15 percent service charge was fixed by the contract. Deposits to Energy Account No. 2 and the Capacity Account can be made from surplus supplies available to CVP from either CVP generation or purchases from other sources. The other source currently available to CVP is the power imported (Northwest Imports) from the Pacific Northwest over the Pacific Northwest-Pacific Southwest Intertie.

The rate to be paid by PG&E for Northwest Imports (capacity and energy) deposited in the Capacity Account and in Energy Account No. 2 can be adjusted at 5-year intervals. At the 5-year anniversary which occurred in April 1976, the rate was adjusted by a rate formula. The rate formula (split rate) was set forth in a document (the final position of the Department of the Interior, dated December 14, 1976, entitled "Final Position on an Adjustment in Rates to Pacific Gas and Electric Company for Northwest Capacity and Energy") that has come to be known as the "Prizzell Decision". (Additional comments regarding the

**Project Dependable Capacity**

There are varying opinions by customers and PG&E on the amount of Project Dependable Capacity (PDC) which should be used in the Revised Power Repayment Study. Project Dependable Capacity is the amount of firm capacity available from CVP hydroplants for marketing to CVP power customers. The level of PDC is determined based on methods and criteria set forth in Reclamation Study. Reclamation Study is a water and power operation study that determines the dependable capacity of the CVP hydroplants based on the established critical dry hydrological period (the 1930 through 1935 period is currently used). The study, which is an instrument of the Bureau of Reclamation (Reclamation) and PG&E agreed, based on mutual studies, that PDC should be reduced. The reduced PDC levels, which were caused by increased pumping loads of the San Luis Unit, were 925 MW, 1975; 951 MW, 1976; 951 MW, 1977; 849 MW, 1977; 846 MW, 1978; and 828 MW, 1979.

The CVP hydroplants were able to support the PDC levels stated above until June 30, 1977, when the 1976-77 drought caused the PDC to be reduced to 554 MW. However, the winter rains of 1977-78 completely restored CVP reservoirs to better than normal storage levels. Based on this favorable climactic change, the WAPA declared that the PDC levels restored to pre-drought levels, as further adjusted for increased project use, and recommended that the 1976-77 drought be viewed as an abnormal situation. Under WAPA's declaration, the PDC was increased to 827 MW starting July 1, 1978, and 812 MW for calendar year 1979. PG&E argues that a provision in Contract 2948A requires that a reduction in PDC be made by a factor of 0.455 to 0.475, depending on certain adverse hydrological and other specified conditions remain in effect for 5 years unless otherwise agreed, and has refused to pay for PDC above 554 MW. Negotiations to resolve the differences are in progress.

The September 22, 1978, Revised Power Repayment Study for FY 1978 assumes that the PDC is restored to the levels indicated above. Customer comments regarding this assumption show: Agreement by the Federal Agencies on WAPA's position; disagreement by PG&E which argues that under its interpretation of contract terms, PDC should be 554 MW through June 30, 1981; and disagreements by SMUD and NCPA who contend that PDC should be 925 MW; and R.W. Beck states that PDC should be higher than 925 MW. Beck indicated that a capacity credit level of 1280 MW for CVP would
be justified if the project was evaluated without the restrictive definitions of Contract 2948A.

PG&E's current position is consistent with the position the company has maintained during ongoing negotiations. We believe the company's position is unreasonable.

The Sacramento Municipal Utility District (SMUD) and Northern California Power Agency (NCPA) position is that the PDC should be 925 MW and is based on their understanding of the requirements of the Federal Power Act and PG&E's obligation thereunder. Counsel for the NCPA has developed arguments that the methods and criteria used under Contract 2948A to determine PDC result in the flow of benefits between PG&E and the United States and that PDC is, therefore, a rate that must be filed with the FERC. NCPA and SMUD further argue that since PG&E did not file the 1975 agreement between it and Reclamation to reduce PDC below 925 MW, the PDC is still 925 MW. Both the FERC staff (Docket No. E-7777 (Phase II), December 6, 1978) and the FERC itself (Docket Nos. E-7795 and E-7777 (Phase II), (44 FR 1782) (January 8, 1979)) support the position that PDC is a rate which must be filed with FERC.

This legal theory appears to have merit. If its applicability to PDC is not resolved in the current proceeding before the FERC, further action may be initiated to seek resolution. However, the argument that the result of requiring filing of PDC would be to restore the PDC to 925 MW is without merit. Other outcomes are possible, such as a redetermination of the available capability of the CVP hydropower to meet project loads and support PDC. Under this determination the PDC would have been, after January 1975, at some level other than 925 MW. Therefore, we conclude the PDC levels which reflect predrought levels are more appropriate for use in determining the increase in CVP firm power rates.

The position held by R.W. Beck is that PDC should be greater than 925 MW and is based on studies made by their consulting firm. These studies were made to determine the amount of firm load which could be supported by CVP hydropower if they were not constrained by provisions of the PG&E contract. Beck contends that the provisions of Contract 2948A establish the level of PDC below that which is appropriate. However, the WAPA and PG&E are in negotiations regarding the changes that should be made to the PDC level. Any changes in PDC which may result from these negotiations will not be known until some future date and, therefore, will not be considered in this rate increase proceeding.

**PG&E Wheeling Rate**

PG&E contends that the Revised Power Repayment Studies should use 1.7 mills for the transmission service charge rather than 1.2 mills/kWh.

**PG&E filed a wheeling rate of 1.7 mills/kWh for transmission service for CVP with the Federal Power Commission (FPC) on March 1, 1976. The FPC suspended that rate for 30 days and then allowed PG&E to put it into effect subject to refusal after considering the merits of the filing. PG&E and CVP agreed to settle the case at 1.33 mills/kWh on December 22, 1976, and PG&E submitted this to the FPC for approval. However, CVP customers as intervenors in the case objected to the settlement agreement. PG&E then withdrew the settlement agreement and reverted to the original 1.7 mill filing. CVP began paying for wheeling at 1.7 mills effective April 1, 1976.**

The WAPA is before the FERC, FPC's successor agency, with testimony supporting a wheeling rate of 1.2 mills/kWh for transmission service. We believe this rate is just and reasonable and, therefore, have used it in the Revised Power Repayment Studies as the basis of transmission charges to be paid PG&E. When the FERC issues its decision as to the wheeling rate to be charged by PG&E, that rate will be used in subsequent power repayment studies.

**Wheeling Charge to Direct Service Customers**

SMUD disagrees with treating all wheeling charges as operation and maintenance expenses.

Prior to April 1, 1976, the wheeling charge paid by the United States to PG&E for wheeling service was 1 mill/kWh. This 1 mill charge was considered an operation and maintenance expense and was included as a cost in determining the firm power rates to all CVP power customers. In the above rate increase proceeding, the Bureau of Reclamation (WAPA's predecessor in this matter) took the position that any increase in wheeling charges above the 1 mill/kWh would be passed on to the customers receiving the service. Later, it was discovered that a provision which had allowed the United States to pass on any wheeling charges over 1 mill was omitted in the contracts of the load-growth customers. Because it was not possible to pass the additional wheeling charges on to all CVP customers which receive wheeling service, the WAPA decided to treat all wheeling charges on CVP as an operation and maintenance expense and recover the entire amount in the rates charged to all CVP customers.

SMUD, one of CVP's direct service customers, states in its comments of November 27, 1978, at page 8: "Any rate structure selected should provide an appropriate discount for customers such as SMUD and the Shasta Dam Public Utility District, which take service directly from Central Valley Project facilities, so that they are not required to bear the cost of increased wheeling rates. As a less desirable alternative, contracts which contain provisions stating that increases in the wheeling rate are to be passed on as a separate charge should be enforced." In response to SMUD's position, the Federal Agencies state in their rebuttal comments of December 1978, at page 7: "SMUD's suggestion is rather surprising since SMUD already receives a special discount for direct service. SMUD currently receives a special 10 percent discount on its power bill and is expected to continue to receive this discount in the future. This discount would also apply to other customers such as Shasta Dam PUD, which receives direct delivery. SMUD has not only neglected to mention its present discount but has obviously offered no evidence that the existing discount is inadequate." The Federal Agencies state further, depending on the rate structure selected, the dollar amount of SMUD's discount will increase by between 77 and 115 percent. The following illustration supports the position stated by the Federal Agencies:

- SMUD's 10 percent discount under rate schedule R2F2 (effective from 1950 to May 24, 1978), was about $310,000 annually.

- Under the proposed rates, the amount of SMUD's discount will increase to about $1,860,000 annually.

- The increase in SMUD's annual bill that is attributable to the increase in wheeling charges is about $210,000.

In view of the above illustration which shows that SMUD's net benefit associated with direct service will increase by $310,000 ($1,860,000 - $940,000 - $210,000), the claim by SMUD for an additional discount is unwarranted.

In regard to SMUD's contention that contracts which contain provisions stating that increases in the wheeling rate can be passed on as a separate charge, we maintain, for reasons cited, that this increase in the wheeling charge cannot be passed on to all CVP power customers receiving wheeling service and that it would be unfair to pass these
costs on separately to only some of the CVP power customers receiving wheeling service.

**Frizzell Decision**

The customers allege that the “Frizzell Decision” established a rate formula which results in pricing the portion of Northwest power sold to PG&E (for banking) at less than the actual cost of this power.

The policy position that has become known as the “Frizzell Decision” was set forth in the final position document of the Department of the Interior, dated December 14, 1976, entitled “Final Position on an Adjustment in Rates to the Pacific Gas and Electric Company for Northwest Capacity and Energy” (Frizzell Decision). Under the Frizzell Decision, PG&E is charged the “flow through” or actual cost for energy received and the “flow through” capacity charge for that portion of capacity associated with energy at a 60 percent load factor. The balance of the Northwest capacity delivered to PG&E is charged at the Central Valley Project rate. Pursuant to the terms of Contract 2948A, the rate formula established by the Frizzell Decision will remain in effect through March 31, 1981.

CVP preference customers have contended that the Frizzell Decision is unfair and should be rescinded. On June 22, 1977, the Northern California Power Agency transmitted to the Comptroller General of the United States, a document entitled “Submission to the United States General Accounting Office by Northern California Power Agency Seeking a Declaration that Interior Secretarial Action be Declared Unlawful and Be Rescinded,” wherein arguments regarding the legality of the pricing of Northwest Imports to PG&E were made. In essence, the NCPA contends that sales at less than cost violate the requirements of section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 465(b)(c), and that such sales constitute an ultra vires act, and are therefore void. Congressmen McCluskey and others asked the Comptroller General to consider the NCPA allegations.

Comptroller General’s Decision B-125042 (December 22, 1978), which was issued in response to Congressman McCluskey’s request for an opinion, rejected each of NCPA’s claims. Specifically, the Comptroller General rejected the argument that each sale of Federal power must, at a minimum, recover costs under section 9(c) of the Reclamation Act of 1939, supra. The Decision holds that section 9(c) requires only that sales be made at such rates as will recover costs on a project-wide or system-wide basis.

The Comptroller General also rejected NCPA’s contentions that the “split rate” adopted in the Frizzell Decision, constituted an “improper compromise,” that there existed no rational basis for said decision, and that recovery from PG&E of the deficit experienced by CVP through such sales to PG&E from 1971 through 1976 was required under section 32 of Contract 2948A. Although the Comptroller General specifically declined to rule on the issue regarding recovery of past deficits, his construction of the requirements of section 9(c), clearly indicates that the legal position advanced by the preference customers in this regard is without merit. Such position is predicated upon NCPA’s erroneous interpretation that section 9(c) requires each and every sale of Federal power revenue recovery costs on a contract by contract, customer by customer basis, and the recent decision in City of Santa Clara v. Andrus, 572 F.2d 660 (1978), mandates that such sales to a nonpreference entity (PG&E) violate section 9(c) when they result in increasing the share of cost borne by preference customers.

Given the findings of the Comptroller General, supra, the preference customers’ contentions regarding the legality of the pricing of Northwest power became available. That service transmission was used for over 4 years after that agreement was made in 1971. The customers allege that the “Frizzell Decision” established a rate formula predicated upon NCPA’s erroneous interpretation that section 9(c) requires each and every sale of Federal power revenue recovery costs on a contract by contract, customer by customer basis, and the recent decision in City of Santa Clara v. Andrus, 572 F.2d 660 (1978), mandates that such sales to a nonpreference entity (PG&E) violate section 9(c) when they result in increasing the share of cost borne by preference customers.

Section 9(c) of the Reclamation Act of 1939, supra, requires that all costs associated with the power marketing activities of the Government be recovered from the rates. If costs are not paid in a given year, they must be deferred for payment when revenues become sufficient to do so. The DOE Interim Management Directives (IMD) No. 1701, “Pricing of Departmental Services and Products,” of September 28, 1977, by reference to Part 730 of the Department of the Interior department manual, recognizes this and provides that deficiencies in any year are to be capitalized and repaid with imputed interest in later years even before funds are applied to the reduction of the debt associated with the original investment. It would require Congressional action to forgive such a past deficit under requirements of section 9(c) of the Reclamation Act of 1939, supra.

“Flow Through” of Costs to PG&E

In its comments, PG&E has challenged the appropriateness of the assumption contained in the present proposed rate that sales to PG&E of Northwest capacity and energy will be made on a "flow through" basis after April 1, 1981 (until December 31, 1981).

Although the “split rate” seems to have been legally within the discretion of the Under Secretary of the Interior in 1976 (see Comp. Gen. Decision B-125042, supra), in retrospect we would not necessarily have adopted that decision and do not intend to perpetuate the adverse effects of the “split rate” beyond April 1, 1981 (the next opportunity to amend such rates under the PG&E contract). As this is, in fact, our present position regarding the “split rate” versus “pass through” rate issue, and we fully intend to pursue this position in future negotiations with PG&E (regarding the applicable rates to become effective under the contract after April 1, 1981), it is entirely appropriate that that assumption be built into the present rate proposal. For these reasons we believe that the "flow through" assumption currently contained in the power repayment study remains the appropriate choice.

**Costs of Pacific Northwest—Pacific Southwest Intertie**

Comments by R. W. Beck and Associates (consultants for NCPA) during this public review and comment period included the opinion that costs of that portion of the Pacific Northwest-Pacific Southwest Intertie which is south of the California-Oregon border be included as a cost to be passed on in the sale of Northwest capacity and energy to PG&E.

The reasons for not including the Intertie costs south of the California-Oregon border were discussed in the statement of the Assistant Secretary of the Interior, dated February 20, 1976, entitled “Proposed Adjustments in Rates to Pacific Gas and Electric Company for Northwest Capacity and Energy.” On page 5, the following is stated: “in regard to the rates to be charged for Northwest capacity and energy, comments from R. W. Beck and Associates contend that Reclamation’s calculations omit the annual cost of $1,340,000 which is paid to the California Pool Companies for 400 MW of transmission capacity from the Oregon border to the Tracy Substation. That cost is incurred under a 40 year contract, No. 14-07-200-2947A. After that agreement was made in 1977, the transmission was used for over 4 years to import surplus Northwest hydroenergy prior to the time Centralia power became available. That service will be used for 10 years for Centralia power imports and will be used following expiration of the Centralia contract in 1981 for import of available
Northwest energy. Because of its long-term benefit to the project as a whole, it seems inappropriate to incorporate the charge as a part of the cost of Centralia power to PG&.

A December 14, 1978, statement by the Under Secretary of the Department of the Interior reaffirmed that position. We agree with this position.

Effect of Ongoing Litigation

Several of the comments received have disputed the assumptions made in the Revised Power Repayment Study which might become invalid should the United States prove unsuccessful in any of the lawsuits now in litigation, See, U.S. v. State of California, et al., Civil No. S–3014, U.S.D.C. (N.D. Cal.) (fill New Melones Reservoir; City of Santa Clara v. Schlesinger, U.S.D.C. (N.D. Cal.) (application of preference clause to sales to PG&); U.S. v. Sacramento Municipal Utility District, Civil No. S–75–277–PCW, U.S.D.C. (E.D. Cal.) (rates permitted by contract). We do not consider the positions expressed in the comments to be well taken. The variety of possible outcomes in any one of these lawsuits, makes it virtually impossible to predict the effects of such outcomes. The assumptions made in the power repayment study are consistent with the position of the United States in each of the lawsuits.

Applicability of PURPA

Some question has been raised as to the applicability of the "Standards for Electric Utilities" contained in Title I, Subtitle B, of the Public Utility Regulatory Policies Act of November 9, 1978 (PURPA), Pub. L. 95–617, 92 Stat. 3171 et seq. Although we recognize the responsibilities which will be imposed by PURPA in future rate proceedings, it must be pointed out that the act was not enacted until the present proceedings were nearing completion. As such, it is not possible to initiate and complete the "consideration and determination" process (notice, hearing, comments, etc.) mandated by Subtitle B of the act, in time to apply the applicable standards in this proceeding. This problem of ongoing proceedings has been specifically provided for the PURPA. Each nonregulated utility (e.g., WAPA) under the section 112(b) is given a 2-year period from the passage of the act in which to initiate the consideration of the standards in section 111(d) and the related rules in section 115, and a 3-year period in which to complete the determination. Each nonregulated utility has 2 years within which to adopt, after public notice and hearings, the appropriate standards and rates in sections 113 and 114 and the related rules in section 115 of the act.

Question of Improper Congressional Interference

On December 8, 1977, and December 18, 1978, Congressman Harold T. Johnson wrote letters to Secretary Schlesinger commenting on Alternative C, based upon his understanding of the legislative history relevant to the importation of Northwest power to serve the needs of CVP. Both of these letters have been made a part of the administrative record of this proceeding and the public has thus been given the opportunity to comment. Several of the preference customers have raised the possibility that Congressman Johnson's efforts in this regard (particularly the letter of December 18, 1978) constitute an impermissible congressional interference with the administrative process. Koring, Inc., Village of Uyak v. Andrus, 405 F. Supp. 1360, 1372 (D.C. D.C. 1976), aff'd. in part, rev'd. in part 580 F.2d 691 (D.C. Cir. 1978).

Congressman Johnson, like any interested party, has the right to comment on the various issues considered during the course of these proceedings. Accordingly, we have included his comments as part of the administrative record, to be considered (as all other comments) in arriving at the proposed rates contained herein. It is also recognized, as pointed out by one of the preference customers, that "post-passage remarks of legislators, however explicit, cannot serve to change the legislative intent of Congress expressed before the Act's passage." See Regional Rail Reorganization Act Cases, 419 U.S. 102, 132 (1974).

Although the preference customers are concerned that some of the Congressman's comments made in the December 18, 1978, letter may have been somewhat inappropriate, they do not constitute impermissible Congressional interference in this proceeding. The Congressman's comments have been given no greater weight in this decision than the comments of other parties.

Rate Design

The ERA order establishing interim rates for CVP, which was published in the Federal Register on March 24, 1978, at 43 FR 12281, required among other things that in developing rates particular consideration should be given to the relationship of price to cost of service and to energy conservation. The rates established by this rate order are based on CVP costs and revenue requirements. It is perhaps worth noting (1) that CVP has traditionally used one rate for all its firm power sales and, at the present time, plans and desires to continue that practice, and so no attempt has been made to develop cost of service to individual customers or customer groups, and (2) that CVP has many costs required by law to be recovered by power revenues which are not normally considered cost of service, such as aid to irrigation and waterfowl conservation. Also, because CVP is required to sell its power at the lowest rates consistent with sound business principles, and its rates are much less than other rates for wholesale power in the area, and because CVP power is for the most part sold for resale rather than being sold to ultimate consumers there is little or nothing that can be done through the rates to encourage energy conservation. However, the rate schedules include a provision that unauthorized overruns shall be billed at 10 times the base rate. Although this provision is primarily intended as an incentive for the customer to obtain power from other sources for requirements in excess of the CVP obligation (since CVP has finite resources), the effect to some extent may encourage energy conservation.

The CVP wholesale firm power rates include a capacity and an energy component. These components must be established at a level that will, when applied to the capacity and energy available for sales from CVP sources, generate revenues sufficient to repay the following categories of costs:

1. Power Investment—The CVP project investment allocated to commercial power must be amortized at the appropriate interest rate within 50 years.

2. Annual Costs—These costs include:
   a. Operation and maintenance costs;
   b. Transmission service charges (wheeling);
   c. Purchased power costs; and
   d. Any other annual costs as necessary for proper power system operation.

3. Future Replacement Costs—Future replacement costs are comprised of:
   a. Estimated replacement cost of original equipment, considering such items as removal costs and salvage value; and
   b. Incremental increase in the estimated replacement cost of original equipment, indexed to January of the fiscal year of the applicable power repayment study (FY 1979).

4. Required Aid—In addition to the other costs stated above, the firm power rate must yield sufficient revenues to repay costs associated with irrigation assistance and waterfowl conservation.
Deferred irrigation use costs are also included in the Required Aid.

The four categories of costs to be repaid by power, as outlined above, have been assigned for purposes of rate design, to the capacity and energy components, as follows:

1. **Capacity Component Assignment**
   - The repayable costs and investments assignable to the capacity component are:
     a. No. 1—Project Investment allocated to commercial power;
     b. No. 3(b)—Future replacement costs (indexed increment); and
     c. No. 4—Required Aid (a portion of).

   Investment costs that must be repaid by power include costs of existing facilities and future project facilities that have been authorized for construction. The only future authorized facility that is projected to be in service before the end of the cost evaluation period, which increases the amount allocated to commercial power, is the New Melones Project. The New Melones Project is scheduled to be in service in Fiscal Year 1980.

   The portion of replacement costs that is considered to be assignable to the capacity component is the incremental increase in original equipment cost associated with indexing to current cost levels.

   Power is required to repay the balance of the project investment allocated to irrigation which is beyond the repayment ability of irrigation water users. Also, power is required to repay all remaining reimbursable project costs—allocated to waterfowl conservation which are not repaid pursuant to water service contracts. It is reasonable that a portion of the costs associated with Required Aid be assigned to the capacity component of the power rate. Any assignment of the Required Aid to either the capacity or energy component is discretionary. Therefore, a 50-50 split or assignment has been made to the capacity and energy components.

2. **Energy Component Assignment**
   - The repayable costs assignable to the energy component are:
     a. No. 2—Annual costs;
     b. No. 3(a)—Future replacement; and
     c. No. 4—Required Aid (a portion of).

   Normally in power repayment studies, the capacity and energy components are used in a composite manner to assure that all cost recovery criteria are met. Because of the complex power marketing arrangements of CVP (the separate capacity and energy sales to the PG&E bank accounts), it was necessary to determine a value for either the capacity or energy component prior to the computation of the composite rate. Also, since most of the capacity component assignments could be readily reduced to equivalent annual costs, it was decided to use a fixed capacity value based upon cost assignment described above and vary the energy component as necessary to repay all costs assigned to that component, together with any residual repayment requirements as may be determined necessary by the applicable power repayment study.

   The results of the Power Repayment Study for the period 1979-1995 used in connection with Alternative Rate Structure A, shows that if the capacity component is fixed at $2.00/kWh per month, then the energy component would be 5.356 mills/kWh. The results of this study, using the above-mentioned capacity and energy values which yield an average composite rate of 10 mills/kWh, show that all cost recovery criteria and repayment requirements are met.

### Environmental Impact

A number of inquiries were made during CVP rate increase proceedings as to why an environmental impact statement was not prepared in support of the proposed rate increase. In the summer of 1977, the WAPA conducted an environmental assessment of the proposed rate increase in accordance with the National Environmental Policy Act of 1969. The results of the assessment indicated that there would be no significant impact on the human environment as a result of the rate increase.

Subsequently, through a vigorous public involvement program and in consideration of outside comments, the proposed rate for energy was reduced from 8.26 mills/kWh to 5.356 mills/kWh. Rate Structure A has the same capacity charge that is currently being proposed.

Prior to issuing this rate order the WAPA conducted a reassessment of the environmental impacts of the proposed new rate levels. The findings of that reassessment indicate that due to the lowering of the energy charge under the present rate proposal, the effects of such proposal are of less magnitude than those proposed in October 1977.

In view of the fact that the original rate proposal and the new rate proposal have had intensive review and comment by the public and in consideration of the minor, if not negligible, difference in impact occasioned by the new rate proposal, it is concluded that no additional consideration pertaining to the proposed power rate increase is needed to comply with the National Environmental Policy Act.

## Ten-Year Repayment of Deficit

Power customers have objected to setting rates to repay the deficit in 10 years.

As of September 30, 1976, the CVP PRS showed an accumulated deficit of $343.8 million. This deficit is projected to increase to about $106 million before revenues from the proposed rate increase and low cost purchases from PG&E Energy Account No. 1 combine to produce a positive cash flow in fiscal year 1982. The revised CVP power repayment studies that were presented to CVP power customers and interested parties in May and September, 1976, included a requirement to set rates that would repay the deficit in 10 years. The September 1976 power repayment study resulted in a composite rate of 10 mills per kilowatt hour, and is the basis for this rate order. This requirement was objected to by all of the CVP power customers who commented during the rate proceedings.

Since the cost recovery criteria being followed to set CVP rates are silent on the period of time over which deficits are to be recovered, and in recognition of the intent of the modified price standard of the Council on Wage and Price Stability for Federal, State, and local governments, consideration was given to eliminating the 10-year requirement for repayment of the deficit. The Revised Power Repayment Study for fiscal year 1978 (Table E5, revised September 22, 1978), which is the basis for our rate adjustment proposal, was reviewed. We found that, even if the 10-year requirement for repayment of the deficit was eliminated, in conforming with the allowable unpaid balance criteria, the rates would be essentially the same as those developed in the PRS mentioned above. This finding is confirmed by the fact that the CVP power investment and required aid are barely repaid within the allowable payout period. Therefore, we concluded that the rates developed in the Revised Power Repayment Study are not any higher because of the requirement to repay the deficit in 10 years than they would be if the requirement were eliminated.

### Price Stability

WAPA is a "government enterprise" within the meaning of the price standards of the President's Council on Wage and Price Stability. The rate increase approved herein complies with the operating margin limitation of these standards because the revenues will be only those necessary to repay CVP costs and expenses.
Availability of Information

Information regarding this rate adjustment, including studies, comments, transcripts and other supporting material, is available for public review in the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, California 95825, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective October 1, 1979, Rate Schedules CV-F3 and CV-F4. These rates shall remain in effect on an interim basis for a period of 12 months unless such period is extended or until the FERC confirms and approves them on a final basis.

Rate Schedule CV-F4 (Supersedes Rate Schedule CV-F3R)

U.S. Department of Energy, Western Area Power Administration, Central Valley Project, Calif.

Schedule of Rates for Wholesale Firm Power Service

Effective. October 1, 1979.

Available. In the area served by the Central Valley Project.

Applicable. To wholesale firm power customers for general power service supplied through one meter at one point of delivery.

Character and Conditions of Service.

Alternating current, sixty hertz, three phase, delivered and metered at the voltages and points established by contract.

Monthly Rate

Demand charge: $2.00 per kilowatt of billing demand.

Energy charge: 5.358 mills per kilowatt-hour for all energy use up to, but not in excess of, the energy obligation under the power sales contract.

Billing demand: The billing demand will be the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract.

Energy obligation: The maximum kilowatt-hour obligation of the United States during the month as established under the power sales contract.

Minimum bill: $2.00 per month kilowatt of the effective contract rate of delivery.

Billing for Unauthorized Overruns. For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at ten times the above rate.

Adjustments

For character and conditions of service, if delivery is made at transmission voltage so that the United States is relieved of substitution costs, five percent discount will be allowed on the demand and energy charges.

For transformer losses, if delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased two percent to compensate for transformer losses.

For power factor. None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

Rate Schedule CV-F3 (Supersedes Rate Schedule CV-F3R)

U.S. Department of Energy, Western Area Power Administration, Central Valley Project, Calif.

Schedule of Rates for Commercial Irrigation and/or Drainage Pumping Service When Supplied in Conjunction Therewith Effective. October 1, 1979.

Available. In the area served by the Central Valley Project.

Applicable. To commercial irrigation customers for their own use for, or for resale for, irrigation and/or drainage pumping and purposes incidental thereto supplied through one meter at one point of delivery, and for the purposes other than irrigation and/or drainage pumping service when supplied in conjunction with the pumping service through the same meter at the same point of delivery.

Character and Conditions of Service.

Alternating current, sixty hertz, three phase, delivered and metered at the voltages and points established by contract.

Monthly Rate

Demand charge: $2.00 per kilowatt of billing demand.

Energy charge: 5.358 mills per kilowatt-hour for all energy use up to, but not in excess of, the energy obligation under the power sales contract.

Billing demand: The billing demand will be the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract.

Energy obligation: The maximum kilowatt-hour obligation of the United States during the month established under the power sales contract.

Minimum bill: None.

Billing for Unauthorized Overruns. For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual power and/or energy obligations, such overrun shall be billed at ten times the above rate.

Adjustments

For character and conditions of service, if delivery is made at transmission voltage so that the United States is relieved of substitution costs, five percent discount will be allowed on the demand and energy charges.

For transformer losses, if delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased two percent to compensate for transformer losses.

For power factor. None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

ENVIRONMENTAL PROTECTION AGENCY

[FR 1256-6]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of June 25 to 29, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from July 6, and will end on August 20, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with EPA during the week of June 25 to 29, 1979, and the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Comments and objections on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS rejections concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.


Peter L. Cook,
Acting Director Office of Environmental Review.

Appendix I—EIS's Filed With EPA During The Week of June 25 Through June 29, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250 (202) 447-3965.

Forest Service

Draft

Tuolumne River Wild and Scenic River Study, Tuolumne County, Calif., June 28: Proposed is the designation of certain segments of the Tuolumne River located in Tuolumne County, California, as units of the National Wild and Scenic River System. A 92 mile portion of the river was identified as a possible candidate for wild and scenic designation. A 62 mile portion of the river, including an ineligible 8 mile reservoir, within Yosemite National Park is recommended for inclusion in the system and is currently managed as such. The remaining 30 mile portion, including an ineligible 1 mile segment, offer potential for a variety of future uses. The alternatives consider no action and inclusion of various portions of the river in the system. (DEIS-06-16-79-09) (EIS Order No. 9063.)

Ausable River Wild and Scenic River Study, Alcona, Crawford and Oscoda Counties, Mich., June 26: Proposed is the Ausable River Wild and Scenic River Study located in the counties of Alcona, Crawford, and Oscoda, Michigan. The recommendation is for the inclusion of 91 miles of the river in the National Wild and Scenic River System. Within the 91 miles designated, 70 miles are located in the Huron National Forest and 21 miles are located within State forest boundaries. The 91 miles consist of 4 segments. One segment of 35 miles is to be classified as recreational, and 3 segments totaling 56 miles are to be classified as scenic. In addition to no action, five alternatives are considered. (EIS Order No. 9063.)

Wolf Planning Unit Land Management Plan, Kootenai NF, Flathead and Lincoln Counties, Mont., June 26: Proposed is a land management plan for the Wolf Planning Unit of the Kootenai National Forest in Lincoln and Flathead Counties, Montana. The unit contains 40,699 acres of National Forest Lands. Three alternatives and one subalternative are considered and compared against a reference base alternative (no action). The preferred alternative stresses both the production of commodities and wildlife consideration with a stress also recognizing the visual resources. The other alternatives stress: 1) amenity/recreation, 2) commodity production, and 3) modified commodity production. (USDA-FS-DESI-ADM-(D)-01-14-79-10) (EIS Order No. 9063.)

Final

Hiawatha N.F. Timber Plan, several counties in Michigan, June 26: Proposed is a timber resource plan for the Hiawatha National Forest for the period June, 1978 to June, 1988. The plan develops a potential yield of 1,382 MCFP; the initial programmed yield will be 53 percent of the planned potential yield. The plan also provides for the planning of 13,000 acres, seeding 12,200 acres, site preparation on 70,000 acres, TSI on 17,900 acres, and an estimated 350 miles of road construction or reconstruction in the 10-year plan period. The Hiawatha National Forest is located in the State of Michigan and in the counties of Alger, Delta, Schoolcraft, Chippewa, and Mackinac. (USDA-FS-R9-FES-ADM-(P)-01-14-79-10) Comments made by: USDA, EPA, DOI, State and local agencies, individuals and businesses. (EIS Order No. 9063.)

Soil Conservation Service

Final

Upper Mud River Watershed Plan, Flood Protection, Lincoln and Boone Counties, W. Va., June 27: Proposed is a watershed plan for the Upper Mud River, Lincoln and Boone Counties, West Virginia. Plan implementation calls for the installation of land treatment measures, floodwater retarding structures, recreation facilities, and the preparation of floodplain maps to assist in adopting zoning ordinances prohibiting development within the 100-year flood plain. This statement replaces the original final EIS No. 80634, filed 6-14-76. (USDA-SCS-EIS-WS-(ADM)-76-11-(F)-WV.) Comments made by: USA, HEW, DOI, EPA, USDA, ORBC, State and local agencies. (EIS Order No. 9063.)

U.S. Army Corps of Engineers


Draft

Willacy and Hidalgo Counties Flood Control Permit, Willacy and Hidalgo Counties, Tex., June 26: Proposed is the issuance of a construction permit for flood control and major drainage improvements in Willacy and Hidalgo Counties, Texas. The plan involves the construction of an outfall channel which would be part of an extensive overall plan to construct or improve about 184 miles of earthfill channels and laterals, and the construction of 17 pumping stations. The alternatives considered are: 1) No action, 2) alternative channel dimensions and configurations, and 3) alternative plans for drainage and flood control. (Galveston District) (EIS Order No. 00065.)

Draft Supplement

Cedar River Local Flood Protection, Evansdale, Blackhawk County, Iowa, June 27: Proposed is a local flood protection plan for the city of Evansdale, Blackhawk County, Iowa. The plan involves the construction of earthen levees along the Cedar River and Blackhawk Creek and will utilize the embankment of I-680 as part of the protection system. Two borrow areas, totaling about 41 acres, will be required to obtain material for levee construction. The protective works will be about 3.2 miles in length. There will also be four ponding areas of 11.0 acres, 2.8 acres, 0.0 acres, and 4.0 acres. (Rock Island District.) (EIS Order No. 80638.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Caller, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 377-4335.

National Oceanic and Atmospheric Administration

Final Supplement

Atlantic Groundfish FMP, Amendment (FS-9), Atlantic Ocean, June 27: This statement...
proposed to the Atlantic Groundfish FMP concerning the optimum yields by the appropriate amounts to provide revised commercial quotas for the final quarter of the 1976-1979 fishing year. An additional amendment to the FMP is recommended to increase spread fishing effort more evenly throughout the fishing year. Four alternatives are considered. (EIS Order No. 90940.)

The review period for the above EIS has been waived. See Appendix II.

ENVIRONMENTAL PROTECTION AGENCY

Draft

Contact: Mr. Eugene Wojcik, Chief, EIS Section, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353-2157.

Rural Lake Waste Treatment Systems, Case Study 1, Benzie County, Mich., June 28:

Proposed is a waste treatment system for the Crystal Lake area in Benzie County, Michigan. It is recommended that the existing wastewater treatment plants in the area should be replaced, but that complete abandonment of on-site systems is unjustified. This action would involve: 1) construction of new sewers and a new rotating biological contactor treatment plant; 2) sewer system evaluation survey and rehabilitation of some existing sewers; 3) design and implementation of a small waste flow district; 4) site-specific analyses of existing on-site systems; 5) repair and replacement of on-site systems; and 6) cluster systems or other off-site treatment in some sections. (EIS Order No. 90954.)

Final

Contact: Mr. Clinton Spotts, Region 6, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2716.

Vistron Petrochemical Complex, NPDES Permit, Calhoun County, Tex., June 25:

Proposed is a NPDES permit for Wastewater Discharge from Vistron petrochemical complex into the Victoria Barge Canal, Calhoun County, Texas. The complex is located on a 2,302 acre site and will consist of a barge dock, utility systems, and storage tanks; at full operation 90,000 barrels of high-sulfur crude oil and 25 million standard cubic feet of natural gas will be required daily. Three alternatives are included. Comments made by: USDA, COE, DOE, DOI, DOT, State and local agencies. (EIS Order No. 90962.)

DEPARTMENT OF HUD

Draft

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 461 7th Street, S.W., Washington, D.C. 20410, (202) 755-6309.

Draft

Villas de Loiza development, mortgage insurance, Puerto Rico, June 28:

Proposed is the issuance of HUD home mortgage insurance for the Villas de Loiza Development located in the Canovanas ward of Loiza, Puerto Rico. The development will encompass 249.90 Cuerdas on which 2,080 residential units will be constructed. The developer will provide the project with a cultural center, passive and active parks and playgrounds, commercial space, and land for schools, churches, and other public uses. (EIS Order No. 90965.)

Steeplechase subdivision, mortgage insurance, Harris County, Tex., June 28:

Proposed is the issuance of HUD home mortgage insurance for the Steeplechase subdivision located in Harris County, Texas. The subdivision is located on 1,003 acres and will contain approximately 15,700 residences. The project will also contain schools, and shopping and recreational facilities. (HUD-R06-EIS-79-8D) (EIS Order No. 90963.)

Draft

Cascade Park planned community, mortgage insurance, Clark County, Washington, June 25:

Proposed is the issuance of HUD mortgage insurance for the Cascade Park planned community located near Vancouver City, Clark County, Washington. The development will include: 1) Two electronics manufacturing sites, 2) a business and high density residential area of 80 acres, 3) a residential neighborhood of clustered neighborhoods for single-family housing comprising 2,000 acres, 4) public open space, 5) park and school sites on 250 acres, and 6) a larger central park, natural open space of 100 acres. (HUD-RIO-EIS-79-2D) (EIS Order No. 90958.)

Final

Wight planned community development, Wight, Campbell County, Wyo., June 28:

Proposed is the issuance of HUD home mortgage insurance for a planned community development in Wight, Campbell County, Wyoming. The development will ultimately accommodate 1,800-2,000 housing units of all types for an eventual population of 6,000-6,500 people. Also included will be two elementary school sites, one junior-senior school site, and several church sites. (HUD-R06-EIS-79-117) Comments made by: USDA, COE, HBW, DOE, EPA, State and local agencies. (EIS Order No. 90954.)

Section 104(H)

The Following Are Community Development Block Grant Statements Prepared and Circulated Directly by Applicants Pursuant to Section 104(H) of the 1974 Housing and Community Development Act. Copies May Be Obtained From the Office of the Appropriate Local Executive. Copies Are Not Available From HUD

Draft

Capital Centre redevelopment, Madison, Wis., June 27: Dane County Proposed is the awarding of HUD CDBG funds for the redevelopment of 4.4 acres, to be known as a capital centre, downtown Madison, Dane County, Wisconsin. The Area now exists as two grade-level parking lots. The redevelopment would provide unsubsidized housing, subsidized housing for elderly and handicapped persons. A senior citizens center, retail space, open space, and parking ramps. The no action alternative is considered. (EIS Order No. 90942.)

Draft

Cadillac Center, construction (CDBG) Wayne County, Mich., June 28: Proposed is the issuance of CDBG funding for the construction of the Cadillac center to be located in the downtown retail core of the city of Detroit, Wayne County, Michigan. The center will be a major regional shopping center housing three department stores and approximately 100 retail or service-oriented shops. In addition to no action, two alternatives are considered which vary in the location of the J. L. Hudson Company department store. (EIS Order No. 90953.)

Final

Charleston Center, redevelopment, Charleston County, S.C., June 29:

Proposed is a mixed-use development plan for Charleston center in Charleston County, South Carolina. The plan will consist of hotel/commercial/convention facilities and parking. The project, which is located on 8.5 acres in the lower peninsula of Charleston city, also includes improvements to the adjacent area, street system, and related infrastructure. The city of Charleston withdrew the original Draft, No. 90632, filed 8-10-78, which was replaced by Draft, No. 90603, filed 1-18-79. Comments made by: DOC, DOI, HEB, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 90961.)

DEPARTMENT OF INTERIOR

Draft

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4216 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3651.

Bureau of Land Management

Draft

Snake R. birds of prey national conservation area, several counties, Idaho, June 28:

Proposed is the designation of 612,257 acres of land as the Snake River birds of prey national conservation area located in Ada, Canyon, Elmore and Owyhee counties, Idaho. It has also been recommended that these lands be removed from mineral entry under the 1972 mining law. These lands will be removed from application under the Desert Land, Carey, and the State of Idaho Admissions Act; and that leases under the mineral leasing or Geothermal Stream Act be allowed only as provided for in a land management plan to be developed under the authority of the Federal Land Policy and Management Act of 1976. (DES-79-39) (EIS Order No. 90951.)

Final

OCS oil and gas lease sale, Number 55A, Gulf of Mexico, Gulf of Mexico, June 28:

Proposed is an oil and gas lease sale in the western and central Gulf of Mexico which includes 122 tracts located on the Outer Continental Shelf in Federal waters offshore of the States of Texas, Louisiana, Mississippi, and Alabama. These proposed tracts comprise approximately 582,823.75 acres ranging from 3-163 nautical miles from shore in water depths of 6-500 meters.
Approximately 57% of the tracts are gas prone, 36% are oil prone, and 46% are both oil and gas prone. Comments made by: USAF, COE, USN, DOE, FERC, HEW, DOI, DOT, NRC, EPA, State and local agencies. (EIS Order No. 90647.)

Fish and Wildlife Service

Final

Mammalian predator damage management, Riverstock, Several Counties, June 17: Proposed is a predator damage control program as presently conducted in the States of Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming. The predator species controlled include coyote, bobcat, mountain lion, bear and fox. These animals are controlled primarily to alleviate damages caused by predators to domestic animals. The program is conducted on a request basis which initiates an investigation and if warranted, the removal of the predator. Precautions are taken to protect humans and domestic animals from the toxicants or devices used. Comments made by: USAF, USN, USDA, USA, DOI, HEW, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 90641.)

Nuclear Regulatory Commission

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, Nuclear Regulatory Commission, P-518, Washington, D.C. 20555. (301) 492-8440.

Draft

Susquehanna Steam electric station, units 1 and 2 Luzerne County, Pa., June 28: Proposed is the issuance of operating licenses for the startup and operation of the Susquehanna steam electric station, units 1 and 2 located on the Susquehanna River in Luzerne County, Pennsylvania. The facility will employ two boiling-water reactors and will produce up to 3293 mwt with an 11 mile four-lane controlled access arterial. From US 58 northeastward, the proposed roadway would be an urban, or municipal four-lane divided arterial. Approximately two-thirds of the proposed facility would be on a new alignment. (FHWA-FLA-EIS-79-2-D) (EIS Order No. 90544.)

Draft

South Stony Island Avenue improvement, Cook County, Ill., June 29: Proposed is the construction of South Stony Island Avenue between East 64th Street to East 70th Street in the city of Chicago, Cook County, Illinois. The project is to replace the existing at-grade facility with a six-lane divided highway. The project area is divided into four segments. Within the south, middle and north segments several route alternatives were studied for each. In the city segment construction of relocated U.S. 15 and the ramps which connect to U.S. 220 have been completed. (FHWA-PA-EIS-79-06F) Comments made by: USDA, DOI, DOT, COE, EPA, FERC, HEW, State and local agencies. (EIS Order No. 90334.)

U.S. 15, U.S. 220 to Pa.-14, reallocation, Lycoming County, Pa., June 25: Proposed is the reallocation of U.S. 15 between U.S. 220 in Williamsport and Pa.-14 in the village of Trout Run within the county of Lycoming, Pennsylvania. The purpose of the reallocation is to replace 10.8 miles of existing U.S. 15 with an 11 mile four-lane limited access highway. The project area is divided into two segments. Within the south, middle and north segments several route alternatives were studied for each. In the city segment construction of relocated U.S. 15 and the ramps which connect to U.S. 220 have been completed. (FHWA-PA-EIS-74-03-F) Comments made by: USDA, DOI, EPA, COE, DOC, State and local agencies. (EIS Order No. 90051.)

Final

North Camp Creek Parkway extension, Fulton and Douglas Counties, Ga. This proposed action concerns the construction of the North Camp Creek Parkway extension which will begin at U.S. 220 and the existing Camp Creek Parkway in Fulton County and will extend to lower River Road in Douglas County, Georgia. Features of the project include a four-lane controlled access parkway extension of approximately 5.7 miles in length. In addition to a no-build alternative, three other alternatives are considered. (FHWA-GA-EIS-78-06-F) Comments made by: USDA, DOI, DOT, COE, EPA, FERC, HEW, State and local agencies. (EIS Order No. 90335.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convissar, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426-4357

Urban Mass Transportation Authority

Final

Lexington market station joint development project, Baltimore County, Md., June 29: Proposed is a joint development project at the downtown retail district, Baltimore City and County, Maryland. Public sector funds would be used for real property acquisition; business relocation; demolition; site preparation; public improvements; the disposition of development rights to designated portions of the proposed project site area, by sale or lease, to private developers at the highest obtainable price as established by professional re-use appraisals; historic preservation costs; and a two-block extension of the city's Lexington Street Mall. Comments made by: USDA, DOI, EPA, DOT, State and local agencies, groups, individuals and businesses. (EIS Order No. 90687.)
### Appendix II—Extension/Waiver of Review Periods on EISs Filed with EPA

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<td>Mr. Barry Flamm Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 142A, Washington, D.C. 20250, (202) 447-3985.</td>
<td>Tucumcari River and Scenic River Study.</td>
<td>Draft 50525</td>
<td>07/06/79 see Exp. 2</td>
<td>Extension</td>
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<td>Mr. Barry Flamm Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 142A, Washington, D.C. 20250, (202) 447-3985.</td>
<td>Tucumcari River and Scenic River Study.</td>
<td>Draft 50525</td>
<td>07/06/79 see Exp. 2</td>
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### Appendix III—EIS’s Filed With EPA Which Have Been Officially Withdrawn by the Organizing Agency

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### Appendix IV—Notice of Official Retraction

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Appendix V—Availability of Reports/Additional Information Relating to EIS’s Previously Filed With EPA

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Appendix VI—Official Correction

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[FR Doc. 79-21506 Filed 7-6-79; 8:45 am]
BILLING CODE 6560-01-M

[Docket No. 483; FRL 1266-8]

Fifteen Herbicide Registrations Held by Velsicol Chemical Corp.; Intent To Hold Hearing (Section 6(b)(2) FIFRA); Filing of Written Response to Statement of Issues

Notice is hereby given, pursuant to section 164.8 of the rules of practice (40 CFR 164.8) issued under Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.), that a written response to the notice of intent to hold hearing and statement of issues, filed on March 30, 1979, by Steven D. Jellinek, Assistant Administrator for Toxic Substances (44 FR 21708), including the position and interest of such person has been filed by Velsicol Chemical Corporation pursuant to § 164.24 (40 CFR 164.24).

The Dow Chemical Company, petitioner who has requested the cancellation of the fifteen herbicide registrations, has likewise filed a written response to the statement of issues accompanying the above-referenced Federal Register Notice.

The 15 herbicides at issue are as follows: Vegetrol A-2D, LV-2D-2T, BE-4D, LV-4D, BE-2D-2T, BE-4T, 6D, A-4D, O-6T, LV-4TP, LV-4T, LV-6T, O-4T, A-4T, LV-6D.


In order to more fully enlighten other interested parties, the following is a quoted portion of an affidavit filed as Exhibit A to Velsicol’s written response.

Velsicol has decided to cancel voluntarily thirteen of the fifteen herbicide registrations which are the subjects of petitions to cancel filed by The Dow Chemical Company. The only two herbicide registrations which Velsicol will maintain are:

- **Product and EPA Registration No.**
  - Vegetrol A-4D, 876-222.
  - Vegetrol LV-4D, 876-218.

Velsicol is currently in the process of voluntarily canceling the remaining thirteen of the fifteen registrations.

Velsicol purchases 80% of its raw material requirements for 2,4-D, the active ingredient in Vegetrol A-4D and Vegetrol LV-4D, directly from the Dow Chemical Company.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk (A-110), United States Environmental Protection Agency, Room 3708, 401 M. Street, SW, Washington, D.C. 20460 (202)755-5476.

Edward B. Finch,
Administrative Law Judge.


[FR Doc. 79-21506 Filed 7-6-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1266-3]

Disposal of PCB-Contaminated Soil and Debris; Denial of Citizens’ Petition

AGENCY: Environmental Protection Agency.

ACTION: Denial of Citizens’ Petition.

SUMMARY: On February 6, 1979, the State of North Carolina submitted a petition pursuant to Section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2603, to modify the PCB regulations to provide EPA Regional Administrators discretion to approve additional disposal methods for soil and debris contaminated with PCBs. The PCB regulations (33 FR 7150, 7158, February 17, 1978; 44 FR 31514, 31546, May 31, 1979) now require disposal of PCB-contaminated soil and debris only in incinerators or chemical waste landfills meeting EPA requirements.

After publication of the petition (44 FR 13575, March 12, 1979) and the holding of a comment period, the Administrator has denied the petition for the reasons stated in his letter to the Governor of North Carolina dated June 4, 1979. The full text of the letter appears below in the “Supplementary Information” section.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: The decision of the Administrator appearing below was transmitted to the State of North Carolina when issued on June 4, 1979. The enclosure to the decision has not been reproduced but is available upon request from the EPA Industry Assistance Office at the address given above.

DATED: June 29, 1979.

Steven D. Jellinek,
Assistant Administrator for Toxic Substances.

United States Environmental Protection Agency.


Hon. James B. Hunt, Jr.,
Governor of North Carolina, Raleigh, North Carolina 27611.

Dear Governor: I am writing in response to the petition on behalf of the State of North
Carolina which you filed under Section 21 of the Toxic Control Act (TSCA). Specifically, you requested this Agency to modify Section 761.10(b)1 of its Polychlorinated Biphenyl (PCB) Disposal and Marking Regulation, 43 FR 7150, 7158, February 27, 1976, to give EPA Regional Administrators discretion to permit disposal of PCB-contaminated soil or debris in ways other than in incinerators or chemical waste landfills meeting EPA requirements.

I and my staff have carefully evaluated the petition. This evaluation has included a review of the in-place treatment method proposed by North Carolina for the PCB-contaminated soil now located on the shoulders of approximately two hundred miles of North Carolina highways. We have also reviewed the numerous comments submitted in response to EPA's publication of the North Carolina petition. See 44 FR 13575, March 12, 1979.

In order to approve the petition I would have to find that there are environmentally acceptable disposal alternatives to EPA-approved chemical waste landfills and incinerators. At present, I know of no such alternatives and I must therefore disapprove your petition. I would like to add this is a very difficult decision. Our concern is not that there would be an imminent threat to humans if PCB were mixed and contained in place as proposed by the State, but rather that this method could result in an unknown and uncontrollable human exposure. Any human exposure to PCB's is of concern because of what is known about this chemical. Our concern about in-place treatment arises principally from the inability to insure the integrity of road shoulders. PCB's are relatively insoluble in water and have a strong affinity for soil particles. These properties will minimize any leaching of the PCB from the soil particles, but PCB's will be released from the spill sites via erosion during such activities as projects to widen roadways, construction of new driveways, routine maintenance of the roads and natural processes. Conventional PCB's are easily controlled in a landfill and landfilling results in a very safe disposal system that will be relatively easy to design and approve. These issues and the comparison between in-place treatment and landfill disposal are discussed in the enclosure.

Governor, while I cannot respond favorably to your petition, I want to commend you for your efforts to deal with the problem. I realize that my statements about proper disposal are only advisory since, as you also recognize, the law does not give me authority to require the State to abate this problem. It did not create nor does it give me the ability to clean it up with Federal funds. I want to assure you that EPA, and especially Regional Administrator John White, will continue to work closely with you to deal with the problem.

Sincerely yours,
Douglas M. Costle.
Enclosure.

[F.R. Doc. 75-21304 Filed 7-6-78; 0.45 cm]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-1]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off-Date

Released: July 3, 1979.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after August 15, 1979. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 15, 1979 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on August 15, 1979.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on August 15, 1979.

Federal Communications Commission
William J. Tricarico, Secretary.

BPCT-781120KE (new), St. Petersburg, Florida, Sun Coast 38, Inc., Channel 38, ERP: Vis. 1530kw [Max]; HAAT: 950 ft.
BPCT-781211LC (new), Medford, Oregon, Highland Communications, Inc., Channel 12, ERP: Vis. 1860kw; HAAT: 2704 ft.
BPCT-781211LD (new), Columbia, South Carolina, Carolina Christian Broadcasting, Inc., Channel 57, ERP: Vis. 167.3kw [Max]; HAAT: 573 ft.
BPCT-781221LI (new), Chico, California, Melvin J. Querio and Jack O. Koonce dba B.MLCT-781115KF (new), St. Petersburg, Florida, Bay Television, Inc., Channel 33, ERP: Vis. 5000kw; HAAT: 1121 ft.
BPCT-780307LC (new), St. Petersburg, Florida, Pappas Telecasting, Inc., Channel 48, ERP: Vis. 4900kw; HAAT: 964 ft.
BPCT-790227KE (new), Medford, Oregon, Christian Broadcasting Corp., Channel 12, ERP: Vis. 195kw; HAAT: 2645 ft.
BPCT-781225GK (new), Hays, Kansas, Smoky Hills Public Television Corporation, Channel 14, ERP: Vis. 1220kw; HAAT: 1320 ft.
BPCT-781225KH (KTXT-TV), Lubbock, Texas, Texas Tech University, Channel 5, ERP: Vis. 64kw; HAAT: 801 ft.
BMCLCT-781115KF (KMHP-TV), Tulare, California, Pappas Telecasting, Incorporated, Channel 9, ERP: Vis. 3200kw; HAAT: 2645 ft.

[FR Doc. 78-2058 Filed 7-6-78; 0.45 cm]

BILLING CODE 6712-01-M

[PR Docket Nos. 79-157, 79-158, 79-159, and 79-160]

Robert D. Alfeld; Designated Applications for Consolidated Hearing on Stated Issues

In the matters of revocation of licence of Robert D. Alfeld, Alfeld's Engraving, 1996 Maiden Lane, Altadena, California 91001, Licensee of Radio Station, KAUF-8191 in the Citizens Band Radio Service (PR Docket No. 79-157) and revocation of license of Robert D.

Order To Show Cause, Suspension and Designation Order


Released: July 2, 1979.

The Chief, Private Radio Bureau, has under consideration the license of Robert D. Alfeld (Alfeld’s Engraving) for Citizens Band (CB) radio station KAUH-8119. That license was issued on May 24, 1977, for a five-year term. Also under consideration are his Amateur radio station license (KA6BJU) and his Amateur Class Amateur radio operator license, which were issued June 20, 1978, for five-year terms, and his application for an Amateur radio station license and Technician Class Amateur radio operator license, dated November 9, 1976.

Information before the Commission indicates that on August 4, August 9, September 28, and September 29, 1978, and January 12, 1979, Alfeld made radio transmissions on the frequencies 27.765 MHz, 27.785 MHz and/or 27.943 MHz, which were in the band of frequencies assigned for use by radio stations of the United States Government. Alfeld did not possess a license authorizing the use of these frequencies. This radio operation was therefore in apparent violation of Section 301 of the Communications Act of 1934, as amended. Moreover, if it was under color of authority of Alfeld’s Citizens Band radio station license (KAUH-8119), it was in violation of the following CB Rules (Section 95.401 of the Commission’s Rules): August 4, 1978—17(a) (authorized frequencies), 19(a) [use of non-type-accepted transmitter], 23(a)(9) [advertising or solicitation], 29(b) [time limitation on communications], and 30(a) [station identification requirements]. August 9, 1978—17(a), 19(a), 29(b), 29(c), and 30(a). September 28, 1978—17(a), 19(a), 23(a)(9) (limitation on distance of communications), 29(b), 29(c), and 30(a). September 29, 1978—17(a), 19(a), 29 (excessive output power), and 30(a). January 12, 1979—17(a), 19(a), 29(c), and 30(a).

1. Information before the Commission indicates that on the above dates Alfeld did not identify his transmissions by either of his Commission-assigned call signs (KAUH-8119 or KA6BJU), but instead identified by or responded to the term “7400”. This indicates that Alfeld is a member of and has operated his radio station in accordance with procedures established by the “U.F. International Club”, an organization that promotes out-of-band radio operation (on and between the frequencies 27.755 MHz and 28.000 MHz) and assigns “U.F. numbers” to its members to use for identification when transmitting on these unauthorized frequencies.

2. This apparent radio operation was the subject of Official Notices of Violation mailed to Alfeld on October 30, 1978, and January 30 and February 1, 1979, and warning letters mailed to him on February 13 and 15, 1979.

Section 312(a)(4) of the Communications Act of 1934, as amended, authorizes the Commission to revoke radio station licenses for willful or repeated violation of the Act or the Commission’s Rules. Section 303[m](1)[A] of the Act provides that an operator license may be suspended for violation of the Act or the Commission’s Rules. Section 308(e) of the Act requires the Commission to designate an application for hearing when it cannot find that a grant of an application would serve the public interest, convenience, and necessity. The operation described above therefore calls into question Alfeld’s qualifications to retain his Citizens Band and Amateur radio station licenses. These matters appear to warrant suspension of Alfeld’s operator license and also preclude the Commission from determining that a grant of his application would serve the public interest, convenience, and necessity.

5. Accordingly, it is ordered, That Alfeld SHOW CAUSE why the licenses for Citizens Band radio station KAUH-8119 and Amateur radio station KA6BJU should not be revoked.

6. It is further ordered, That the Novice Class Amateur operator license of Alfeld is suspended for the remainder of the license term. The suspension will be held in abeyance if Alfeld requests a hearing or submits a written statement.

7. It is further ordered, That Alfeld’s application for an Amateur radio station license and Technician Class Amateur radio operator license is DESIGNATED FOR HEARING on the issues specified below.

8. It is further ordered, That if Alfeld waives a hearing on the revocation, suspension, and/or application matters, he must file a written request for a hearing within 30 days. If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent Order.

9. It is further ordered, That if Alfeld waives his right to a hearing on either revocation matter, it will be certified to the Commission for administrative disposition pursuant to §1.132(c) of the Rules; if he waives his right to a hearing on the suspension matter and submits a written statement, the suspension matter will be certified to the Commission for administrative disposition; if Alfeld waives his right to a hearing on the suspension matter and does not submit a statement, the suspension will take effect 30 days after Alfeld receives this Order; if he waives his right to a hearing on the application matter, his application will be dismissed without prejudice.

10. It is further ordered, That pursuant to §1.227 of the Rules, the revocation, suspension, and application proceedings are consolidated for hearing.

11. It is further ordered, That this consolidated proceeding will be resolved upon the following issues:

Any contrary provisions of §1.15 of the Rules are waived.

Any contrary provisions of §§1.15 and 1.227(c) of the Rules are waived.

Any contrary provisions of §§1.15 and 1.227(c) of the Rules are waived.

Any contrary provisions of §1.15 of the Rules are waived.

The attached form should be used to request or waive hearing. It should be completed and mailed to the Federal Communications Commission, Washington, D.C. 20554, in the enclosed envelope, within 30 days.

If Alfeld waives hearing on the suspension matter and does not submit a written statement, he must send his license to the Commission within 30 days to be retained during the suspension period.
(a) To determine whether the transmissions described above were in violation of Section 301 of the Communications Act of 1934, as amended, or § 95.401 of the Commission's Rules (CB Rules 17(a), 19(a), 23(a)(5), 23(a)(9), 28(b), 29(c) and/or 30(a), or §§ 97.7(e), 97.61(a), 97.84(a), 97.87(a), and/or 97.123 of the Commission's Amateur Radio Service Rules.

(b) To determine whether Alfeld is a member of and has operated his Citizens Band radio station in accordance with procedures established by the "U.F. International Club".

(c) To determine, in light of the above, whether Alfeld has the requisite qualifications to remain a Commission licensee.

(d) To determine whether the suspension order should be affirmed, modified or dismissed.

(e) To determine whether grant of the application would serve the public interest, convenience, and necessity.

12. It is further ordered, That copies of this Order shall be sent both by Certified Mail—Return Receipt Requested and by Regular Mail to Alfeld at his address of record (as shown in the caption).

Chief, Private Radio Bureau.

Gerald M. Zuckerman,
Chief, Compliance Division.

[PR Docket Nos. 79-161 and 79-162]

Cecilia A. Alfeld; Designated Applications for Consolidated Hearing on Stated Issues

In the matters of revocation of license of Cecilia A. Alfeld, 1996 Maiden Lane, Altadena, California 91001, Licensee of Citizens Band Radio Service (PR Docket No. 79-161) and Application of Cecilia A. Alfeld, 1996 Maiden Lane, Altadena, California 91001, for Amateur Radio Station License and General Class Amateur Radio Operator License (PR Docket No. 79-162).

Order To Show Cause and Designation Order


1. The Chief, Private Radio Bureau, has under consideration the license of Cecilia A. Alfeld for Citizens Band (CB) radio station KAOR-6330. That license was issued on March 31, 1977, for a five year term. Also under consideration is Alfeld's application for an Amateur radio station license and a General Class Amateur radio operator license, dated February 28, 1979.

2. Information before the Commission indicates that on September 23, 1978, Alfeld made radio transmissions on the frequencies 27.785 MHz and 27.945 MHz, which were in the band of frequencies assigned for use by radio stations of the United States Government. Alfeld did not possess a license authorizing the use of these frequencies. This radio operation was therefore in apparent violation of Section 301 of the Communications Act of 1934, as amended. Moreover, if it was under color of authority of Alfeld's Citizens Band radio station license (KAOR-6330), it was in violation of the following CB Rules (Section 65.401 of the Commission's Rules: 17(a) [authorized frequencies], 19(a) [use of non-type-accepted transmitter], 29(b) [time limitation on communications] and 30(a) [station identification requirements].

3. Information before the Commission also indicates that on the above date Alfeld did not identify her transmissions by her Commission-assigned call sign (KAOR-6330), but instead identified by or responded to the term "UF 7401". This indicates that Alfeld is a member of and has operated her radio station in accordance with procedures established by the "U.F. International Club", an organization that promotes out-of-band radio operation (on and between the frequencies 27.755 MHz and 28.000 MHz) and assigns "U.F. numbers" to its members to use for identification when transmitting on these unauthorized frequencies.

4. This apparent radio operation was the subject of an Official Notice of Violation mailed to Alfeld on October 28, 1978.

5. Section 312(a)(4) of the Communications Act of 1934, as amended, authorizes the Commission to revoke radio station licenses for willful violation of the Act or the Commission's Rules. Section 309(e) of the Act requires the Commission to designate an application for a hearing where it cannot find that a grant of the application would serve the public interest, convenience and necessity. The radio operation described above therefore calls into question Alfeld's qualifications to retain her Citizens Band radio station license. These matters also preclude the Commission from determining that a grant of her application would serve the public interest, convenience, and necessity.

6. Accordingly, it is ordered that Alfeld SHOW CAUSE why the license for Citizens Band radio station KAOR-6330 should not be revoked.

7. It is further ordered, that Alfeld's application for an Amateur radio station license and General Class Amateur radio operator license is DESIGNATED FOR HEARING on the issues specified below:

8. It is further ordered, that if Alfeld waives her right to a hearing on the revocation matter, it will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules; if she waives her right to a hearing on the application matter, her application will be dismissed with prejudice.

10. It is further ordered, that pursuant to § 1.227 of the Rules, the revocation and application proceedings ARE CONSOLIDATED for hearing.

11. It is further ordered, that this consolidated proceeding will be resolved upon the following issues:

(a) To determine whether the transmissions on September 23, 1978, were in violation of Section 301 of the Communications Act of 1934, as amended, or Section 65.401 of the Commission's Rules (CB Rules 17(a), 19(a), 29(b) and/or 30(a)).

(b) To determine whether Alfeld is a member of and has operated her Citizens Band radio station in accordance with procedures established by the "U.F. International Club".

(c) To determine, in light of the above, whether Alfeld has the requisite qualifications to remain a Commission licensee.

(d) To determine whether a grant of Alfeld's application would serve the public interest, convenience, and necessity.

12. It is further ordered, That copies of this Order shall be sent both by Certified Mail—Return Receipt Requested and by Regular Mail to Alfeld.

The attached form should be used to request or waive hearing. It should be completed and mailed to the Federal Communications Commission, Washington, D.C. 20554, in the enclosed envelope, within 30 days.

Any contrary provisions of § 1.221(e) of the Rules are waived.
the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Murenin,
Assistant Secretary of the Board.

BILLING CODE 6210-0-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consumption of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 26, 1979.

A. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198:

First Union Corporation, Stillwater, Oklahoma (finance activities; Oklahoma): to engage, through a subsidiary, First Union Financial Services, Inc., in making or acquiring, and servicing, loans and other extensions of credit, including secured and unsecured consumer, commercial and agricultural loans, installment sales contracts and other forms of receivables, and such other types of loans and credit extensions as are customarily made or acquired by a finance company operating in the manner authorized by the State of Oklahoma. These activities would be conducted from an office in Stillwater, Oklahoma, serving an area of Oklahoma including the counties of Payne, Logan, Lincoln, Pawnee and Noble.

B. Other Federal Reserve Banks:

None.


Edward T. Murenin,
Assistant Secretary of the Board.

BILLING CODE 6210-0-M
the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 28, 1979.

A. Federal Reserve Bank of Richmond, 701 East Byrd Street, Richmond, Virginia 23261:
Southern Bancorporation, Inc., Greenville, South Carolina (finance and insurance activities; South Carolina) to engage, through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender under the Consumer Finance Division; and acting as agent for the sale of credit-related life, accident and disability insurance, and credit-related property and casualty insurance issued in connection with the above-mentioned extensions of credit. These activities would be conducted from offices in Camden, Columbia, Greenwood, Greenville, Lancaster and Spartanburg, South Carolina serving the cities in which the office are located.

B. Other Federal Reserve Banks:
None.

Edward T. Mulrenin, Assistant Secretary of the Board.

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board’s Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 28, 1979.

A. Federal Reserve Bank of Richmond, 701 East Byrd Street, Richmond, Virginia 23261:
1. NCNB Corporation, Charlotte, North Carolina (financing, Tennessee) to engage, through its subsidiary. TranSouth Mortgage Corporation, in the making of loans and extensions of credit to dealers for the financing of inventory (floor planning) and for working capital purposes. These activities would be conducted from offices, each of which is also an existing office of TranSouth Financial Corporation, in Athens, Columbus, Cleveland, Elizabethton, Fayetteville, Greenville, Newport, Lewisburg, Manchester, McMinnville, Franklin, Hendersonville, Lebanon, Winchester, Rogersville and Knoxville, Tennessee, each office serving a 25-mile radius.

2. NCNB Corporation, Charlotte, North Carolina (financing and insurance activities, Tennessee) to engage, through its subsidiary, TranSouth Financial Corporation a company registered under the Industrial Loan and Thrift Companies Act of Tennessee, in operating as a finance company, including the extension of direct loans for consumer and other purposes, the discounting of retail installment notes or contracts, the purchasing of personal property lease contracts and acting as agent in the sale of life, accident and health and physical damage insurance directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh
possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing. Identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 27, 1979.

A. Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94112:

1. Old National Bancorporation, Spokane, Washington (finance and insurance activities; Oregon): to engage, through its subsidiary, Old National Financial Services, Inc., in making or acquiring loans and other extensions of credit, including consumer loans, consumer sales finance contracts, and loans to small businesses; and through Old National Financial Services, Inc., and Union Securities Co., in acting as agent or broker for the purpose of selling credit life and credit accident and health insurance in connection with extensions of credit by Old National Financial Services, Inc., secured or unsecured, and acting as agent or broker for the purpose of selling property and casualty insurance on personal property subject to security interests held by Old National Financial Services, Inc. These activities would be conducted from an office in Gladstone, Oregon, serving the State of Oregon.

2. Wells Fargo & Company, San Francisco, California (finance, leasing and advising activities; Southwestern United States): to engage, through its subsidiary, Wells Fargo Realty Advisors, in the following activities: making or acquiring real estate related loans and other extensions of credit, for its own account or for the account of others; servicing the loans and extensions of credit described above; acting as an investment advisor to Wells Fargo Mortgage and Equity Trust (a real estate investment trust), other affiliates of Wells Fargo & Company and other investors with respect to real estate investment portfolios; providing full payout leasing of real property or acting as agent, broker or advisor in arranging such leases to the extent permitted by § 225.4(a)(6)(b) of Regulation Y of the Federal Reserve Board; providing bookkeeping or data processing services related to real estate investments of Wells Fargo & Company and its affiliates. These activities would be conducted from an office in San Antonio, Texas, serving primarily the State of Texas.

B. Other Federal Reserve Banks:

None.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21121 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M

Bank of Nova Scotia; Acquisition of Bank

The Bank of Nova Scotia, Toronto, Ontario, Canada, has applied for the Board's approval under section 3(a)[3] of the Bank Holding Company Act (12 U.S.C. 1842(a)[3]) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of ScotiaBank de Puerto Rico, San Juan, Puerto Rico. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21127 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M

Corsicana Bancshares, Inc.; Formation of Bank Holding Company

Corsicana Bancshares, Inc., Corsicana, Texas, has applied for the Board's approval under section 3(a)[1] of the Bank Holding Company Act (12 U.S.C. 1842(a)[1]) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Corsicana National Bank, Corsicana, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21134 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M

City Savings Banchares, Inc.; Formation of Bank Holding Company

City Savings Banchares, Inc., DeRidder, Louisiana, has applied for the Board's approval under section 3(a)[1] of the Bank Holding Company Act (12 U.S.C. 1842(a)[1]) to become a bank holding company by acquiring 80 per cent or more of the voting shares of City Savings Bank and Trust Company, DeRidder, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 20, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21139 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M

Corporate Credit Union of America; Extension of Credit

Corporate Credit Union of America, Astoria, Oregon, has applied to the Board of Governors of the Federal Reserve System, pursuant to section 3(a)(6) (12 U.S.C. 1842(a)(6)) of the Bank Holding Company Act of 1933 (12 U.S.C. 181a et seq.), to extend an additional $30,000,000 in credit to the members of the Corporate Credit Union of America, for both the fiscal years ending December 31, 1979, and 1980.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Portland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21136 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M

Fordham University; Acquisition of Atlantic City National Bank

Fordham University, New York, New York, has applied for the Board's approval under section 3(a)[1] of the Bank Holding Company Act (12 U.S.C. 1842(a)[1]) to become a bank holding company by acquiring the assets of Atlantic City National Bank, Atlantic City, New Jersey, and assuming the liabilities of that bank. The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21137 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M

National Bancorporation, Inc.; Acquisition of Citizens National Bank

National Bancorporation, Inc., 301 Corporate Center Drive, New York, New York, has applied for the Board's approval under section 3(a)[1] of the Bank Holding Company Act (12 U.S.C. 1842(a)[1]) to acquire all of the voting shares of Citizens National Bank, New York, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21138 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M

Sun Bank, Inc.; Formation of Bank Holding Company

Sun Bank, Inc., Seattle, Washington, has applied for the Board's approval under section 3(a)[1] of the Bank Holding Company Act (12 U.S.C. 1842(a)[1]) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Sun Bank, Inc., Seattle, Washington. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Seattle. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.


Edward T. Mulrenin, Assistant Secretary of the Board.

[FR Doc. 79-21139 Filed 7-6-79; 8:45 am]
BILLING CODE 6210-01-M
First Wewoka Bancorporation; Formation of Bank Holding Company

First Wewoka Bancorporation, Wewoka, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of First National Bank in Wewoka, Wewoka, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Edward T. Mulrenin, Assistant Secretary of the Board.

Hart Bancshares, Inc.; Formation of Bank Holding Company

Hart Bancshares, Inc., Munfordville, Kentucky, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Hart County Bank and Trust Company, Munfordville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Anyone wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Edward T. Mulrenin, Assistant Secretary of the Board.

Henrietta Bancshares, Inc.; Formation of Bank Holding Company

Henrietta Bancshares, Incorporated, Henrietta, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of First National Bank of Henrietta, Henrietta, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Edward T. Mulrenin, Assistant Secretary of the Board.

Syracuse Agency, Inc.; Formation of Bank Holding Company

Syracuse, Agency, Inc., Syracuse, Nebraska, has applied for the Board’s approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Syracuse, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Edward T. Mulrenin, Assistant Secretary of the Board.
Virginia National Bancshares; Proposed Expansion of Activities of VNB Mortgage Agency, Inc.

Virginia National Bancshares, Norfolk, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board’s Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the activities of its subsidiary, VNB Mortgage Agency, Inc., (“Agency”) to include the sale of certain types of property and casualty insurance not presently sold by Agency. The sale of this insurance would be directly related to extensions of credit by Applicant’s credit granting subsidiaries or directly related to the mortgage servicing activities of VNB Mortgage Company.

Applicant states that the proposed subsidiary would engage in these activities at the offices of Virginia National Bank, VNB Mortgage Corporation, VNB Equity Corporation, and Atlantic Credit Corporation, located throughout Virginia. The geographic area to be served is the State of Virginia. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 25, 1979.


Edward T. Mulrenin, Assistant Secretary of the Board.

Wesbanco, Inc.; Proposed Acquisition of Ohio Valley Finance Co.

Wesbanco, Inc., Wheeling, West Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board’s Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Ohio Valley Finance Company, Wheeling, West Virginia.

Applicant states that the proposed subsidiary would engage in the activities of a consumer finance company as a supervised lender making or acquiring supervised loans pursuant to State law; and acting as agent for the sale of credit life, accident and health insurance relating to extensions of credit. These activities would be performed from offices of Applicant’s subsidiary in Wheeling, West Virginia, and the geographic area to be served is the City of Wheeling, including Wheeling Island, Elm Grove and Warwood. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 25, 1979.


Edward T. Mulrenin, Assistant Secretary of the Board.
Indian children and adults participate, Federal education programs in which necessary for the improvement of recommendations it may deem

June

A., (P.L 81-874) as added

303(b)

Education in developing criteria and educational agencies, institutions, and local educational agencies and to Indian adults can participate or from which Welfare in which Indian children or Department of Health, Education, and [Commissioner with respect to their make recommendations to the Council with respect to the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 300(b) of the Act of September 30, 1950 (P.L. 81-874) as added by Title IV, Part A, of P.L. 92-318;

(7) Submit to Congress not later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such program; and

(8) Be consulted by the Commissioner of Education regarding the definition of the term "Indian," as follows:

Sec. 453 [Title IV, P.L. 92-318]. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The meeting on July 16-18, 1979, will be open to the public. This meeting will be held at the Holiday Inn, 500 Main Street, Bangor, Maine.

The proposed agenda includes:

(1) Executive Director's Report
(2) Swearing in of newly appointed Council member
(3) Action on previous meeting minutes
(4) Committee discussions and reports
(5) Review of NACIE FY79 Budget
(6) Special Reports
(7) Plans for future NACIE activities
(8) Regular Council Business

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

For further information call Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, (202) 376-8882.

Dated: June 7, 1979.

Signed at Washington, D.C.

Dr. Michael P. Doss,
Executive Director, National Advisory Council on Indian Education.

Office of the Secretary
National Institutes of Health;
Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN [National Institutes of Health] of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (40 FR 22839, May 27, 1975, as amended most recently at 44 FR 7234. February 8, 1979, is amended to reflect: (1) The abolishment of the Division of Scientific Reports in the Office of Communications; (2) the modification of the functions of the Division of Public Information in the Office of Communications; and (3) the modification of the functions of the Division of Program Analysis in the Office of Program Planning and Evaluation. These changes will bring into conformity the structure and functions of the respective organizations with current duties.

Sec. HN-B, Organization and Functions, is amended as follows:

(1) Under the heading Office of Communications (HNA6), delete the statement for the Division of Scientific Reports (HNA3).

(2) Delete the statement for the Division of Public Information (HNA92) and insert the following statement:

Division of Public Information (HNA92): (1) Advises the Director, Office of Communications, on policies and programs relating to the public information and public affairs activities of NIH, as well as NIH efforts to interpret, present, and disseminate research findings and scientific and health information to the biomedical community and special audiences; (2) provides guidance and coordination to, and evaluates bureau, institute, and division programs of, scientific and health reporting, as well develops and issues guidelines to ensure conformance with laws, policies, and regulations governing publication and audiovisual materials; (3) plans and directs the NIH public information program, identifies NIH needs in the area of public information and carries out special efforts to meet these needs; (4) prepares and publishes scientific and technical publications and reports relating to NIH programs and provides for orderly and expeditious processing and dissemination of NIH public information materials; (5) advises and assists operating components of NIH in establishing policies and procedures to insure prompt and informative answers to inquiries concerning their activities.

(3) Under the heading Office of Program Planning and Evaluation (HNA6), delete item (4) in the statement for the Division of Program Analysis (HNA82). After item (3), change the semicolon to a period.
Social Security Administration

Demonstration of an Employment Assistance Alternative—Intake Intercept; Invitation To Comment on Proposed Demonstration Project

The Michigan Department of Social Services has submitted an application under section 1115(b) of the Social Security Act to conduct a project entitled "Demonstration of an Employment Assistance Alternative—Intake Intercept." A summary of the project provided by the State is as follows:

The Intake Intercept demonstration project is designed to provide intensive short-term employment assistance services to a concentrated urban population comprised primarily of minority females. The method by which services will be delivered involves a structured self-job search curriculum developed by a private employment agency specializing in affirmative action and non-traditional jobs for women. In cooperation with the private sector agency, Michigan Department of Social Services staff will provide supportive counseling and work with client participants to reduce or remove barriers which would impede the job-search process. The approaches recommended by the private agency have been tested in the marketplace and are responsive to the needs identified by employers seeking to augment their work force. By facilitating labor market entrance through skills responsive to employers' perspectives, the project will mitigate the institutional bias associated with public sector job applicants.

A rationale for the choice of experimental site is detailed in Part III Section A of this application. The work plan to accomplish the project objectives (Part III Section A) is outlined in Part VI which includes the structured curriculum which will be delivered to project participants.

To summarize, approximately one-half of Michigan Aid to Families with Dependent Children (AFDC) cases are located in Wayne County (Detroit) and while over 20 percent of non-Wayne County AFDC cases have a member who is employed, in Detroit only eight percent of the cases reflect employment income. Existing employment programs have not significantly impacted on the urban population. It is apparent that differential programming is required.

The Intake Intercept project proposes specific responses to identified needs, incorporates documentation from an existing, federally-funded research project to provide the basis for data collection and program development and predicts a high success rate for participating clients.

Benefits in the form of expanded job opportunities for AFDC clients, reduced grants resulting from employment placements and increased skills of participating MDSS staff will accrue from the successful completion of this demonstration project.

ADDRESSES: For full understanding of the details of the project, it is available for public inspection between 8:30 a.m. and 4:30 p.m., Monday through Friday in Room 914, Universal North Building, 1875 Connecticut Avenue, N.W., 20037. Comments should be sent to Dr. Wilmer Kerns, Social Security Administration, Office of Research and Statistics, Family Assistance Studies Staff, at the above address.

FOR FURTHER INFORMATION CONTACT: You may call Dr. Kerns at (202) 673-5595.

DATES: Comments received by August 8, 1979 will be considered in deciding whether to approve this application.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Doc No. NFD-717; FDAA-577-DR]

Mississippi; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Mississippi (FDAA-577-DR), dated April 16, 1979.

DATED: June 18, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: This Notice of major disaster for the State of Mississippi dated April 16, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For Public Assistance only:

Hancock County

This Public Assistance is limited to repair on the beach road between Lakshore Road and the road-end in the Jourdian River area.

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Doc No. D-79-576]

Acting Assistant Secretary for Fair Housing and Equal Opportunity; Designation

Section A. Designation. During the absence of the Assistant Secretary for Fair Housing and Equal Opportunity the following officials will serve as Acting Assistant Secretary in the order named:

1. General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

2. Deputy Assistant Secretary for Operations and Management.

3. Associate Deputy Assistant Secretary for Enforcement and Compliance.

Section B. Authorization. Each head of an organizational unit of Fair Housing and Equal Opportunity is authorized to designate an employee under his jurisdiction to serve as acting head during the absence of the head of the unit.

Effective date: This designation is effective May 24, 1979.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Advance Notice of Intent To Call for Expressions of Interest in Coal Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of Date on Call for Expressions of Interest in Coal Leasing.

SUMMARY: On June 13, 1979, an Advance Notice of Intent to Call for Expressions of Interest in Coal Leasing (44 FR 33970) was published. This notice stated the intention to issue a call no later than
July 10, 1979 for expressions of interest in coal leasing in the areas identified as acceptable for further consideration for coal leasing in the final Hanna (Wyoming), Overland (Wyoming), and Williams Fork (Colorado) Management Framework Plan (MFP) Supplements.

Due to a delay in the issuance of Final Regulations for the Federal Coal Management Program, the call for expressions of interest in coal leasing in these areas must be postponed until the requisite regulations have been published.

No other areas are expected to be affected by this postponement.

DATE: No date has been set for the publication of a call for expressions of interest in coal leasing in the areas listed above.

FOR FURTHER INFORMATION CONTACT:

Arnold E. Petty,
Acting Associate Director, Bureau of Land Management.

[FR Doc. 79-22956 Filed 7-5-79; 8:15 am]
BILLING CODE 4310-44-M

North Atlantic OCS Oil and Gas—
Extension of Review Period for Draft Supplement to Environmental Statement

In the Federal Register of May 22, 1979, [44 FR 29730] the Bureau of Land Management announced the availability of a draft supplemental environmental statement for Proposed OCS Oil and Gas Lease Sale No. 42. Review comments on the draft document were requested by July 6, 1979.

Notice is hereby given that the period for final receipt of review comments on the draft supplement is formally extended to July 16, 1979.

Arnold E. Petty,
Acting Associate Director, Bureau of Land Management.
Approved: July 6, 1979.

Guy R. Martin,
Assistant Secretary of the Interior.

[FR Doc. 79-23737 Filed 7-6-79; 10:25 am]
BILLING CODE 4310-44-M

Bureau of Reclamation

Contract Negotiations With Wellton-Mohawk Irrigation and Drainage District; Intent to Negotiate an Amended Contract to Adjust the District’s Repayment Obligation and to Consolidate Existing Contracts

The Department of the Interior, through the Bureau of Reclamation, has been negotiating a contract with the Wellton-Mohawk Irrigation and Drainage District pursuant to the Colorado River Basin Salinity Control Act of June 24, 1974 (88 Stat. 266). For the purpose of reducing the return flows from the Wellton-Mohawk Division of the Gila Project, Section 101(f)(2) of the Act authorized the Secretary of the Interior to “Acquire, by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands, reasonably necessary to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 625), known as the Gila Reauthorization Act. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.”

Section 101(f) further authorized the Secretary to “… amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

“(1) The portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this title, as determined by the Secretary, shall be nonreimbursable; and

“(2) If deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district’s decreased operation and maintenance base, all as determined by the Secretary.”

The proposed amendatory contract will provide for a reduction in the district’s repayment obligation for construction of the Wellton-Mohawk Division in accordance with the Salinity Control Act, will consolidate existing contracts between the United States and the district, and will transfer certain Federally constructed facilities to the district for operation and maintenance.

The form of the proposed contract is estimated to be available approximately 30 days from the date of this notice. At that time, the public is invited to submit written comments on the form of the proposed contract. Comments will be received until September 7, 1979.

For further information and copies of the proposed contract, please contact Mr. George S. Blake, Contracts and Repayment Branch, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone No. [702] 293-8536.

The Department of the Interior, Bureau of Reclamation, Columbia Basin Project Office, will be preparing an environmental impact statement on a proposal to acquire, develop, and manage 7,527 hectares (18,600 acres) of land in the Eagle Lakes area, located approximately 10 to 15 miles south and east of Othello, Washington, within the Columbia Basin Project. The U.S. Fish and Wildlife Service and the Washington State Department of Game have assisted and been involved in the development of the proposal.

If adopted, the proposal would involve the acquisition and incorporation of the Eagle Lake area in the National Wildlife Refuge System. Administration would be by the U.S. Fish and Wildlife Service. A management program for diversified public use will be developed by the U.S. Fish and Wildlife Service in cooperation with the Washington State Department of Game, which would include waterfront and hunting, upland bird hunting, fishing, and compatible nonconsumptive uses.

The environmental impact statement would address the other management alternatives that were considered in developing the proposal including that of no acquisition. There will also be a complete analysis of the environmental consequences of each alternative considered, including the impact, mitigation measures, unavoidable adverse impacts, relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity, and the irreversible and irretrievable commitment of resources.

To ensure that the full range of issues related to this proposal are discussed and all significant issues are identified, comments and suggestions are invited. Agencies, organizations, and individuals interested in submitting comments or having questions should write to or contact the Bureau of Reclamation at the address provided below:

Bill Melander, Environmental Specialist, Columbia Basin Project, Bureau of Reclamation, P.O. Box 815, Ephrata, WA 98823, Phone (509) 754-4611. Extension 228.

Dated: June 27, 1979.
R. Keith Higginson, Commissioner of Reclamation.

BILLING CODE 4310-09-M

Fish and Wildlife Service

Availability of Proposed Policy on Trapping Furbearers

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice

SUMMARY: A proposed policy update regarding the trapping of furbearers in the National Wildlife Refuge System is available for public review and comment. Comments on the proposed policy are invited from all interested parties and will be given full consideration in the development of the final policy.

DATES: All relevant comments received on or before September 7, 1979.

ADDRESSES: The proposed policy update is available for public inspection during normal business hours in Room 2340, Main Interior Building, 18th and C Streets, N.W., Washington, D.C. Single copies may be obtained by writing to the Director (RF), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments may be sent to the Director (RF) at this same address.

FOR FURTHER INFORMATION CONTACT: Nell P. Baldacchino or Donald G. Young, U.S. Fish and Wildlife Service, Division of Refuge Management Room 2340, Main Interior Building, Washington, D.C. 20240. Telephone 202-343-4305.

SUPPLEMENTARY INFORMATION: Nell P. Baldacchino is also the principal author of this notice. The objective of this proposed policy update is to provide a reference for current policy governing the trapping of furbearers on units of the National Wildlife Refuge System.

Furbearers are mammals whose pelts (and sometimes carcasses) generally have commercial value. Some of the more commonly harvested species are muskrat, nutria, raccoon, fox, mink, beaver, and skunk. Trapping is presently conducted on about 20 percent of the 390 National Wildlife Refuges.

The proposal makes no major changes in existing policy, but consolidates previous directives and clarifies legislative authorities and administrative responsibilities and procedures for allowing trapping on national wildlife refuge lands. Under the proposal, the U.S. Fish and Wildlife Service will continue to permit the trapping of furbearers on units of the National Wildlife Refuge System where it contributes to, or is compatible with, the management objectives of the refuge. The proposed policy is based on the premise that furbearers often produce a harvestable surplus (more animals than are needed to maintain desirable breeding population levels).

The policy addresses in considerable detail the administrative procedures for implementation of refuge permit trapping programs. Refuge Trapping Plans and Environmental Assessments are required for each refuge trapping program. The Trapping Plan forms the basis for determining whether removal of furbearers is compatible with refuge objectives and which method of removal is most appropriate. Refuge managers are encouraged to require the most efficient and humane trapping techniques available for the target species and habitat of their refuges.

Applicants for refuge trapping permits must possess the required State licenses and permits and must be the age of majority in the State in which trapping will occur. Previous trapping experience and/or training are among other considerations which affect the eligibility of applicants.

Dated: July 2, 1979.

Robert S. Cook, Acting Director, Fish and Wildlife Service.

BILLING CODE 4110-05-M

Office of the Secretary

Availability of Draft Environmental Statement; CO₂ Project Wasson Field/ Denver Unit

Pursuant to Section 102(2)(g) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management has prepared an environmental statement for a proposed CO₂ project and invites your written comments within 45 days of this notice. This project consists of a CO₂ well field in southwest Colorado and a 478-mile pipeline through New Mexico to the Denver City, Texas area. The CO₂ will be injected into oil wells to enhance oil recovery, public meetings will be held near the end of July in Cortez, Colorado and Albuquerque and Roswell, New Mexico, time and locations will be announced later. Copies of the draft environmental
statements will be available for public inspection at the locations listed below.

Bureau of Land Management
Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.
Farmington Resource Area Office, 900 La Plata Highway, P.O. Box 556, Farmington, New Mexico 87401.
Roswell District Office, 1717 W. Second Street, Featherstone Farm’s Building, P.O. Box. 1397, Roswell, New Mexico 88321.
Montrose District Office, Highway 550 South, Montrose, Colorado 81501.
Colorado State Office, Colorado State Bank, 7th Floor, 1600 Broadway, Denver, Colorado 80202.
Denver Service Center Library, BLDG. 50, Denver Federal Center, Denver, Colorado 80225.

Public Libraries
Albuquerque City Library, 501 Copper Avenue NW, Albuquerque, New Mexico 87107.
Farmington City Library, 320 North Orchard Avenue, Farmington, New Mexico 87401.
Roswell Public Library, 127 West 3rd Street, Roswell, New Mexico 88321.
Cortez City Library, 802 East Montezuma, Cortez, Colorado 81321.
Yakima County Library, 205 West 4th Street, Denver City, Texas 79333.

A limited number of single copies may be obtained from the New Mexico State Office, Bureau of Land Management, P.O. Box. 1449, Santa Fe, New Mexico 87501.

Dated: July 2, 1979.
Larry E. Meisotto,
Assistant Secretary of the Interior.
[FR Doc. 79-2070 Filed 7-6-79; 8:45 am]
BILLING CODE 4310-10-M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on International Communication, Cultural, and Educational Affairs

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the Commission announces the following meetings:

Aug. 16-17 9 a.m.-5 p.m. Room 660, 1726 Pa. Ave., NW.
Sept. 27-28 9 a.m.-5 p.m. Room 1008, 1750 Pa. Ave., NW.
Nov. 1-2 9 a.m.-5 p.m. Room 1008, 1750 Pa. Ave., NW.
Dec. 13-14 9 a.m.-5 p.m. Room 1008, 1750 Pa. Ave., NW.

Type of Meetings: Open limited space.
Purpose of Meeting: To provide new members of the Commission with an introductory review of the programs and policies of the International Communication Agency. The August meeting will review the Associate Directorate for Educational and Cultural Affairs.

Contact Person: If you plan to attend, please phone Miss Elizabeth Fahl, 724-9374.
Jane S. Grimes,
Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communications Agency.
(Bills Code: 2350-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 26-79]

Privacy Act of 1974; Notice of System of Records

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), the Department of Justice, Federal Bureau of Investigation (FBI), is republishing the following system of records which most recently was published on September 28, 1978, in the Federal Register's annual publication of Privacy Act issuances: Identification Division Record System (JUSTICE/FBI-009)

In order to clarify a routine use of information in the system, the notice for the above record system has been revised and reprinted below to more accurately describe the FBI's Missing Persons Program. The clarification incorporated into the existing notice has been italicized for the convenience of the public.

Since the modification to the system notice constitutes an amplification rather than an alteration or expansion of the system, the reporting criteria of Office of Management and Budget Circular A-106 do not require the filing of a report with the Office of Management and Budget and the Congress.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a, and delegated to me by Attorney General Order 79-76, the changes italicized below are hereby adopted.

Dated: June 27, 1979.
Kevin D. Rooney,
Assistant Attorney General for Administration.

JUSTICE/FBI-009

SYSTEM NAME:
Identification Division Records System.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
A. Individuals fingerprinted as a result of arrest or incarceration by Federal, State or local law enforcement agencies.
B. Persons fingerprinted as a result of Federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:
A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.
B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on records for personal identification purposes.
C. Identification records sometimes referred to as 'rap sheets' which are compilations of criminal history information pertaining to individuals who have criminal fingerprints cards maintained in the system.
D. An alphabetical name index pertaining to each individual whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files and each file has an alphabetical name index related to the data contained therein.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
The system is established, maintained and used under authority granted by 28 U.S.C. 534 and P.L. 92-544 (86 Stat. 1115). The authority is also codified in 28 C.F.R. 0.85(b) and (i).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
The FBI operates the Identification Division Records System to perform identification and criminal history record information functions for federal, state, local, and foreign criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state statute pursuant to Public Law 92-544 (86 Stat. 1115), Presidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters, missing person cases, and for other humanitarian
purposes. With regard to missing persons, the FBI Identification Division receives inquiries from private citizens, insurance companies, law enforcement agencies and members of Congress on behalf of constituents, seeking assistance in locating missing children, relatives and heirs of estates. Where the need is acute on where it appears the FBI Identification Division files may be the only source or means of locating the missing person, consideration is given to furnishing information, limited to identity and whereabouts, to the inquiring individual/agency. Information is provided only in those instances where there is a reasonable belief, based on the information at hand, that the missing Individual would want the information to be furnished. Dissemination is also conducted in accordance with Public Law 94-29, known as the Securities Acts Amendments of 1975.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored manually in file cabinets either in its natural state or on microfilm. In addition, some of the information is stored electronically in converting the manual system to an automated system.

RETRIEVABILITY:

(1) All information in the system is retrievable by technical fingerprint classification index and positive identification is effected only by comparison of the unique characteristics obtained from fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through the alphabetical same indexes which contain names of the individuals, their birth date, other physical descriptors and the individuals' technical fingerprint classifications and FBI numbers, if such have been assigned.

(3) The name of an individual and his FBI number may assist in retrieval of information about that individual from within the system. Since July, 1971, all individuals whose fingerprints have been placed in the criminal file have been assigned unique FBI numbers. Prior to July, 1971, all individuals who had two or more fingerprint cards in the criminal file were assigned FBI numbers.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from within the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

(1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(2) Fingerprint cards and related arrest data are removed from the Identification Division Records System upon receipt of Federal Court orders for expunction when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerprint cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying information.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager. The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act.

RECORD ACCESS PROCEDURES:

The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act. However, pursuant to 28 C.F.R. 16.20-24, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 Fed. Reg. 22114 (Section 20.34) for Criminal Justice Information Systems, an individual is permitted access to his identification record maintained in the Identification Division Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

See Categories of Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (e)(3) and (4), (d), (c)(2), and (e)(4) of C.F.R. 50.3, and Rules and Regulations promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.
LEGAL SERVICES CORPORATION

Grants and Contracts
July 2, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-353 88 Stat. 378, 42 U.S.C. 2996-2306l, as amended, Pub. L. 95-222 (December 28, 1977), Section 1007(f) provides: “At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . . such grant, contract or project.”

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by Fresno County Legal Services in Fresno, California to serve Merced County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, San Francisco Regional Office, 172 Post Street, Suite 890, San Francisco, CA 94104.

Dan J. Bradley, President.

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

BILLING CODE 6820-35-M

LIBRARY OF CONGRESS

Copyright Office

Request for Comments On the Status of Translators

AGENCY: Library of Congress, Copyright Office.

SUMMARY: The United States Copyright Office, Library of Congress, is publishing the Unesco Recommendation on the Legal Protection of Translators and Translations and the Practical Means to Improve the Status of Translators to obtain comments from interested parties including translators, as well as publishers and users of translations. The following background statement sets forth the history of this Recommendation and explains briefly the status of translators and translations under both international and United States Copyright Law. We would appreciate receiving your comments by July 31, 1979, so that we may consider your perspectives in preparing an appropriate United States response to these recommendations.


Background

Translations—the rendering of literary works from one language to another—have been a central issue of international copyright since the 19th Century when the first international copyright agreements were concluded. Statesmen, authors and others, committed to the growth of culture, sought ways to break down the barriers of language that inhibited increased communication among different societies while recognizing the rights of authors of differing nationalities. Yet these barriers as well as the threat of literary “piracy” remained as durable as societal differences and national boundaries, and the question of translation rights remained at the core of the controversy. Nations have always sought to exercise some control, or at least influence, over the selection of foreign works that are translated into their national language and according the foreign author an unlimited translation right would take away the choice. Largely because of this issue the right of translation has always been qualified in the international copyright treaties.

The 20th Century struggle for strong international copyright recognition has often seemed to be a defense of the author’s right to control translation against pressures tending toward its erosion. The internationalization of Western culture, the culturally absorptive character of modern technological society, and most recently, the demands of developing states for easier access to copyrighted works for educational purposes, have led to demands for more expanded translation rights. Somewhat, lost in the law and politics of author’s material and professional rights in controlling translations is the shadow author: the translator.

Beginning in 1958, the United Nations Educational, Scientific and Cultural Organization (Unesco), recognizing that translators, as creative authors in their own right, faced unique problems in professional recognition, remunerations and conditions of employment, initiated a broad series of studies on the legal status of translators throughout the world. Based on these studies and with the cooperative work of the International Federation of Translators, opinion soon crystallized around the notion that the real problems of translators were not so much a lack of legal status, as a set of complex economic circumstances.

The legal studies confirmed that in virtually all states, translators were expressly or impliedly treated as “authors,” equal in status to the authors of the original works being translated. While translations are, with respect to the original language version, “derivative works,” for whose creation and publication the consent of the original author is generally required, the translator theoretically may exercise the full range of rights accorded authors with respect to his or her translation. By 1973, however, the committees of Unesco studying the subject had concluded that “the legal protection enjoyed by translators was for the most part adequate, but that there were difficulties in connection with the practical application of these provisions.”

One of the exclusive rights of an author or copyright owner in the United States as in most nations with modern copyright statutes is to prepare “derivative works” based upon his or her original work. “Derivative works” include such secondary creations as screenplays based upon novels, arrangements of musical compositions and, of course, translations. The right to authorize the creation of derivative works belongs to the author or owner of copyright in the original work and permission must be sought before an authorized translation, or other derivative work may be prepared. Obviously, the right to control other creations based upon one’s work is tremendously valuable; often the largest element of value derived from a copyrighted work.

However, derivative works require their own authors, often as skilled and creative in their medium or language as the original creator. Thus, just as the original work is protected by copyright, so is the derivative work. Separate and distinct copyrights exist with respect to translations: the original author has a copyright in the underlying work and the translator insofar as his or her translation transforms the work.

The copyright protection available for translations does not, however, extend to a translation or to any part of a translation made without the original author’s permission. There are certain limitations or exceptions to this general rule.

First, although it is the general rule that a translation may be prepared only with the permission of the author of the work being translated, the legislative history of the United States Copyright Law suggests that the fair use provisions
of the law might be applied to translations in certain limited instances. Second, if the translation is prepared by an employee of the United States Government in the normal course of his or her duties, it is a work of the United States Government not protected by copyright.

Just as translations are copyrighted works under the provisions of the United States Copyright Law so are translators considered authors, but authors of derivative works, and the copyright status of their works, by and large, depends upon their having secured authorization or permission from the author or copyright owner of the original work. When the work is prepared with authorization, the translator enjoys the protection of the copyright law, and the translator secures available economic rights.

Under certain circumstances, a translator may also be an author of a "joint work," that is "a work prepared by two or more authors (perhaps another translator, or the author of the original work, if he or she actually contributes to the translation) with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole." The key is the intention of the parties. So, depending upon the relationship of the parties involved, a translator might be a "joint author," and as such, a co-author and a co-owner of the copyright in the work.

Many translators' works are "works made for hire," that is "a work prepared by an employee within the scope of his or her employment"; or a specifically ordered or commissioned work if there is a agreement signed by the parties stating it "shall be considered a work made for hire." One of the consequences of a work being considered a "work made for hire" is that the employer or party commissioning or ordering the work is considered the author with all the rights of an author under the statute. A second consequence is that the termination rights which can end exclusive or nonexclusive grants of a transfer or license of the copyright or of any right under copyright do not apply to works made for hire.

A final consideration for translators is the question of so-called moral rights, which are rights specific to authors. Generally summarized, they include the following: to be acknowledged as the author of the work; to prevent others from being named as the author of the work; to prevent others from falsely claiming authorship in the work; to prevent others from making changes in the work that would defame the author's work; to withdraw a published work from distribution if it no longer represents the views of the author; and, to prevent others from using the work or the author's name in such a way as to reflect on his or her professional standing. Although the United States Copyright Law does not provide for recognition of moral rights, equivalent protection has been developed under different labels—unfair competition, defamation, invasion of privacy, or breach of contract.

In summary, the United States Copyright Law recognizes translators as authors and protects their translations. However, the protection is limited to authorized translations and does not extend to unlawful translations. As authors, they are entitled to all the rights accorded to this group under the statute. But these rights may be impaired by the translators being employees and their works being considered works made for hire. In this case, their status may be inferior to that of the author of the original (pre-existing) work.

Guidelines for Comments

The Unesco recommendation regarding the protection of translators, set out below, is the product of a long process of study. Its aim is to reflect broadly held views in the world community as to how best to encourage translation, in part through improving the professional environment of translators, throughout the world. As a part of this effort, the United States' Copyright Office is publishing the Recommendation, seeking wide dissemination of it and attempting to elicit the reaction of all affected interests—though particularly translators and those engaged in securing and disseminating translations.

In your responses to this notice of inquiry, we would appreciate particularly, consideration of the following issues:
1. Whether, in one's experience, any of the practical measures set out in Section III of the Recommendation are presently available as a matter of custom and practice or contract, in the U.S.;
2. If certain practices are not widespread in your experience, would their establishment be beneficial to the interest of translators or in the interest of assuring the increased availability of works in translation;
3. Whether any issue raised in the Recommendation calling for changes in copyright law, organization of the translating profession, social insurance, and training programs meets an unfulfilled need in the U.S. and should be implemented; and
4. Any problem not addressed or measure not suggested in the Recommendation which, in one's own view, should be considered.


Barbara Roeger,
Register of Copyrights.

Approved:
Daniel J. Boosstin,
Librarian of Congress.

Recommendation on the Legal Protection of Translators and Translations and the Practical Means to Improve the Status of Translators

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Nairobi from 20 October to 20 November 1976, at its nineteenth session.

Considering that translation promotes understanding between peoples and cooperation among nations by facilitating the dissemination of literary and scientific works, including technical works, across linguistic frontiers and the interchange of ideas,

Noting the extremely important role played by translators and translations in international exchanges in culture, art and science, particularly in the case of works written or translated in less widely spoken languages,

Recognizing that the protection of translators is indispensable in order to ensure translations of the quality needed for them to fulfill effectively their role in the service of culture and development,

Recalling that, if the principles of this protection are already contained in the Universal Copyright Convention, while the Berne Convention for the Protection of Literary and Artistic Works and a number of national laws of Member States also contain specific provisions concerning such protection, the practical application of these principles and provisions is not always adequate,

Being of the opinion that if, in many countries with respect to copyright, translators and translations enjoy a protection which resembles the protection granted to authors and to literary and scientific works, including technical works, the adoption of measures of an essentially practical nature, assimilating translators to authors and specific to the translating profession, is nevertheless justified to ameliorate the effective application of existing laws,

Having decided, at its eighteenth session, that the protection of translators should be the subject of a recommendation to Member States within the meaning of Article IV, paragraph 4, of the Constitution.
Adopts, this twenty-second day of November, 1976, the present

Recommendation, namely:

The General Conference recommends that Member States apply the following provisions concerning the protection of translators and translations by taking whatever legislative or other steps may be required, in conformity with constitutional provisions and institutional practice of each State, to give effect, within their respective territories, to the principles and standards set forth in this Recommendation.

The General Conference recommends that Member States bring to the attention of the authorities, departments or bodies responsible for matters relating to the moral and material interests of translators and to the protection of translations, of the various organizations or association representing or promoting the interests of translators, and of publishers, managers of theatres, broadcasters and other users and interested parties.

The General Conference recommends that Member States report on the action taken by them to give effect to this Recommendation.

I. Definitions and Scope of Application

1. For purposes of this Recommendation:
   (a) the term "translation" denotes the transposition of a literary or scientific work, including technical work, from one language into another language, whether or not the initial work, or the translation, is intended for publication in book, magazine, periodical, or other form, or for performance in the theatre, in a film, on radio or television, or in any other medium;
   (b) the term "translators" denotes translators of literary or scientific works, including technical works;
   (c) the term "users" denotes the persons or legal entities for which a translation is made.

2. This Recommendation applies to all translators as regulated by:
   (a) the legal status applicable to them as:
      (i) independent translators;
      (ii) salaried translators;
   (b) the discipline to which the work translated belongs;
   (c) the full-time or part-time nature of their position as translators.

II. General Legal Position of Translators

3. Member States should accord to translators, in respect of their translations, the protection accorded to authors under the provisions of the international copyright conventions to which they are party and/or under their national laws, but without prejudice to the rights of the authors of the original works translated.

III. Measures To Ensure the Application in Practice of Protection Afforded Translators Under International Conventions and in National Laws Relating to Copyright

4. It is desirable that a written agreement be concluded between a translator and the user.

5. As a general rule, a contract governing relations between a translator and a user, as well as where appropriate any other legal instrument governing such relations, should:
   (a) accord an equitable remuneration to the translator whatever his or her legal status;
   (b) at least when the translator is not working as a salaried translator, remunerate him or her in proportion to the proceeds of the sale or use of the translation with payment of an advance, the said advance being retained by the translator whatever the proceeds may be or by the payment of a sum calculated in conformity with another system of remuneration independent of sales where it is provided for or permitted by national legislation; or by the payment of an equitable lump sum which could be made where payment on a proportional basis proves insurmountable; in the appropriate method of payment should be chosen taking into account the legal system of the country concerned and where applicable the type of original work translated;
   (c) make provision, when appropriate, for a supplementary payment should the use made of the translation go beyond the limitations specified in the contract;
   (d) specify that the authorizations granted by the translator are limited to the rights expressly stipulated in the provision applying to possible new editions;
   (e) stipulate that in the event that the translator has not obtained any necessary authorization, it is the user who is responsible for obtaining such authorization;
   (f) stipulate that the translator guarantees the user uncontested enjoyment of all the rights granted and undertakes to refrain from any action likely to compromise the legitimate interests of the user and, when appropriate, to observe the rule of professional ethics;
   (g) stipulate that, subject to the prerogatives of the author of the original work translated, no change shall be made in the text of a translation intended for publication without seeking the prior agreement of the translator;
   (h) assure the translator and his translation similar publicity, proportionately to that which authors are generally given in particular, the name of the author of the translation should appear in a prominent place on all published copies of the translation, on theatre bills, in programme announcements made in connexion with radio or television broadcasts, in the credit titles of films and in any other promotional material.

6. In order to facilitate the implementation of the measures recommended in paragraphs 4 and 5, Member States may, without prejudice to the provisions of paragraph 5(a), further expressly express the translator's possible use as an interpreter.

7. Member States should also promote measures to ensure effective representation of translators and to encourage the creation and development of professional organizations of translators and other organizations or associations representing them, on the one hand, and the representatives of users, on the other, to adopt model contracts or to conclude collective agreements based on the measures suggested in this Recommendation and making due allowance for all situations likely to arise, including the points of view and interests of the translator or of the nature of the translation.

8. Member States should also promote measures to ensure effective representation of translators and to encourage the creation and development of professional organizations of translators and other organizations or associations representing them, on the one hand, and the representatives of users, on the other, to adopt model contracts or to conclude collective agreements based on the measures suggested in this Recommendation and making due allowance for all situations likely to arise, including the points of view and interests of the translator or of the nature of the translation.
the interests of translators, and with any national or regional copyright information centres set up to assist in the clearance of rights in works protected by copyright, as well as with the Unesco International Copyright Information Centre;

(i) maintain close contacts with users, as well as with their representatives or professional organizations or associations, in order to defend the interests of translators; and negotiate collective agreements with such representatives or organizations or associations where deemed advantageous;

(k) contribute generally to the development of the translating profession.

8. Without prejudice to paragraph 7, membership of professional organizations or associations which represent translators should not, however, be a necessary condition for protection, since the provisions of this Recommendation should apply to all translators, whether or not they are members of such organizations or associations.

IV. Social and Fiscal Situation of Translators

9. Translators working as independent writers, whether or not they are paid by royalties, should be able to benefit from continuing education by educational institutions, and the organization of seminars or workshops, as well as with the Unesco International Copyright Information Centre;

(a) communicating to translators current information concerning terminology required by them in the general course of their work;

(b) collaborating closely with terminology centres throughout the world with a view to standardizing and developing the internationalization of scientific and technical terminology so as to facilitate the task of translators.

10. Salaried translators should be treated on the same basis as other salaried professional staff and benefit accordingly from the social schemes provided for them. In this respect, professional statutes, collective agreements and contracts of employment based thereon should mention expressly the class of translators of scientific and technical texts, so that their status as translators may be recognized, particularly with respect to their professional classification.

V. Training and Working Conditions of Translators

11. Member States should recognize in principle the translation as an independent discipline requiring an education distinct from exclusively language teaching and that this discipline requires special training. Member States should encourage the establishment of training programmes for translators, especially in connexion with translators' professional organizations or associations, universities or other educational institutions, and the organization of seminars or workshops. It should also be recognized that it is useful for translators to be able to benefit from continuing education courses.

12. Member States should consider organizing terminology centres which might be encouraged to undertake the following activities:

(a) communicating to translators current information concerning terminology required by them in the general course of their work;

(b) collaborating closely with terminology centres throughout the world with a view to standardizing and developing the internationalization of scientific and technical terminology so as to facilitate the task of translators.

13. In association with professional organizations or associations and other interested parties, Member States should facilitate exchanges of translators between different countries, so as to allow them to improve their knowledge of the language from which they work and of the socio-cultural context in which the works to be translated are written.

14. With a view to improving the quality of translations, the following and practical measures should be expressly recognized in professional statutes mentioned under subparagraph 7(a) and in any other written agreements between the translators and the users:

(a) translators should be given a reasonable period of time to accomplish their work;

(b) any documents and information necessary for the understanding of the text to be translated and the drafting of the translation should, so far as possible, be made available to translators;

(c) as a general rule, a translation should be made from the original work, recourse should be had to retranslation only where absolutely necessary;

(d) a translator should, as far as possible, translate into his own mother tongue or into a language of which he or she has a mastery equal to that of his or her mother tongue.

VI. Developing Countries

15. The principles and norms set forth in this Recommendation may be adapted by developing countries in any way deemed necessary to help them meet their requirements, and in the light of the special provisions for the benefit of developing countries introduced in the Universal Copyright Convention as revised at Paris on 24 July 1971 and the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works.

VII. Final Provision

16. Where translators and translations enjoy a level of protection which is, in certain respects, more favorable than that provided for in this Recommendation, its provisions should not be invoked to diminish the protection already acquired.

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NUCLEAR REGULATORY COMMISSION

Privacy Act of 1974; Minor Amendments of Systems of Records

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Minor amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission has issued minor amendments to the NRC Notices of Systems of Records, NRC-1 thru 13, 15 thru 23, 26 thru 28, 30 thru 32, 34 and 39 thru 40. The amendments also delete NRC-35 and incorporate NRC-14 into NRC-11. The amendments clarify and update the information contained in the NRC Systems of Records.

EFFECTIVE DATE: The amendments to the NRC Notices of Systems of Records become effective on July 6, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Whitlow, FOI/PA Branch, Division of Rules and Records, Office of
The proposed amendments clarify and update the information contained in the Systems of Records, including “System name,” “System location,” “Categories of individuals covered by the system,” “Categories of records in the system,” “Authority for maintenance of the system,” “Routine uses of records maintained in the system, including categories of users and the purposes of such uses,” “Storage,” “Retrievability,” “Safeguards,” “Retention and disposal,” “system manager(s) and address,” “Record access procedures,” and “Record source categories”. The amendments are minor and do not include any substantive changes. The amendments revoke NRC-14 and 35. At the time the NRC Systems of records were established, it was expected that NRC-14, Medical Records, would become a separate file. These records are sealed, and have been retained as part of NRC-11 General Personnel Records. In view of the relatively few such records retained by the NRC, NRC-14 has been deleted, and NRC-11 has been amended to reflect where the records are actually stored.

Notice is hereby given that the Commission has adopted the proposed amendments of the NRC systems of records. The text of the amendments set forth below is identical with the text of the amendments which were published on April 6, 1979, for public comment.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following amendments to the NRC Systems of Records are published as a document subject to publication in the annual compilation of Privacy Act Documents.

1. The paragraphs of NRC-1 entitled “System location,” “Categories of records in the system,” “Authority for maintenance of the system,” “Routine uses of the system, including categories of users and the purposes of such uses,” “Retrievability,” “Safeguards,” and “retention and disposal” are amended to read as follows:

NRC-1

SYSTEM NAME:
Appointment and Promotion Certificate Records—NRC

SYSTEM LOCATION:
Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM:
This system of records contains personnel qualification statements, vacancy announcements, applications for vacancies, selection certificates, the results of reference checks on employees, performance appraisals, and related records. The records pertain to specific announced vacancies which have been posted in accordance with the NRC Vacancy Announcement System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 5 U.S.C. 1302 (1976);

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To prepare reports for the Office of Personnel Management and Merit Systems Protection Board;
b. By the Office of Personnel Management and Merit Systems Protection Board to resolve complaints and grievances regarding employment and promotion selection;
c. For audit and review by the Office of Personnel Management and Merit Systems Protection Board; and
d. For any of the routine uses specified in the Prefatory Statement.

RETENTION AND DISPOSAL:

Retained for 2 years from date of selection, then destroyed by shredding.

2. The paragraphs of NRC-2 entitled “System location,” “Authority for maintenance of the system,” “Safeguards,” and “Retention and disposal” are amended to read as follows:

NRC-2

SYSTEM NAME:
Biographical Information Records—NRC

SYSTEM LOCATION:
Office of Public Affairs, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Sections 201, 203(a), 204(a), 205(a), 209, Energy Reorganization Act of 1974, 42 U.S.C. 5841, 5843(a), 5844(a), 5845(a), 5849 (1976);

SAFEGUARDS:
Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained until updated or association with NRC is discontinued, then destroyed through regular trash disposal system.

3. The paragraphs of NRC-3 entitled “System location,” “Authority for maintenance of the system,” “Storage,” “Safeguards,” and “Retention and disposal” are amended to read as follows:

NRC-3

SYSTEM NAME:
Byproduct Material License Records—NRC

SYSTEM LOCATION:
Primary system—Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2,
and the NIH computer facility, Bethesda, Maryland.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**


**STORAGE:**

Maintained on paper, index cards, computer tapes and printouts, microfilm, and mag cards.

**SAFEGUARDS:**

Maintained in unlocked file cabinet under visual control of files supervisor. Access to and of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Records are continuously changed or amended as new information is developed or individual licenses are cancelled or terminated; license files are transferred to Federal Records Center in Suitland, Maryland when they become inactive or terminated. Obsolete data, except for record copy maintained at Federal Records Center, is destroyed quarterly through regular trash disposal system.

4. The paragraphs of NRC-4 entitled “System location,” “Authority for maintenance of the system,” “Routine uses of records maintained in the system, including categories of users and the purposes of such uses,” “Safeguards,” and “Retention and disposal” are amended to read as follows:

**NRC-4**

**SYSTEM NAME:**

Conflict of Interest Files—NRC

**SYSTEM LOCATION:**

Primary system-Office of the General Counsel, NRC, 7171 H Street, NW., Washington, DC.

Duplicate system-duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

a. 18 U.S.C. 201 (1976);


**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. General biographical data (i.e., name, birthdate, home address, position title, home and business telephone, citizenship, educational history, employment history, professional society membership, honors, fellowships received, publications, licenses, and special qualifications);

b. To provide the U.S. Department of Justice, the Office of Personnel Management and Merit Systems Protection Board with information concerning an employee in instances where this office has reason to believe a Federal law may have been violated or where this office desires the advice of the Department or the Office concerning potential violations of Federal law;

c. Determination (i.e., no conflict or apparent conflict of interest, questions requiring resolution, steps taken toward resolution); and

d. Information pertaining to appointment (i.e., proposed period of NRC service, estimated number of days of NRC employment during period of service, proposed pay, clearance status, description of services to be performed and explanation of need for the services, justification for proposed pay, description of expenses to be reimbursed and dollar limitation, and description of government-owned property to be in possession of appointee).

**SAFEGUARDS:**

Maintained in locked file cabinets.

**RETRIEVABILITY:**

Accessed by contract number and purchase order number, cross-referenced with the name of the consultant, contractor, or vendor. Safeguards: Maintained in unlocked conservator files. Access to and use of these records are limited to those persons whose official duties require such access.

**RECORD ACCESS PROCEDURES:**

Same as “notification procedure.” Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal...
confidential business (proprietary) information.

6. The paragraphs of NRC-6 entitled "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses;" "Retention and disposal," and "System manager(s) and address" are amended to read as follows:

NRC-6

SYSTEM NAME:  
Development and Advancement for Regulatory Employees (DARE) Records—NRC

SYSTEM LOCATION:  
Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C. 2000e (1976);  
b. Section 401, Energy Reorganization Act of 1974, 42 U.S.C. 5871 (1976);  

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

Information in these records may be used:

a. To prepare reports for transmittal to the Office of Personnel Management and Merit Systems Protection Board;  
b. For any of the routine uses specified in the Prefatory Statement.

RETENTION AND DISPOSAL:

Active records retained indefinitely. Inactive records are sent to the National Personnel Records Center within 30 days of the date of the employee’s separation from the Federal service and records of non-selected applicants retained up to 1 year, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

DARE Program Coordinator, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

7. The paragraphs of NRC-7 entitled "System location," "Authority for maintenance of the system," "Storage," and "Retention and disposal" are amended to read as follows:

NRC-7

SYSTEM NAME:  
Division of Document Control Workload Assignment and Production Records—NCR

SYSTEM LOCATION:  
Primary system—Division of Technical Information and Document Control, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (a), (b), (e), and (g).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d) (1976);  

STORAGE:  
Maintained on paper and log sheets.

RETENTION AND DISPOSAL:

Records are retained in office files for two years, and then destroyed by regular trash disposal system.

8. The paragraphs of NRC-8 entitled "System location," "Categories of individuals covered by the system," "Categories of records in the system," "Authority for maintenance of the system," "Routine uses of the records maintained in the system, including categories of users and the purposes of such uses," "Safeguards" "Retention and disposal," and "Record source categories" are amended to read as follows:

NRC-8

SYSTEM NAME:  
Employee Appeals, Grievances and Complaints Records—NRC

SYSTEM LOCATION:  
Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at locations listed in Addendum I, Part 1(e).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for NRC employment, current and former NRC employees, and annuitants who have filed complaints or initiated grievance or appeal proceedings as a result of a determination made by the NRC, the Office of Personnel Management and Merit Systems Protection Board, or a Board or other entity established to adjudicate such grievances and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes all documents related to grievances, arbitrations, negative determinations regarding within-grade salary increases and exit interviews. It contains information relating to determinations affecting individuals made by the NRC or the Office of Personnel Management and Merit Systems Protection Board. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, instructions to an NRC office or division concerning action to be taken to comply with decisions, and related correspondence, opinions, and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To furnish information to the Office of Personnel Management and Merit Systems Protection Board pursuant to applicable requirements relative to grievances and appeals;  
b. To provide appropriate data to union representatives and third parties in connection with grievances, arbitration actions and appeals. Third parties may include the Federal Service Impasses Panel and Federal Labor Relations Authority; and  
c. For any of the routine uses specified in the Prefatory Statement.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.
RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; NRC and/or Systems Protection Board officials; affidavits or statements from employees, union representatives, or other persons; testimony of witnesses; and official documents relating to the appeal, grievance, or complaint; Official Personnel Folder; and other Federal agencies.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, counselors, NRC and/or the Office of Personnel Management and Merit Systems Protection Board officials, affidavits or statements from employees, testimony of witnesses, and official documents relating to the appeal, grievance, or complaint.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; counselors, NRC and/or the Office of Personnel Management and Merit Systems Protection Board officials, affidavits or statements from employees, testimony of witnesses, and official documents relating to the appeal, grievance, or complaint.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, counselors, NRC and/or the Office of Personnel Management and Merit Systems Protection Board officials, affidavits or statements from employees, testimony of witnesses, and official documents relating to the appeal, grievance, or complaint.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, counselors, NRC and/or the Office of Personnel Management and Merit Systems Protection Board officials, affidavits or statements from employees, testimony of witnesses, and official documents relating to the appeal, grievance, or complaint.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, counselors, NRC and/or the Office of Personnel Management and Merit Systems Protection Board officials, affidavits or statements from employees, testimony of witnesses, and official documents relating to the appeal, grievance, or complaint.
life insurance, health benefits, beneficiaries, personnel performance appraisals, the results of reference checks, probationary period appraisals, and awards. Some folders in the primary system may contain medical records in sealed brown envelopes (i.e., participation in occupational health services program, capability to perform position duties, etc.). This system also contains letters of commendation and reprimand, documentation of charges and decisions on charges, notices of reductions-in-force, locator files; information related to personnel actions, including but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; and data documenting the reasons for personnel actions or decisions made about an individual related to the status of the individual. Some duplicate records may also contain office-related employee performance evaluations, office-specific applications, personnel qualification statements (SF-171), resumes and applicant evaluations and conflict of interest correspondence, and other related personnel records in addition to those contained in the primary system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d) (1976);
b. E.O. 10561, September 15, 1955;
c. 5 U.S.C. 7901 (1976);
d. 42 U.S.C. 4561 (1976);

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. Buy the Office of Personnel Management and Merit Systems Protection Board for making a decision when an NRC employee or former NRC employee questions the validity of a specific document in an individual’s record;
b. To provide information to a prospective employer of a Government employee. Upon transfer of the employee to another Federal agency, the information is transferred to such agency;
c. To update the following Office of Personnel Management systems: Federal Automated Career Systems (FACS), Executive Inventory File and security investigations index hires, and to update diverse actions and terminations records of the Merit Systems Protection Board;
d. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force;
e. To provide information to the Office of Personnel Management and Merit Systems Protection Board for review and audit purposes;
f. To provide members of the public with the names, position titles, grades, salaries, appointments (temporary or permanent), and duty stations of employees;
g. Medical records may be used for providing information to the Public Health Service in connection with Health Maintenance Examinations and to other Federal agencies responsible for Federal benefit programs administered by the Department of Labor (Office of Workmen’s Compensation Programs) and the Office of Personnel Management;
h. For any of the routine uses specified in the Preliminary Statement.

SAFEGUARDS:

Maintained in locked and unlocked file cabinets and electro-mechanical file organizer. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

"The Official Personnel Folder is sent to the National Personnel Records Center within 30 days of the date of the employee’s separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed by shredding when an individual resigns, transfers, or is separated from the Federal service. SF-7, 'Service Record Card', retained indefinitely after separation or transfer."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies, is derived from information supplied by that individual, or is provided by agency officials, other Federal agencies, or persons, including references, private and Federal physicians, and medical institutions.

12. The paragraphs of NRC-12 entitled "System location," "Authority for maintenance of the system," "Storage," "Safeguards," and "Retention and disposal" are amended to read as follows:

NRC-12

SYSTEM NAME:

Government Motor Vehicle Operators License File—NRC

SYSTEM LOCATION:

Primary system—Building and Operations Support Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 7235 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 40 U.S.C. 491 (1976);
b. E.O. 10579, December 1, 1954.

STORAGE:

Maintained on index cards and on paper in file folders.

SAFEGUARDS:

Maintained in locked file cabinets under control of supervisors. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 3 years or until cancellation of individual license, whichever comes first, then destroyed through regular trash disposal system.

13. The paragraphs of NRC-13 entitled "System location," "Categories of individuals covered by the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Safeguards," "Retention and disposal," and "Record source categories" are amended to read as follows:

NRC-13

SYSTEM NAME:

Incentive Awards File—NRC.

SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7810 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the location listed in Addendum I, Part 2.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
NRC employees who merit special recognition for achievements either within or outside the employee's job responsibilities and for length of service to the Government. Awards include both NRC awards and awards of other agencies and organizations for which NRC employees are eligible.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
a. 5 U.S.C. 4501-4506 (1976);

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information in these records may be used:
a. By the Office of Personnel Management and Merit Systems Protection Board to process and approve nominations or awards;
b. By the Office of the Attorney General and the President of the United States in reviewing recommended awards;
c. To make reports to the Office of Personnel Management and Merit Systems Protection Board;
d. By other government agencies to recommend whether suggestions should be adopted in instances where the suggestion made by an NRC employee affects the functions or responsibilities of the agencies; and
e. For any of the routine uses specified in the Prefatory Statement.

STORAGE:
Maintained on paper in file folders.

SAFEGUARDS:
Maintained in unlocked file cabinets.

RETENTION AND DISPOSAL:
Updated when information is out of date. The information is retained until the person is no longer a member of the committee or no longer an NRC employee, whichever occurs first. Destroyed by computer deletion.

15. The paragraphs of NRC-15 entitled "Safeguards" and "Retention and disposal" are amended to read as follows:

NRC-15
SYSTEM NAME:
National Standards Committee Membership Files—NRC

SAFEGUARDS:
Maintained in unlocked file cabinet.

RETENTION AND DISPOSAL:
Updated when information is out of date. The information is retained until the person is no longer a member of the committee or no longer an NRC employee, whichever occurs first. Destroyed by computer deletion.

16. The paragraphs of NRC-16 entitled "System location," "Authority for maintenance of the system," "Storage," "Safeguards," "Retention and disposal," "System manager(s) and address," and "Record source categories" are amended to read as follows:

NRC-16
SYSTEM NAME:
Facility Operator Licensees Records File (10 CFR Part 55)—NRC

SYSTEM LOCATION:
Primary system—Operating Licensing Branch, Division of Project Management, Office of Nuclear Reactor Regulation, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.
Duplicate system—duplicate systems exist, in whole or in part, at the Department of Energy, Germantown, Maryland.

SAFEGUARDS:
Maintained in unlocked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RECORD SOURCE CATEGORIES:
Supervisors of employees, individuals submitting suggestions, evaluators of suggestions, Division of Organization and Personnel Staff, Office of Personnel Management and Merit Systems Protection Board, Official Personnel Folders, and other Federal agencies.

17. The paragraphs of NRC-17 entitled "System location," "Categories of individuals covered by the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Safeguards," and "Retention and disposal" are amended to read as follows:

NRC-17
SYSTEM NAME:
Occupational Injuries and Illness Reports—NRC

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

STORAGE:
Maintained on index cards and on paper in file folders.

SAFEGUARDS:
Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RECORD SOURCE CATEGORIES:
Supervisors of employees, individuals submitting suggestions, evaluators of suggestions, Division of Organization and Personnel Staff, Office of Personnel Management and Merit Systems Protection Board, Official Personnel Folders, and other Federal agencies.

14. System NRC-14 is revoked.

18. The paragraphs of NRC-18 entitled "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Safeguards," and "Retention and disposal" are amended to read as follows:

NRC-18
SYSTEM NAME:
Reactor Licensees Records:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
a. Medical information: retained for 4 years after the individual's license expires, then destroyed;
b. Examination and examination results: retained for 2 years after the issuance of a license or denial letter. A summary report is retained until 4 years after the individual's license expires;
c. Other information: destroyed when it becomes 2 years old;
d. Docket information: destroyed 4 years after an individual's latest license expires.

19. The paragraphs of NRC-19 entitled "System location," "Categories of individuals covered by the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Safeguards," and "Retention and disposal" are amended to read as follows:

NRC-19
SYSTEM NAME:
NRC employees who report an occupational injury or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
a. 29 U.S.C. 657(c) (1976);
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. By the NRC Safety Officer and/or Branch supervisor, to prepare periodic statistical reports on employees' health and injury status and health and safety hazards in NRC physical structures, all for transmission to and review by the Department of Labor;
b. For transmittal to the Secretary of Labor or his authorized representative in accordance with duly promulgated regulations;
c. For transmittal to the Office of Personnel Management and Merit Systems Protection Board as required to support individual claims; and
d. For any of the routine uses specified in the Prefatory Statement.

SAFEGUARDS:

- Maintained in classified safes; under visual control during normal working hours.

RECORD ACCESS PROCEDURES:

- Same as "Notification procedure." Information classified pursuant to Executive Order 12065 will not be disclosed.
- Information received in confidence will not be disclosed to the extent that disclosure would reveal a confidential source.
- 19. The paragraphs of NRC-18 entitled "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Safeguards," "Retention and disposal," "System manager(s) and address," and "Record source categories" are amended to read as follows:

NRC-18

SYSTEM NAME:

Official Personnel Training Records

SYSTEM LOCATION:

Primary system-Management Development and Training Staff, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system-duplicate systems, in whole or in part, at the locations listed in Addendum I, Part 1(a), (b), (c), (d), (e), (f), and (g), and Part 2.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 5 U.S.C. 5103 (1976);

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For use in training programs related to NRC employees by the Office of Personnel Management, other Federal, state, and local government agencies and educational institutions; and
b. For the routine use specified in paragraph number 5 of the Prefatory Statement.

STORAGE:

- Maintained on paper in file folders.

SAFEGUARDS:

- Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom it applies, the employee's supervisor, and training groups, agencies, or educational institutions.

20. The paragraphs of NRC-20 entitled "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Safeguards," and "Retention and disposal" are amended to read as follows:

NRC-20

SYSTEM NAME:

Official Travel Records

SYSTEM LOCATION:

Primary system-Office of the Controller, NRC, 4322 Fairmont Avenue, Bethesda, Maryland.

Duplicate system-duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 and Part 2, and at the NIH computer facility, Bethesda, Maryland.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 31 U.S.C. 21, 22, 24, 49, 54, 66a, and 902 (1976);
b. 5 U.S.C. 5701 (1976);

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For use in training programs related to NRC employees by the Office of Personnel Management, other Federal, state, and local government agencies and educational institutions; and
b. For the routine use specified in paragraph number 5 of the Prefatory Statement.
a. For transmittal to the U.S. Treasury for payment;
b. For transmittal to the Department of State or an embassy for passports or visas;
c. For quarterly report to General Services Administration of individuals approved for first class travel; and
d. For any of the routine uses specified in the Preatory Statement.

STORAGE:
Maintained on paper in file folders, on disks, and on magnetic tape.

SAFEGUARDS:
Maintained in locked file cabinets in same room as users. For ADP records, a key word, initials, and NRC Office of the Controller's account number must be known in order to retrieve information. Retention and disposal: Retained for 3 years, then destroyed through regular trash disposal system.

21. The paragraphs of NRC-21 entitled "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Safeguards," and "Retention and disposal" are amended to read as follows:

NRC-21
SYSTEM NAME:
Payroll Accounting Records—NRC
Primary system—Office of the Controller, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 and Part 2, and at the Department of Energy Computer Facility, Germantown, Maryland.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information in these records may be used:
1. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;
2. For reporting tax withholding to Internal Revenue Service and appropriate state and local taxing authorities;
3. For FICA deductions to the Social Security Administration;
4. For dues deductions to labor unions;
5. For withholdings for health insurance to the insurance carriers and the Office of Personnel Management;
6. For charity contributions deductions to agents of charitable institutions;
7. For annual W-2 statements to taxing authorities and the individual;
8. (When P.L. 93-579 becomes effective, it is anticipated that appropriate statements will be issued to employees, spouse-recipients, and the courts involved);
9. For transmittal to the Office of Management and Budget for review of budget requests;
10. For transmittal of information to State agencies for unemployment purposes; and
11. For any of the routine uses specified in the Preatory Statement.

SAFEGUARDS:
Maintained in secured locked room after working hours. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:
Retained for 3 years after transfer or separation of employee, then destroyed by shredding.

22. The paragraphs of NRC—22 entitled "System name," "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Safeguards," "Retention and disposal," "Record access procedures," and "Record source categories" are amended to read as follows:

NRC—22
SYSTEM NAME:
Personnel Performance Appraisals—NRC.

SYSTEM LOCATION:
Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information in these records may be used:
a. By the Office of Personnel Management and Merit Systems Protection Board to resolve grievances or complaints related to promotion or appointment selections; and
b. For any of the routine uses specified in the Preatory Statement.

STORAGE:
Maintained on paper in file folders.

SAFEGUARDS:
Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RECORD ACCESS PROCEDURES:
Same as "Notification procedure."

RECORD SOURCE CATEGORIES:
Individual to whom record pertains and employee's supervisors.

23. The paragraphs of NRC—23 entitled "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Retention and disposal," and "Record source categories" are amended to read as follows:

NRC—23
SYSTEM NAME:
Personnel Research and Test Validation Records—NRC
Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system-duplicate systems exist, in whole or in part, at the Department of Energy computer facility, Germantown, Maryland.

Correspondence referred by the Office of the Secretary.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**


**SAFEGUARDS:**

Maintained on paper in file folders.

**RECORD SOURCE CATEGORIES:**

Individual Federal employees or applicants, supervisors, assessment center assessors, Office of Personnel Management, or NRC personnel files and records, and other Federal agencies.

24. The paragraphs of NRC-29 entitled "System location," "Categories of individuals covered by the system," "Authority for maintenance of the system," "Storage," and "Safeguards" are amended to read as follows:

**NRC-29**

**SYSTEM NAME:**

Principal Correspondence File—NRC

**SYSTEM LOCATION:**

Administrative Correspondence Branch, Office of the Executive Director for Operations, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Correspondents with the Executive Director for Operations, other Office Directors, members of Congress and Congressional staffs, and

Correspondence referred by the Office of the Secretary.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**


**SAFEGUARDS:**

Maintained on paper in file folders.

**RECORD SOURCE CATEGORIES:**

Individual Federal employees or applicants, supervisors, assessment center assessors, Office of Personnel Management, or NRC personnel files and records, and other Federal agencies.

25. The paragraphs of NRC-27 entitled "System location," "Authority for maintenance of the system," "Retention and disposal," and "System manager(s) and address" are amended to read as follows:

**NRC-27**

**SYSTEM NAME:**

Radiation Exposure Information and Reports System (REIRS) Files—NRC

**SYSTEM LOCATION:**

Primary system—Union Carbide Corporation, Industrial and Personnel Management Department, Computer Science Division, P.O. Box P, Oak Ridge, Tennessee 37830.

Duplicate system—Union Carbide Corporation, Industrial and Personnel Management Department, Computer Science Division, P.O. Box P, Oak Ridge, Tennessee 37830.

26. The paragraphs of NRC-28 entitled "System location," "Categories of individuals covered by the system," "Categories of records in the system," "Authority for maintenance of the system," and "Safeguards" are amended to read as follows:

**NRC-28**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

27. The paragraphs of NRC-30 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-30**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

28. The paragraphs of NRC-31 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-31**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

29. The paragraphs of NRC-32 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-32**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

30. The paragraphs of NRC-33 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-33**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

31. The paragraphs of NRC-34 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-34**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

32. The paragraphs of NRC-35 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-35**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

33. The paragraphs of NRC-36 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-36**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

34. The paragraphs of NRC-37 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-37**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

35. The paragraphs of NRC-38 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-38**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

36. The paragraphs of NRC-39 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-39**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

37. The paragraphs of NRC-40 entitled "System location," "Categories of records in the system," "Authority for maintenance of the system," "Categories of individuals covered by the system," "System manager(s) and address," and "Safeguards" are amended to read as follows:

**NRC-40**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC

**SYSTEM LOCATION:**

Primary system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Office of Human Resources, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.
and "System manager[s] and address" are amended to read as follows:

NRC-30

SYSTEM NAME:
Manpower System (MPS) Records—NRC

SYSTEM LOCATION:
Primary system-NIH computer facility, c/o Office of Management and Program Analysis, NRC, 7735 Old Georgetown Road, Bethesda, Maryland. Duplicate system-duplicate systems exist, in whole or in part, at the location listed in Addendum I, Part 1 (a).

CATEGORIES OF RECORDS IN THE SYSTEM:
These records contain information relating to number of regular and nonregular hours worked, the nature of the work, and workload projections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
(a) Section 161(p), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(p) (1976); (b) E.O. 9397, November 22, 1943.

STORAGE:
Maintained in computer files, on tapes, disks, cards, and microfiche.

RETRIEVABILITY:
Accessed by social security account, project, program, or activity number, docket number, TACS, or PPSAS numbers.

SAFEGUARDS:
Maintained in locked cabinets in locked rooms. Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:
Retained 2 years, then destroyed through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:
(a) Director, Office of Management and Program Analysis, U.S. Nuclear Regulatory Commission, Washington, DC 20555.
(b) Assistant to the Director and Chief, Program Support Branch Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NRC-31

SYSTEM NAME:
Secretariat Records Facility Files—NRC

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

SAFEGUARDS:
Access to and use of these records are limited to those persons whose official duties require such access. Classified materials are kept in approved safes, and unclassified records are in file cabinets. Access is granted only through a records clerk.

RETENTION AND DISPOSAL:
Retained indefinitely at NRC warehouse.

SYSTEM MANAGERS(S) AND ADDRESS:
Chief, Correspondence and Records Branch, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555

RECORD ACCESS PROCEDURES:
Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed.

NRC-32

SYSTEM NAME:
Secretariat Records Facility Files—NRC

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

SAFEGUARDS:
Access to and use of these records are limited to those persons whose official duties require such access. Classified materials are kept in approved safes, and unclassified records are in file cabinets. Access is granted only through a records clerk.

RETENTION AND DISPOSAL:
Retained indefinitely at NRC warehouse.

SYSTEM MANAGERS(S) AND ADDRESS:
Chief, Correspondence and Records Branch, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555

RECORD ACCESS PROCEDURES:
Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed.

NRC-33

SYSTEM NAME:
Source and Special Nuclear Material License Records—NRC

SYSTEM LOCATION:
Primary system-Division of Fuel Cycle & Material Safety, Office of Nuclear Material Safety and Safeguards, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

SAFEGUARDS:
Maintained in unlocked shelving units under control of supervisory personnel. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:
Records are continuously computer updated as new information is developed or individual licenses are cancelled or terminated; license files are transferred annually to the ARC warehouse when they become inactive or are terminated, and retained indefinitely.

30. The paragraphs of NRC-34 entitled "System location," "Authority for maintenance of the system," and "Retention and disposal" are amended to read as follows:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
Sections 53, 63, 65, 161(b), (l), and (o), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2073, 2093, 2095, 2201(b), (l), and (o) (1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information in these records may be used:
(a) To provide records to State health departments for their information and use;
(b) To provide information to other Federal, State, and local health officials in the event of incident or exposure, for purposes of their information, investigation, and protection of public health and safety;
(c) To provide the Department of Energy with information concerning special nuclear material licenses for purposes of control related transfers and safeguards accountability; and
d. For any of the routine uses specified in the Preatory Statement;
(e) Certain of the information provided in this category is routinely placed in the NRC Public Document Room.

STORAGE:
Maintained on paper, index cards, logs, microfiche, and unclassified, records are maintained on paper, index cards, logs, microfilm, and microfiche.
NRC-34

SYSTEM NAME:
Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records—NRC

SYSTEM LOCATION:
Primary system—Advisory Committee on Reactor Safeguards, NRC, 1717 H Street, NW, Washington, D.C.
Duplicate system—duplicate systems exist, in whole or in part, at the NIH computer facility, Bethesda, Maryland.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

RETENTION AND DISPOSAL:
Retained indefinitely.

31. System NRC-35 is revoked.

32. The paragraphs of NRC-37 entitled "System location," "Categories of individuals covered by the system," "Authority for maintenance of the system," "Safeguards," and "Retention and disposal" are amended to read as follows:

NRC-37

SYSTEM NAME:
Information Security Files and Associated Records—NRC

SYSTEM LOCATION:
Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.
Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2, and at the NIH computer facility, Bethesda, Maryland.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

SAFEGUARDS:
Maintained in locked room under 24-hour visual control of NRC operators. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:
Retained until 6 months after association with NRC is discontinued, then destroyed by shredding.

33. The paragraphs of NRC-37 entitled "System location," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Storage," "Retrievability," "Retention and disposal," "Record access procedures," and "Record source categories" are amended to read as follows:

NRC-38

SYSTEM NAME:
Mailing Lists—NRC

SYSTEM LOCATION:
Primary system—Division of Document Control, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.
Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (a) and (h), and at the TERA computer facility, Bethesda, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM:
Mailing lists include primarily the individual's name and address. Some lists also include title, occupation, and institutional affiliation.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information in these records may be used: For distribution of documents to persons and organizations listed on the mailing lists.

RETRIEVABILTY:
Filed alphabetically by company name and then individual name, where possible.

RETENTION AND DISPOSAL:
Documents requesting changes retained 7 months, destroyed through regular trash disposal system; lists retained until cancelled or revised, destroyed through regular trash disposal system.

RECORD SOURCE CATEGORIES:
NRC licensees and individuals expressing an interest in NRC activities and publications.

SYSTEM LOCATION:
Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM:
Include information relating to personnel, including name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, education, personal references, organizational membership and security clearance history. These records also contain copies of investigative reports from other agencies (primarily from the Office of Personnel Management or the Federal Bureau of Investigation), summaries of investigative reports, results of Federal agency indices checks, reports of personnel security interviews, clearance actions information (e.g., grants and terminations), violations of laws, reports of security infractions, 'Request for Visit or Access Approval' (form NRC-277), and other related personnel security processing documents.

SYSTEM NAME:
Personnel Security Files and Associated Records—NRC

SYSTEM LOCATION:
Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM:
Include information relating to personnel, including name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, education, personal references, organizational membership and security clearance history. These records also contain copies of investigative reports from other agencies (primarily from the Office of Personnel Management or the Federal Bureau of Investigation), summaries of investigative reports, results of Federal agency indices checks, reports of personnel security interviews, clearance actions information (e.g., grants and terminations), violations of laws, reports of security infractions, 'Request for Visit or Access Approval' (form NRC-277), and other related personnel security processing documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
a. Sections 145 and 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i) (1976);
b. E.O. 12065, June 28, 1978;
c. E.O. 10450, April 27, 1953;

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information in these records may be used by the Division of Security, Personnel Security Board Members or Personnel Security Review Board Members, Office of Personnel Management, Federal Bureau of Investigation, and other Federal agencies:
a. To determine clearance eligibility;
b. To certify clearances;
c. To maintain the NRC personnel security program; and
d. For any of the routine uses specified in the Prefatory Statement.

STORAGE:
Maintained primarily in file folders, on magnetic tape, disc packs, and index cards.

SAFEGUARDS:
File folders and computer printouts are maintained in security or controlled areas under guard and/or alarm protection as appropriate.

RETENTION AND DISPOSAL:
a. Personnel security clearance files—retained 5 years after date of last action, then transferred to Federal Records Center, Suitland, Maryland; destroyed by shredding 20 years after date of last action.
b. Request for Visit or Access Approval—Maximum security areas: retained 5 years after final entry or after date of document, as appropriate; Other areas: 2 years; destroyed by shredding.
c. Other security clearance administration files—retained 2 years; destroyed by shredding.

RECORD ACCESS PROCEDURES:
Same as 'Notification procedure.' Some information is classified pursuant to Executive Order 12065 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

RECORD SOURCE CATEGORIES:
Persons including NRC applicants, employees, contractors, consultants, licensees, and visitors as well as information furnished by other government agencies or their contractors.

33. The paragraphs of NRC-40 entitled "System name," "System location," "Categories of records in the system," "Authority for maintenance of the system," "Safeguards," "Retention and disposal," and "Record access procedures" are amended to read as follows:

NRC-40

SYSTEM NAME:
Facility Security Support Files and Associated Records—NRC.

SYSTEM LOCATION:
Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM:
These records include information regarding: NRC facilities' and NRC contractor facilities' security programs and associated records; individuals visiting NRC facilities; NRC employees and NRC related identification files maintained for access purposes; actual or suspected violations of laws of security interest administered by NRC, including copies of investigative reports from other government agencies; records of individual's firearms qualification scores including the accountability of firearms; and other documents relating to the safeguards of National Security Information and Restricted Data.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- Sections 145 and 161 (l), (k), and (p), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201 (l), (k), and (p) (1976);

SAFEGUARDS:
- Maintained in secure containers or security areas under guard and/or alarm protection, as appropriate.

RETENTION AND DISPOSAL:
- Survey and inspection files and records pertaining to NRC and NRC contractor facilities’ security programs—Government-owned facilities: retained 3 years, or until discontinuance of facility, whichever is sooner; Privately owned facilities: retained 4 years or until security cognizance is terminated, whichever is sooner; destroyed by shredding;
- Facility visitor records—Maximum security areas: retained 5 years after final entry or after date of documents, as appropriate; other areas: 2 years; destroyed by shredding;
- NRC employee and NRC-related identification files—retained 2 years; destroyed by shredding;
- Security interest violation and investigative report files—retained indefinitely;
- Firearms qualification scores and accountability—retained 2 years; destroyed by shredding;
- Other documents relating to NSI and Restricted Data safeguards and other security and protective service files—retained 2 years; destroyed by shredding.

RECORD ACCESS PROCEDURES:
- Same as “Notification procedures.”
- Information is classified pursuant to Executive Order 12065 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

37. The addresses in paragraphs (j), (j), and (k) of Addendum I, Part 1, are revoked and paragraphs (c), (g), (b), and Part 2(b) are amended as follows:

Addendum I—List of U.S. Nuclear Regulatory Commission Locations

Part 1

- Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.
- Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland.
- Monticello Building, 1717 H Street, NW, Washington, DC.

Part 2

- NRC Region II, 101 Marietta Street, Suite 3100, Atlanta, Georgia 30303.

Dated at Bethesda, Maryland this 22nd day of June 1979.
For the Nuclear Regulatory Commission.
Lee V. Gossick,
Executive Director for Operations.

Northern States Power Co.; Proposed Issuance of Amendment to Provisional Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), for operation of the Monticello Nuclear Generating Plant located in Wright County, Minnesota.

Pursuant to 10 CFR § 2.105(a)(4), the Commission is publishing notice of this amendment prior to its issuance to comply with provision 4 of the March 1, 1976 Stipulation among the then parties to the proceeding for the issuance of a full-term operating license for this facility.

The amendment would revise the provisions in the Technical Specifications relating to radiological effluents, in accordance with the licensee’s application for amendment dated May 1, 1979.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission’s regulations.

By August 8, 1979 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission’s “Rules of Practice for Domestic Licensing Proceedings” in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner’s right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner’s property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner’s interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding; but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.
A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Section, or may be delivered to the Commission’s Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Thomas Ippolito: (petitioner’s name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR §§ 2.714(a)(i)-(v) and § 2.714(d).

For further details with respect to this action, see the application for amendment dated May 1, 1979, which is available for public inspection at the Commission’s Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55440.

Dated at Bethesda, Maryland this 29th day of June, 1979.

For the Nuclear Regulatory Commission.

Vernon L. Rooney, Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-21084 Filed 7-6-79; 8:45 am] BILLING CODE 4910-58-M

NATIONAL TRANSPORTATION SAFETY BOARD

(Docket No. DCA-79-AA-017)

Aviation Accident Investigation Hearing; Rosemont, Ill.

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time) on July 30, 1979, in the Hall of Kings of the Sheraton-O’Hare Hotel, Rosemont, Illinois.

The public hearing will be held in connection with the Safety Board’s investigation of the accident involving an American Airlines, Inc., DC-10-10, N10AA, which occurred at Chicago-O’Hare International Airport, Illinois.

Martin Speiser, Hearing Officer.


[FR Doc. 79-21084 Filed 7-6-79; 8:45 am] BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review; Background

July 2, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., 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, extensions, or reinstatements. Each entry contains the following information:

- The name and telephone number of the agency clearance officer;
- The office of the agency issuing this form;
- The title of the form;
- The agency form number, if applicable; and
- 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, 725 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Donald W. Barrowman—447-6202

New Forms

Farmer’s Home Administration
7 CFR 1948—Energy Impacted Area Development Assistance Program
On occasion

Local Governments Located in Energy Impacted Areas
479 responses, 4,708 hours
Budget Review Division 305-4775

Revisions

Agricultural Stabilization and Conservation Service
*Application for Approval and Contract for Warehouse—FS Peanuts
CCC-1028 & CCC-1031
Annually
Description not Furnished by Agency
1,000 responses 500 hours
Charles A. Ellett 395-5080
Food and Nutrition Service
Commodity Supplemental Food
Program—Part 247
On occasion
State Dist. Agen. or Comp. Agen. Loc.
Hilt or Welf. Agen.
336,048 responses 53,343 hours
Charles A. Ellett 395-5080
Food Safety and Quality Service
*Application for License for Poultry
Grading and Inspecting
PY-157
On occasion,
Applicants for Graders or Inspectors
License
200 responses 100 hours
Charles A. Ellett 395-5080

Department of Agriculture
Agriculture Marketing Service
*Cotton Market Survey (To Obtain
Information on Prices Paid)
CN-73-1
On occasion
Cotton Merchants
1,750 responses 290 hours
Charles A. Ellett 395-5080
Agricultural Stabilization and
Conservation Service
Discount Tobacco Variety and Pesticide
Certification
MQ-32 (Tobacco)
Annually
Operators of Flue-Cured Tobacco Farms
110,000 responses 2,200 hours
Charles A. Ellett 395-5080

Department of Commerce
Agency Clearance Officer—Edvard
Michaels—377-4217

Revisions
Bureau of the Census
Current Population Surveys and Related
Documents
CPS-1, CPS-260, & CPS-262
Monthly
Household Responses in Mo. Sample
of 65,000 Interviewed Household
792,000 responses 102,300 hours
Office of Federal Statistical Policy &
Standard 673-7974
Bureau of the Census
Experimental Census Forms—1980
Census of Population and Housing
D-1908 & D-1909
Single Time
Trace Sample of U.S. Population
86,000,000 responses 28,663,800 hours
Office of Federal Statistical Policy &
Standard 673-7974

Department of Defense
Agency Clearance Officer—John V.
Wendroth—697-1195

Revisions
Department of the Army
Waterway Traffic Report (Vessel Log
and Detailed Vessel Log)
Eng 3102 C & Eng 3102 D
Other (See SF-83)
Operators of Vessels Transiting Navigation
Locks
1,100,000 responses 91,030 hours
David P. Caywood 395-6140

Department of Energy
Agency Clearance Officer—John
Gross—252-3214

New Forms
Innovative Rates Program
ERA-185
Annually
State Regulatory Commission & Non-
Regulated Utilities
75 responses 4,200 hours
Budget Review Division 395-4775
Purpa Grant Application
ERA-157
Annually
State Regulatory Commission & Non-
Regulated Utilities
100 responses 5,600 hours
Budget Review Division 395-4775
Annual Income Questionnaire for
Improved Pension
21-8335 & A
Annually
Veterans and Widow(er)s
550,000 responses 183,333 hours
David P. Caywood 395-6140

Revisions
Consumer Services Grant Application
ERA-156
on Occasion
States & Territories District of Col. &
TVA
57 responses 3,192 hours
Budget Review Division 395-4775

Department of Health, Education, and
Welfare
Agency Clearance Officer—Peter
Gness—245-7948

New Forms
Office of Human Development
Program Performance Standards Self-
Assessment
Instrument
Annually
Staff of Funded Runaway Youth Projects
166 responses 498 hours
Barbara F. Young 395-6132
Office of Human Development
Quarterly Estimate of Expenditures

Department of Defense
Agency Clearance Officer—Charles
Ellett 395-5080

Revisions
Health Care Financing Administration
(Medicare)
*Physicians Practice Costs Survey-
Pediatricians
Supplement
HCFA-3482 & 3482A
Annually
Office Based Pediatricians
800 responses 50 hours
Office of Federal Statistical Policy &
Standard 673-7974

Department of Housing and Urban
Development
Agency Clearance Officer—John T.
Murphy—753-5190

Reinstatements
Housing Production and Mortgage
Credit
*Notice of Intention to File Title I Claim
and Request for Collection Assistance
FI-63
on Occasion
Title I Lenders
9,000 responses 2,700 hours
Arnold Strasser 395-5080

Housing Production and Mortgage
Credit
Section 8 Housing Assistance Payments
Program Application For Existing
Housing
HUD-52515
on Occasion
PhA'S Desiring to Administer Sec. 8
Exist. Hgs. Prog.
1,000 responses 4,000 hours
Arnold Strasser 395-5080

Department of the Interior
Agency Clearance Officer—William L.
Carpenter—343-6716

Revisions
U. S. Fish and Wildlife Service
*Application for Federal Fish and
Wildlife License/Permit
3-200
on occasion
Scientists, Hobbyists, Educators
14,000 responses 3,900 hours
Charles A. Ellett 395-5080

Extensions
Bureau of Land Management
*Application for Land for Recreation or
Public Purposes
2740-1
On occasion

Federal Register / Vol. 44, No. 132 / Monday, July 9, 1979 / Notices 40165
Applicant's Appl. for Land for Rec. or Public Purposes 200 responses 100 hours
Charles A. Ellett 395-5080

DEPARTMENT OF JUSTICE
Agency Clearance Officer—Donald E. Larue—633-3266

Revisions
Law Enforcement Assistance Administration
* Status Change of Verification Form for Law Enforcement Education Program LEPP 10
On occasion
Educational Institutions 7,500 responses 750 hours
Laverne V. Collins 395-3214
Law Enforcement Assistance Administration
* Law Enforcement Education Program Rebate Credit Form LEPP 9
On occasion
Educational Institutions 600 responses 180 hours
Laverne V. Collins 395-3214
Law Enforcement Assistance Administration
* Law Enforcement Education Program System Note Control LCG LEPP 12
Quarterly
Educational Institutions 4,000 responses 800 hours
Laverne V. Collins 395-3214
Law Enforcement Assistance Administration
State of Law Enforcement Education Program Account LEPP 6
Quarterly
Leep Recipients 340,000 responses 68,000 hours
Laverne V. Collins 395-3214

DEPARTMENT OF TRANSPORTATION
Agency Clearance Officer—Bruce H. Allen—426-1887

New Forms
Federal Aviation Administration
Application for 1464 Aircraft Loan Guaranty
FAA 2950-1 and 2
On occasion
U.S. Airlines and Lending Institutions
60 responses, 3,060 hours
Susan B. Geiger 395-5667
Federal Highway Administration
Interview Schedule: Analysis of Motorist Navigation Performance
Single Time
Drive on Specific Roads
Susan B. Geiger 395-5667

NATIONAL ENDOWMENT FOR THE HUMANITIES
Agency Clearance Officer—Victor Loughnan—724-0308

New Forms
Youth Grants Application Instructions and Forms
Annually
Young People Between the Ages of 15-25
500 responses, 10,000 hours
Barbara F. Young 395-6132

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER
Agency Clearance Officer—Roy M. Nierenberg—456-6286

New Forms
Council on Wage and Price Stability
Report on Pay
Pay—1
Semi-Annually
Large Companies Private Sector
2,000 responses, 10,300 hours
Arnold Strasser 395-5080

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER
Agency Clearance Officer—Linda G. Sundro—456-6496

White House Conference on Small Business Survey—White House Conference on Small Business
Single Time
Participants in WHCSB
5,000 responses, 5,000 hours
Richard Elsinger 395-3214

VETERANS ADMINISTRATION
Agency Clearance Officer—R. C. Whitt—389-2282

Revisions
Annual Income Questionnaire for Pension
21-6875 & 21-6875A
Annually
Veterans and Widow(er)s
915,000 responses, 305,000 hours
David P. Caywood 395-6140
* Parents' Annual Income Questionnaire
21-4179 & 21-4179A
Annually
Dependent Parents of Deceased Veteran
49,000 responses, 16,000 hours
David P. Caywood 395-6140
Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[PR Doc. 79-20910 Filed 7-9-79 8:45 am]
BILLING CODE 3110-01-M

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 U.S.C. 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 also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

- The name and telephone number of the agency clearance officer;
- The office of the agency issuing this form;
- The title of the form;
- The agency form number, if applicable;
- How often the form must be filled out;
- Who will be required or asked to report;
- An estimate of the number of forms that will be filled out;
- An estimate of the total number of hours needed to fill out the form; and
- The name and telephone number of the person or office responsible for OMB review.

Reporting 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 have been changed to make the possible. 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, 728 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF ENERGY
Agency Clearance Officer—John Gross—252-5214
New Forms
Survey Questionnaire of Industrial Natural Gas Customer
Alternate Fuel Substitution Capability and Investment
Costs
ERA-438
Single time
Industrial natural gas customer; 200 responses; 200 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Agency Clearance Officer—Peter Guess—243-7488
New Forms
National Institutes of Health
Cost of Cancer Care
Other (see SF-63)
Adult U.S. household members and health care providers
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Agency Clearance Officer—John T. Murphy—755-5190
New Forms
Policy Development and Research
An Economic Analysis of State and Local Pension Issues
Single time
St. & Loc. Pension Admin. or their Employ. or Contractors; 120 responses; 960 hours
Arnold Strasser, 395-5090

DEPARTMENT OF LABOR
Agency Clearance Officer—Philip M. Oliver—523-6341
Revisions
Employment and Training Administration
National Longitudinal Surveys of Youth MT-292C
Other (see SF-63)
Pret 230 Yts in 5 Loc Fin. Inter: 13000 Yts in 202 Psu's 13,230 responses; 13,230 hours
Employment and Training Administration
Surplus Employment Security Property ETA-49
On occasion
State employment security agencies; 25 responses; 13 hours
Arnold Strasser, 395-5090

RESEARCH
Agency Clearance Officer—Bruce H. Allen—429-1887
Revisions
National Highway Traffic Safety Administration
Main Survey—Driver Survey on Unreported and Low-Damage Accidents Involving Bumpers
Single time
Drivers in households within 50 Psu's; 12,800 responses; 1,792 hours
Susan B. Geiger, 395-5807

UNITED STATES INTERNATIONAL TRADE COMMISSION
Agency Clearance Officer—Charles Ervin—523-0267
New Forms
Importer's Questionnaire (NCN—Electric Cooking Ware)
Single time
Description not furnished by agency; 80 responses; 320 hours
Susan B. Geiger, 395-5807

Producer's Questionnaire (Non-Electric Cooking Ware)
Single time
Description not furnished by agency; 25 responses; 200 hours
Susan B. Geiger, 395-5807
Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management. [FF Docket No. 78-5226]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION
(Rei. No. 15983; SR-Amex-77-14)

American Stock Exchange, Inc.; Order Approving Proposed Rule Change
July 2, 1979.

On June 15, 1977, the American Stock Exchange, Inc. (the "Amex"), 65 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would amend Article II, Section 2 of the Amex Constitution to clarify that the Board of Governors may regulate, consistent with the provisions of the Act, its members' trading off-floor in securities admitted to dealings upon the exchange; (ii) matters relating to the collection, dissemination and use of quotations and price reports on the exchange; and (iii) installation and maintenance of any means of communication with the floor.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release [Securities Exchange Act Release No. 13703, June 30, 1977] and by publication in the Federal Register (42 FR 35713, July 11, 1977). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements of communications which may be withheld from the public in accordance with the provisions of 5 1This proposed rule change was submitted in response to written notification from the Commission, pursuant to Section 3(b) of the Securities Acts Amendments of 1975 (the "1975 Amendments"), that certain provisions of the Amex Constitution and Rules appeared not to conform to the Act as modified by the 1975 Amendments. The subject amendments to Article II, Section 2 of the Amex Constitution specifically qualify the exercise of certain powers by the notice of the filing, "to the extent not inconsistent with the Act, as amended."
U.S.C. § 552) were made available to the public at the Commission’s Public Reference Room.2

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-20568 Filed 7-6-79; 8:45 am]
BILLING CODE 6910-01-M

[Rel. No. 10751; 811-1770]

Dreyfus Leverage Fund, Inc. (a Delaware Corporation); Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company


Notice is hereby given that The Dreyfus Leverage Fund, Inc. ("Applicant") 705 Fifth Avenue, New York, New York 10022, registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application pursuant to Section 8(f) of the Act on May 1, 1979, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Delaware corporation and was registered under the Act on November 22, 1968. The application states that on March 1, 1974, there were 19,504,802 shares of capital stock outstanding, of which 11,303,644 shares were voted in favor of the merger and 8,165,158 shares voted against it at a meeting held on April 30, 1974. Applicant states that under the terms of an Agreement and Articles of Merger, each share or fraction thereof of Applicant was converted into an equal number of whole or fractional shares of the Dreyfus Leverage Fund, Inc., a Maryland corporation.

Applicant also represents that on August 16, 1974 the Certificate and Agreement of Merger of the Applicant and the Dreyfus Leverage Fund, Inc., a Maryland corporation, was filed, and the corporate existence of the Applicant, The Dreyfus Leverage Fund, Inc. (a Delaware corporation), was terminated. Applicant further states that Applicant does not hold any assets and does not have any debts or other liabilities which remain outstanding. The application states Applicant is not a party to any litigation or administrative proceeding and is not currently engaged in any business activities. Finally, Applicant states that Applicant does not have any security holders and that no security holders exist to whom distributions were incomplete.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, 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 July 23, 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 Applicant(s) at the address(es) 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 otherwise 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.

[FR Doc. 79-30992 Filed 7-6-79; 8:45 am]
BILLING CODE 6910-01-M

[Rel. No. 10754; 812-4460]

Massachusetts Mutual Life Insurance Co. and MassMutual Corporate Investors, Inc.; Notice of Filing of Application for Order Pursuant to Section 17(b) of the Act Exempting Proposed Transaction From Section 17(a) of the Act, and Pursuant to Section 17(d) of the Act Permutting Joint Transaction

July 2, 1979.

Notice is hereby given that Massachusetts Mutual Life Insurance Company ("Insurance Company") 1205 State Street, Springfield, Massachusetts 0111, a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors, Inc. ("Fund"), registered under the Investment Company Act of 1940 ("Act") as a non-diversified, closed-end, management investment company (hereinafter, the Fund and the Insurance Company are collectively referred to as "Applicants"), filed an application on April 30, 1979, for an order: (1) pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, permitting the purchase by the Fund and the Insurance Company of a package of certain securities to be issued at direct placement by HHI Holdings, Inc. ("Holdings") and its wholly-owned subsidiary, HHI Acquisition Corp. ("Acquisition"), in connection with the acquisition of Houdaille Industries, Inc. ("Houdaille"), and (2) pursuant to Section 17(b) of the Act, exempting from the provisions of Section 17(a) of the Act the proposed sale by the Insurance Company to the Fund of one-fourth of such package of securities in the event that (a) the requested order pursuant to Section...
The application states that the aggregate purchase price of the securities to be issued in connection with the acquisition of Houdaille is approximately $355,000,000, and that Holdings will issue and sell: (i) 8,777,593 shares of Common Stock (consisting of 6,295,790 shares of Class A Stock and 3,481,803 shares of Class B Stock) at $2.52 per share to certain institutions, as well as to Houdaille's management; (ii) 2,350,000 shares of 10 percent Senior Cumulative Preferred Stock ("Senior Preferred Stock") at $10 per share to six institutions; (iii) $51,500,000 principal amount of 12 percent 17-year Senior Subordinated Notes ("Senior Subordinated Notes"); (iv) $75,000,000 principal amount of 10½ percent 20-year Senior Subordinated Notes ("Senior Subordinated Notes"); (v) 90,000,000 Bank Notes, and (vi) 6,295,790 shares of Class B Common Stock issued in consideration of the purchase of up to 1,000,000 shares of Class B Common Stock if specified dividend payments or redemptions are not made; and (iii) 122,407 shares of Junior Preferred Stock at $2.52 per share to one institutional lender. The application further states that Acquisition will issue to certain institutional lenders on a non-cumulative basis 100,000,000 additional shares of Common Stock, 500,000 additional shares of Junior Subordinated Notes ("Junior Subordinated Notes"); and (iv) $90,000,000 of Bank Notes, with interest at 1 percent per quarter. In consideration of the purchase of the Senior Notes and the Senior Subordinated Notes issued by Acquisition, Holdings will issue 1,100,000 additional shares of Class A Common Stock to the purchasers of the Senior Subordinated Notes, without any additional payment by such purchasers.

Applicants state that the Insurance Company has offered one-half of the aggregate purchase price of securities to be issued in connection with the acquisition of Houdaille of $355,000,000, for which the terms and conditions as those offered to the Insurance Company, and that the Fund has determined to invest only $3,166,320 in such securities (subject to the granting of the requested order) because of its own portfolio considerations. The Fund proposes to purchase the same classes of securities as the Insurance Company in the proportion of one-fourth for the Fund and three-fourths for the Insurance Company. Applicants state that, pending receipt of a Commission order, the Insurance Company has committed to purchase for its general account the entire package of securities offered to it, subject to the obligation to make one-fourth of each class available to the Fund if the Commission so permits. Applicants represent that if a Commission order is issued after the closing of the direct placement, the Insurance Company will, as soon as practicable after receipt of such order, sell to the Fund the $3,166,320 in securities which the Fund proposes to acquire at the price paid for such securities by the Insurance Company (plus accrued interest), upon receipt by the Insurance Company of (i) the investment representations the Fund would have been required to give to the issuers had the Fund purchased the securities at the closing and (ii) an undertaking by the Fund to be bound by the terms and conditions subject to which the Insurance Company holds such securities. Applicants further represent that if the order they have requested is not issued within 45 days after the closing, the Fund will not purchase any of the securities from the Insurance Company unless such purchase is approved by the Board of Directors of the Fund, including a majority of the directors who are not "interested persons" of the Insurance Company.

Applicants state that they do not own any other securities of Houdaille, Holdings. Acquisition or of any affiliates of such corporations, and that, to their knowledge, no affiliate of the Fund or the Insurance Company owns any securities of such companies or their affiliates.

Section 2(a)(3) of the Act includes within the definition of the term "affiliated person" of an investment company, the investment adviser thereof. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an
Affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants. Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company knowingly to sell to such registered investment company any security or other property. Pursuant to Section 17(b) of the Act, the Commission shall grant an application for an order exempting a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the proposed transaction is consistent with the policies of the Fund and with the provisions, policies and purposes of the Act, and will not be on a basis less advantageous to the Fund than to the Insurance Company. They state that in order to qualify as a "regulated investment company" pursuant to Section 851 of the Internal Revenue Code, at least 90 percent of the value of the Fund's assets must be diversified in investments of issuers, of which the securities of no issuer can exceed 5 percent of the value of the Fund's portfolio. Applicants further state that one-half of the package of securities offered to the Insurance Company (i) would exceed 5 percent of the values of the Fund's portfolio and (ii) would be an amount too large for the Fund to be confident that such securities could be accommodated in the non-diversified half of the Fund's portfolio considering, among other things, the possibility of significant capital gains in the Common Stock.

Applicants state that the Board of Directors of the Fund has determined to purchase that portion of the securities offered to the Fund which in the judgment of the Fund is appropriate in light its portfolio constraints. Applicants further state that they each propose to pay the same unit price for the securities and purchase proportional amounts of each class of such securities, subject to the same terms and conditions. Applicants submit that the terms of the proposed sale of the securities by the Insurance Company to the Fund would be reasonable and fair and would not involve overreaching. They further submit that if the requested order is not granted, the Fund will not be able to participate in an attractive investment opportunity and will suffer disadvantage.

Notice is further given that any interested person may, not later than July 25, 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 the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 5-5 of the Rules and Regulations promulgated under the Act, any 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.

[FR Doc. 79-20917 Filed 7-6-79; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1647]

Kansas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration I find that Butler and Cowley Counties and adjacent Counties within the State of Kansas constitute a disaster area because of damage resulting from severe storms and flooding, beginning on or about June 7, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 18, 1979 and for economic injury until close of business on March 17, 1980; at Small Business Administration, District Office, Main Place Building, 110 East Waterman Street, Wichita, Kansas 67202, or other locally announced locations.

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008].

A. Vernon Weaver,
Administrator.


[FR Doc. 79-21102 Filed 7-6-79; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1645]

Kentucky; Declaration of Disaster Loan Area

The block between two parallel streets which are known as Main and High Streets in the Town of Hazard, Perry County, Kentucky, constitutes a disaster area because of damage resulting from a fire which occurred on March 19, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 9, 1979, and for economic injury until the close of business on May 10, 1980; at Small Business Administration, District Office, Federal Office Building, Rm 168, 600 Federal Place, Louisville, Kentucky 40202, or other locally announced locations.

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008].

Dated: June 8, 1979.

William H. Mauko, Jr.,
Acting Administrator.

[FR Doc. 79-21102 Filed 7-6-79; 8:45 am]
BILLING CODE 8025-01-M
Maximum Interest Rates

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA. The rates currently in effect will continue until further notice except for the EOL rate noted below. These rates were implemented on January 8, 1979. To review, the maximum allowable rate on an SBA guaranteed loan or a guaranteed revolving line of credit will continue to be twelve percent (12%) per year. The maximum allowable rate for immediate participation loans will remain at eleven percent (11%) per year.

In recognition of the substantially different characteristics of the economy of Alaska, an interest rate differential of three-fourths percent (0.75%) above the maximum allowable rates that would otherwise be applicable will be permitted. This differential is available for SBA loans made to borrowers located in Alaska by lenders located in Alaska.

The interest rate on Direct Economic Opportunity Loans is 9 3/4% (nine and three-eighths percent) per annum for the July-October quarter. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 23, 1979, and for economic injury until close of business on March 24, 1980, to Small Business Administration, District Office, 5000 Marble Avenue NE, Patio Plaza Building, Rm. 320, Albuquerque, New Mexico 87110, or other locally announced locations.

(Declaration of Disaster Loan Area No. 1651)

New Mexico; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the following 6 counties: Lincoln, Mora, Rio Arriba, Santa Fe, San Miguel and Taos and adjacent counties within the State of New Mexico, constitute a disaster area because of damage resulting from severe storms, snowmelt runoff and flooding beginning on or about May 2, 1979. Applications will be processed under the provisions of Public Law 94–305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 23, 1979, and for economic injury until close of business on March 24, 1980, to Small Business Administration, District Office, 5000 Marble Avenue NE, Patio Plaza Building, Rm. 320, Albuquerque, New Mexico 87110, or other locally announced locations.

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59003.]

A. Vernon Weaver, Administrator.

BILLING CODE 8025-01-M

(Declaration of Disaster Loan Area No. 1653)

New York; Declaration of Disaster Loan Area

Rockland County and adjacent counties within the State of New York constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on May 23–25, 1979. Applications will be processed under the provisions of Public Law 94–305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 27, 1979, and for economic injury until the close of business on March 24, 1980, to Small Business Administration, District Office, Federal Plaza, Room 3100, New York, New York 1007, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59003.)

A. Vernon Weaver, Administrator.

BILLING CODE 8025-01-M

(Declaration of Disaster Loan Area No. 1652)

North Carolina; Declaration of Disaster Loan Area

The area of South Trade Street and South Lafayette Street and fronting Warren Street in the Town of Shelby, Cleveland County, North Carolina, constitutes a disaster area because of damage resulting from a fire and explosion which occurred on May 25, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 27, 1979, and for economic injury until the close of business on March 23, 1980, to Small Business Administration, District Office, 230 South Tryon Street, Suite 700, Charlotte, North Carolina, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59003.)

A. Vernon Weaver, Administrator.

BILLING CODE 8025-01-M

(Declaration of Disaster Loan Area No. 1648)

Tennessee; Declaration of Disaster Loan Area

Benton county and adjacent counties within the State of Tennessee constitute a disaster area as a result of damage caused by severe storms and flooding which occurred on May 3–7, 1979. Applications will be processed under the provisions of Public Law 94–305. Interest rate is 7% percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business August 24, 1979, and for economic injury until the close of business on March 25, 1980, to Small Business Administration, District Office, Parkway Tower, Rm 1012, 404 James Robertson Parkway, Nashville, Tennessee 37219, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59003.)

A. Vernon Weaver, Administrator.

BILLING CODE 8025-01-M
Texas; Declaration of Disaster Loan Area

The above numbered Declaration (See 44 FR 23398 and amendment No. 1 (see 44 FR 24968) are amended by extending the filing date for applications for loans for physical damage until the close of business on July 11, 1979, and for economic injury until the close of business on February 11, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 8, 1979.

William H. Mauk, Jr.,
Acting Administrator.

[FR Doc. 79-21005 Filed 7-6-79; 8:45 am]
BILLING CODE 8025-01-M

Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration I find that Nacogdoches County and adjacent counties within the State of Texas constitute a disaster area as a result of damage resulting from severe storms and flooding, beginning on or about May 30, 1979. Applications will be processed under the provisions of P.L. 94-305.

Interest rate is 7% percent. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 13, 1979 and for economic injury until close of business on March 14, 1980, at: Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

A. Vernon Weaver,
Administrator.


[FR Doc. 79-21098 Filed 7-6-79; 8:45 am]
BILLING CODE 8025-01-M

Texas; Declaration of Disaster Loan Area

Wichita County within the State of Texas constitutes a disaster area as a result of damage caused by excessive rain, high winds and flooding which occurred on June 4-7, 1979. Applications will be processed under the provisions of Public Law 94-305. Interest rate is 7% percent. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 20, 1979 and for economic injury until the close of business on March 21, 1980 at: Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)


A. Vernon Weaver,
Administrator.

[FR Doc. 79-21097 Filed 7-6-79; 8:45 am]
BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Privacy Act of 1974; Adoption of Routine Uses

ACTION: Adoption of routine uses.

SUMMARY: TVA adopts revised routine uses for systems TVA–5 Discrimination Complaint File; TVA–9, Medical Record System; and TVA–11, Payroll Records.

DATES: This notice effective July 9, 1979.

FOR FURTHER INFORMATION CONTACT: Sue E. Wallace, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37932, (615) 632-3304.

SUPPLEMENTARY INFORMATION: On May 14, 1979, the Tennessee Valley Authority published in the Federal Register three proposed revisions to the routine uses in TVA’s annual Notice of Systems of Records. An opportunity for the public to comment on the proposed routine uses was given. No comment was received and the routine uses are adopted as proposed.

The new routine use to TVA’s Discrimination Complaint File and its Medical Record System will allow disclosure of information in those systems to TVA consultants and contractors who are engaged in studies of TVA’s administration of its equal employment opportunity and medical responsibilities or are otherwise assisting TVA in carrying out these functions. In both situations it is desirable to have outside contractors review and evaluate these functions to improve their quality and efficiency. Certain non-employee support services may also require limited disclosure of information from these record systems.

The revised routine use to TVA’s Payroll System involves filing of earnings to state employment security offices to allow filing of magnetic tape reports of earnings for purposes of determining eligibility for unemployment compensation. Each year TVA responds on an individual basis to about 19,000 requests from state employment security offices for wage and separation information. The filing of magnetic tape reports would speed the administration of benefits, and reduce the considerable amount of clerical time involved and the inevitable clerical error that occurs.
TVA—9
SYSTEM NAME:
Medical Record System—TVA

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compensation claim records are used for adjudicating claims and providing therapy. Appropriate information is exchanged with physicians, hospitals, rehabilitation agencies, organizations, and professionals in the course of obtaining medical records. Such medical records are used for employee population health monitoring, epidemiological investigations, and conducting biomedical investigations. Alcohol drug program records may be exchanged with a physician or treatment center working with an employee. In accordance with the provisions of Pub. L. 93–282.

Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by Office of Workers Compensation Programs, Veterans Administration, Social Security Administration, and private contractors engaged in providing benefits under Federal contracts.

To refer, there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, local, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or proceeding under it.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To prevent or stop violations of law by Federal, state, or local agencies.

To refer complaints to the Department of Housing and Urban Development, state agencies, and state employment security agencies where an individual has made a claim for benefit with such agency.

To request information from a Federal agency or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To TVA consultants, contractors, and subcontractors who are engaged in studies and evaluation of TVA’s administration of its medical program or who are providing support sources to the program.

1. On page 48230 the following additional routine use is added to system TVA-5 (Discrimination Complaint File—TVA):

TVA-5
SYSTEM NAME:
Discrimination Complaint File—TVA

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding an employee.

To transmit payroll deduction information to financial institutions and employee organizations.

On page 48231 the following additional routine use is added to system TVA-5:

To report earnings to the Civil Service Commission.

To report earnings and other required information to Federal, state, and local taxing authorities as required by law.

To report earnings to the Civil Service Retirement System for members of that system.

2. On page 48232 the following additional routine use is added to system TVA-5 (Medical Record System—TVA):

TVA-9
SYSTEM NAME:
Medical Record System—TVA

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compensation claim records are used for adjudicating claims and providing therapy. Appropriate information is exchanged with physicians, hospitals, rehabilitation agencies, organizations, and professionals for the purpose of obtaining medical records. Such medical records are used for employee population health monitoring, epidemiological investigations, and conducting biomedical investigations. Alcohol drug program records may be exchanged with a physician or treatment center working with an employee.

Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by Office of Workers Compensation Programs, Veterans Administration, Social Security Administration, and private contractors engaged in providing benefits under Federal contracts.

To refer, there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, local, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or proceeding under it.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To prevent or stop violations of law by Federal, state, or local agencies.

To refer complaints to the Department of Housing and Urban Development, state agencies, and state employment security agencies where an individual has made a claim for benefit with such agency.

To request information from a Federal agency or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system.

To the parties, their representatives, and Commission representatives in Civil Service Commission proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To TVA consultants, contractors, and subcontractors who are engaged in studies and evaluation of TVA’s administration of its medical program or who are providing support sources to the program.

3. On page 48236 the following additional routine use is added to system TVA-11 (Payroll Records—TVA) which presently reads “To report earnings to the Department of Housing and Urban Development, state welfare agencies, and state employment security offices where an individual has made a claim for benefit with such agency.” Revised as follows:

TVA-11
SYSTEM NAME:
Payroll Records—TVA

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report earnings and other required information to Federal, state, and local taxing authorities as required by law.

To report earnings to the Civil Service Retirement System for members of that system.

To transmit payroll deduction information to financial institutions and employee organizations.
To report earnings to courts when punishments are served or in bankruptcy or wage earner proceedings.

To report earnings to unions for those crafts on which TVA contributions to union welfare or pension funds are based on earnings. Reports of hours worked are made to unions for those crafts on which such TVA contributions are based on hours worked.

To report earnings to the Department of Housing and Urban Development, state welfare agencies, and state employment security offices where an individual has made a claim for benefit with such agency.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedure.

To provide information as requested to the Civil Service Commission pursuant to Executive Order 10577 and other laws.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To disclose any agency of the Federal Government having oversight or review authority with regard to TVA activities.

For use in litigation, including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees Group Life Insurance to Office of Federal Employees Group Life Insurance.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transfer information necessary to support a claim for health insurance benefits to health insurance carriers.

To TVA contractors and subcontractors engaged in studies and evaluations to TVA payroll and personnel management.

To union representatives exercising their responsibilities under TVA collective bargaining agreements.

To report earnings to the Department of Housing and Urban Development, and state welfare agencies where an individual makes a claim for benefits and to report earnings to state employment security offices in both manual and automated form for use by those offices in determining unemployment benefits.

FRA Docket No. EP-1, Notice 3 Procedures for Considering Environmental Impacts

AGENCY: Federal Railroad Administration, Department of Transportation.

ACTION: Request for public comment.

SUMMARY: The Federal Railroad Administration (FRA) proposes to revise its procedures for considering environmental impacts in accordance with the regulations for implementing the National Environmental Policy Act issued by the Council on Environmental Quality (CEQ) on November 29, 1978 and the proposed revised Department of Transportation Order 5610.1C issued for public comment on May 21, 1979 (44 FR 31541). Public comments are invited on the proposed FRA Order.

COMMENT CLOSING DATE: August 8, 1979.

ADDRESS: Written comments should reference this Notice and be addressed to: Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590.

Comments received will be available for public inspection during normal working hours in Room 4000, Transpoint Building, 1200 2nd Street, S.W., Washington, D.C. If a self-addressed stamped post-card is included with the comments, it will be returned as soon as the comments are received.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: FRA’s Final Procedures for Considering Environmental Impacts were published in the Federal Register on March 16, 1979 (44 FR 16062). These proposed revisions do not change the substance of those Procedures but merely serve to incorporate the provisions required by the CEQ regulations and proposed DOT Order 5610.1C. The CEQ regulations require that all agencies have revised procedures consistent with CEQ regulations effective July 30, 1979. Until these revised Procedures are published in the Federal Register as Final Procedures, the FRA will follow the CEQ Regulations and DOT Order 5610.1C for substantive compliance with the National Environmental Policy Act. The internal processing of environmental documents, however, will continue as described in sections 10(c), 11(b) and 12(c) of the existing FRA Order.

FRA has determined that publication of these Procedures is itself an exempt action under section 4(c)(5) minor amendments to existing FRA regulations.


John M. Sullivan,
Administrator.

Federal Railroad Administration—Procedures for Considering Environmental Impacts

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1. Purpose

This Order establishes procedures for the assessment of environmental impacts of actions and legislation proposed by the Federal Railroad Administration (FRA) and for the preparation and processing of documents based on such assessments. This...
Order supplements CEQ Regulations (40 CFR 1505-1508) and DOT Order 5010.1C (44 FR 31341, May 31, 1979) which are incorporated herein by reference in their entirety. The fact that certain portions of the regulations or order are specifically referenced below does not mean that the unreferenced portions do not apply.

2. Authority
This Order implements the requirements of section 20 of Department of Transportation (DOT) Order 5010.1C. This Order establishes procedures for compliance by the FRA with the National Environmental Policy Act (42 U.S.C. 4321 et seq., hereinafter “NEPA”), especially section 102(2)(C) of that Act (42 U.S.C. 4332(2)(C)); section 4(f) of the Department of Transportation Act (49 U.S.C. 1658(f)); hereinafter the “DOT Act”); section 105 of the National Historic Preservation Act (16 U.S.C. 470); section 309(a) of the Clean Air Act (42 U.S.C. 7009(a)); section 307(e)(2) of the Coastal Zone Management Act (16 U.S.C. 1458(e)(2)); section 2(a) of the Fish and Wildlife Coordination Act (16 U.S.C. 662c); section 7 of the Endangered Species Act (16 U.S.C. 1536); and various Executive Orders, regulations, and guidelines relating to environmental assessment and environmental documentation.

3. Definitions
The definitions contained within CEQ 1508 apply to this Order. Additional or expanded definitions are as follows:
(a) Administrator. “Administrator” means the Federal Railroad Administrator.
(b) A-95. “A-95” refers to the State and area-wide clearinghouses established by Office of Management and Budget Circular A-95.
(c) ARR. “ARR” means the Alaska Railroad.
(d) CEQ. “CEQ” means the Council on Environmental Quality.
(e) EIS. “EIS” means an Environmental Impact Statement.
(f) EPA. “EPA” means the U.S. Environmental Protection Agency.
(g) FONSI. “FONSI” means a Finding of No Significant Impact.
(h) (4(f)-Protected Properties. These are any publicly-owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials within the meaning of section 4(f) of the DOT Act (49 U.S.C. 1653(f)).
(i) 4(f) Determination. This is a report which must be prepared prior to the Federal Railroad Administrator’s approval of any FRA action which requires the use of any 4(f)-protected properties. This report documents both the supporting analysis and the finding required by section 4(f) of the DOT Act (49 U.S.C. 1653(f)), that (1) there is no feasible and prudent alternative to the use of such land, and (2) the proposed FRA action includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.
(j) FRA Action. This is an action taken by the Federal Railroad Administrator or his/her delegate. FRA actions include loans, grants, financing through redeemable preference shares and loan guarantees, contracts, purchases of land or realty, leases, research activities, rulemaking, regulatory actions, approvals, certifications, and licensing. FRA actions include renewals or reapprovals of FRA actions, and also include actions only partially funded by FRA. FRA actions also include FRA-sponsored proposals for legislation and favorable reports on proposed rail-related legislation, but do not include responses to Congressional requests for reports on pending legislation or appropriation requests.
(k) FRA Program Office. This is an office within FRA which has been delegated the authority to administer a particular FRA action or program and which therefore bears primary responsibility for performing environmental assessments and preparing environmental documents in compliance with this Order. Program offices are the Northeast Corridor Project, the Office of National Freight Assistance Programs, the Office of Passenger and Special Programs, the Office of State Assistance Programs, the Alaska Railroad, the Office of Safety, the Office of Research and Development, the Transportation Test Center, the Minority Business Resource Center and the five Regional Offices.
(l) P. “P” refers to the Office of Environment and Safety within the Department of Transportation.

4. Actions Covered
(a) General Rule. An environmental assessment must be prepared prior to any major FRA actions. If a decision to prepare an EIS has already been made by the program office, this information is incorporated as part of the EIS. There are no actions which FRA has determined always require an EIS, however, an EIS shall be prepared for all major FRA actions significantly affecting the quality of the environment. This normally includes any construction of new railroad lines or major facilities or any change which will result in a significant increase in traffic.
(b) Major FRA Actions. A major FRA action for purposes of this Order is any FRA action which does not come within one of the classes of actions categorically exempted in subsection (c) of this section, or which is not otherwise exempted by application of the criteria listed in subsection (d) of this section. The FRA program office shall consult with the Office of Chief Counsel (or, in the case of the ARR, with the Chief Counsel of the ARR) before determining that an FRA action is not a major FRA action. Any determination that an FRA action is not a major FRA action based on the application of the criteria in subsection (d) of this section shall be made in writing by the program office and reviewed for legal sufficiency by the Office of Chief Counsel (or in the case of the ARR, by the Chief Counsel of the ARR).

(c) Actions Categorically Exempted.
Certain classes of FRA actions have been determined to be categorically exempt from the requirements of this Order. In extraordinary circumstances, where a normally excluded action has been determined to have a potentially significant environmental effect because it does not satisfy one or more of the criteria in subsection (d) of this section, the program office shall prepare an environmental assessment and follow the appropriate FONSI or EIS process for that action. The following classes of FRA actions are categorically exempt:
(1) Operating and capital grants and loan guarantees to Amtrak under sections 601 and 602 of the Rail Passenger Services Act, as amended. (45 U.S.C. 601, 602);
(2) Administrative procurements [e.g., for general supplies] and contracts for personal services;
(3) Personnel actions;
(4) Grants or procurements for planning or design activities which do not commit the FRA or its applicants to a particular course of action affecting the environment;
(5) Technical or other minor amendments to existing FRA regulations;
(6) Internal orders and procedures not required to be published in the Federal Register under the Administrative Procedure Act, 5 U.S.C. 553(a)(1);
(7) Changes in plans for an FRA action for which an environmental assessment has been performed, where the changes would not alter the environmental impacts of the action;
(8) Rulemakings issued under section 17 of the Noise Control Act of 1972, 42 U.S.C. 5472;
(9) Enforcement of safety regulations, including issuance of emergency orders;
(10) State rail assistance grants under section 547 of the Department of Transportation Act (49 U.S.C. 1654) for rail service continuation payments and acquisition, as defined in 49 CFR 266;
(11) Report to the Interstate Commerce Commission as required by the Interstate Commerce Act (49 U.S.C. 11303) on expedited merger procedures;
(12) Guarantees of certificates for working capital under the Emergency Rail Services Act (45 U.S.C.);
(13) Hearings, meetings, or public affairs activities; and
(14) Maintenance of existing railroad structures and installations including track and bridge structures; electrification, communication, signalling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities.
For purposes of this exemption “maintenance” means work, normally provided on a periodic basis, which does not change the existing character of the facility and may include work characterized by other terms under specific FRA programs.
(d) Criteria for Exemption of Actions. An FRA action not categorically exempted under subsection (c) of this section may nevertheless be exempted from the requirements for “major FRA actions” in this Order if it satisfies all of the following criteria:

...
(1) The action is not likely to be environmentally controversial from the point of view of people living within the environment affected by the action or controversy, and subject to the availability of adequate relocation housing.

(2) The action is not inconsistent with any Federal, State, or local law, regulation, ordinance, or judicial or administrative determination relating to environmental protection.

(3) The action will not have any significant adverse impact in any natural, cultural, recreational, or scenic environment(s) in which the action takes place, or on the air or water quality or ambient noise levels of such environment(s);

(4) The action will not use 4(f)-protected properties; adversely affect properties under section 106 of the National Historic Preservation Act; involve new construction location in a wetlands area; or affect a base floodplain;

(5) The action will not cause a significant short- or long-term increase in traffic-congestion, or other significant adverse environmental impact on any mode of transportation;

(6) The action is not an integral part of a program of actions which, when considered separately, would not be classified as major FRA actions, when considered together would be so classified; and

(7) Environmental assessment or documentation is not required by any Federal law, regulation, guideline, order, or judicial or administrative determination other than this Order.

(e) Class of Actions. A general class of major FRA actions, or a general class of Federally-related actions at least one of which is a major FRA action, may be covered by a single environmental assessment and subsequent documentation where the environmental impacts of all the actions (and their alternatives) are substantially similar.

(f) Programmatic Actions. A programmatic FRA action, consisting of a group of FRA actions or a broad action composed of elements which are themselves FRA actions but where no single action would be taken except in conjunction with the other related actions, shall be treated as a separate major FRA action for purposes of this Order. Decisions on related rail facilities, e.g., connecting lines of a railroad or consolidations, would normally require a programmatic statement.

(1) Programmatic Action Statement. A programmatic environmental assessment should identify program level alternatives and assess the program-wide environmental impacts. To the extent information is available, it should also identify the alternatives to and impacts of component FRA actions within the program, and the implications on alternative transportation systems.

(2) Programmatic Environmental Assessment. A programmatic environmental assessment or statement shall be commenced at the feasibility analysis (go-no go) stage. The programmatic environmental assessment or statement shall be completed prior to a construction decision and circulated to the Administrator as part of the decision-making process.

(3) Site Specific Document. In the case of site specific assessments that are not programmatic (e.g., at the feasibility analysis (go-no go) stage, (CEQ 1502.5(a))). In the case of site specific assessments that have been broadly considered in a programmatic EIS, the environmental assessment will be conducted along with design studies. The FONSI or EIS shall be completed prior to a construction decision and circulated to the Administrator as part of the decision-making process.

6. Joint Actions

(a) Joint Effort. Where one or more Federal agencies together with FRA either co-sponsor an action, or are directly involved in an action through funding, licensure, or permits, or are involved in a group of actions directly related because of functional interdependence or geographical proximity or both, or are involved in a single program, the FRA program office shall seek to join all such agencies in performing a single joint environmental assessment and in preparing necessary environmental documentation. Consistent with the requirements of CEQ 1506.2 and 1506.5 an applicant shall, to the fullest extent possible, serve as a joint lead agency if the applicant is a State agency or local agency, and the proposed action is subject to State or local requirements comparable to NEPA.

(b) Lead Agency. Where the FRA joins with one or more other Federal agencies in the performance of an environmental assessment and in the preparation of environmental documentation, all agencies should agree to designate a single "lead agency" to supervise the effort. Any request by FRA for CEQ resolution of lead agency designation (CEQ 1501.5(e)) shall be made only after consultation with the Office of Chief Counsel and notification to P. Where FRA has the primary Federal responsibility, the program office will act as the lead agency in accordance with CEQ 1501.6(a). The lead agency should consult with other participating agencies to ensure that the joint effort makes the best use of areas of jurisdiction and of special expertise of the participating agencies, that the views of participating agencies are considered in the course of the environmental assessment and documentation process, and that the substantive and procedural requirements of all participating agencies are met. Requests for lead agency designation by other parties should be mailed to the Office of Policy and Program Development, which will advise the appropriate program office and the Office of Chief Counsel.

(c) Cooperating Agency. The FRA is responsible for substantive and procedural compliance with environmental laws, orders, and regulations. Where the FRA is a cooperating agency of a joint effort of environmental assessment and documentation, the FRA program office shall perform the functions stated in CEQ 1501.6(b) and review the work of the lead agency to ensure that its work product will satisfy the requirements of the FRA under this Order. The program office may enter into a memorandum of understanding with the lead agency substituting the lead agency's 4(f) content requirements for those in sections 11(f) and 14(a)-(o). If the lead agency is another component of DOT, the 4(f) content requirements in 12(f) may also be substituted however, for every major FRA action, the review and approval responsibilities of this Order must be met for any final environmental document.
7. Applicants

(a) General. Each applicant for FRA financial assistance or other major FRA action may be requested to perform an environmental assessment of the proposed FRA action and to submit documentation of that assessment with the application. An applicant may also be requested to submit a proposed draft EIS or proposed FONSI in connection with the application, or to act as a joint lead agency if the applicant is a State agency with state-wide jurisdiction or is a State or local agency, and the proposed action is subject to a State requirement comparable to NEPA.

(b) Cross Reference. As of the date of this Order, the following FRA regulations deal with the responsibilities of applicants to submit environmental documentation with their applications.

(1) Financial assistance for railroad passenger terminals under subsection 4(i) of the DOT Act, as amended (49 U.S.C. 1651(f)); 49 CFR 258.7(a)(8) and Appendix to 49 CFR Part 238.


(3) Financial assistance for the acquisition or rehabilitation and improvement of facilities or equipment to develop or reestablish new railroad facilities under section 511 of the 49 Act (49 U.S.C. 831): 49 CFR 260.7(a)(12).


(c) Information Required. Where an applicant is required to submit environmental documentation, the FRA program office shall assist the applicant by specifying the types and amounts of information, consistent with this Order and the published regulations, if any, under which the application is being made. The program office shall work with potential applicants early in the process to assist in the development of information responsive to sections 10-14 of this Order.

(d) Premature Act by Applicant. The FRA program office shall inform an applicant that the applicant may not take any major action in expectation of approval of the application, prior to completion of the environmental documentation process by the FRA as required of this Order.

(e) Applicant’s Use of Consultants. An applicant may use consultants in the performance of an environmental assessment and in the preparation of proposed environmental documents, only if the selected consultant is approved by the program office.

(FRA Responsibility. The FRA is responsible for substantive and procedural compliance with environmental laws, orders, and regulations, and cannot delegate this responsibility to applicants. The program office shall solicit comments from the State and area-wide A-95 clearinghouses on the environmental consequences of any grant application. The FRA program office that processes an application shall make its own evaluation of the environmental issues raised by the application. The program office shall review environmental documentation submitted in connection with an application to ensure that it satisfies the requirements of this Order. When necessary to perform its review, the program office shall seek the advice of the Office of Policy and Program Development and of the Office of Chief Counsel. An environmental document accepted by an FRA program office pursuant to this section shall be considered to have been prepared by that office for purposes of section 10 through 15 of this Order.

8. Consultants

(a) General. An FRA program office may use consultants in the performance of environmental assessments and in the review of any assessments performed.

(b) Conflicts of Interest. An FRA program office shall exercise care in selecting consultants, and in reviewing their work, to ensure that their analysis is complete and objective. Contractors shall execute in the disclosure statement prepared by the program office, specifying that they have no financial or other interest in the outcome of the project. Such a statement shall not be required for on-going projects for which a Final Programmatic EIS has been approved and a contract has been entered into prior to the effective date of this Order.

(c) FRA Responsibility. The FRA is responsible for substantive and procedural compliance with environmental laws, orders, and regulations, and cannot delegate this responsibility to consultants. The FRA program office that contracts with a consultant shall make its own evaluation of the environmental issues raised by the proposed action. The program office shall have the authority to perform the environmental assessment of a proposed action. The program office shall have the authority to perform the environmental assessment of a proposed action.

9. Citizen Involvement

(a) Policy. Citizen involvement is encouraged at every stage of the environmental assessment of a proposed FRA action.

(b) Procedures. After an FRA program office has made the decision to prepare a draft EIS, the program office shall implement the following procedures:

(1) Develop, in cooperation with the FRA Public Affairs Officer, a list of interested parties, including Federal, regional, State and local authorities, environmental groups, individuals, and other public service, education, labor, and community organizations. A list of Federal and Federal-State agencies with jurisdiction by law or special expertise in environmental areas should be consulted.

(2) Notify interested parties of the decision to prepare an EIS. The notice shall include the name, title, address, and phone number of an FRA program official who may be contacted in connection with such preparation. The notice shall invite comments from the interested parties on the environmental impacts of the proposed action and on the scope and depth desirable for the discussion in the draft EIS. In the case of an action with effects of national concern, a Notice of Intent as defined in CEQ 1508.22 must be published in the Federal Register.

(3) Circulate the draft EIS, to interested parties and to depositories, such as public libraries, together with an invitation to comment on the draft EIS. Such circulation should comply with OMB Circular A-63.

(4) Publicize the availability of the draft EIS by press release, in coordination with the FRA Public Affairs Officer, in local newspapers of general circulation and by other suitable means. EPA will normally publish such notice in the Federal Register. If one or more alternative includes significant encroachment on a floodplain, the notice shall make reference to that fact.

(5) If necessary, as determined, in consultation with the Office of Chief Counsel or, in the case of the ARR, with the Chief Counsel of the ARR, using the criteria in CEQ 1506.0(c), hold a hearing or hearings on the draft EIS. If a hearing is held, the draft EIS shall be made available at least 30 days prior to the hearing.

(6) Respond to all responsible comments in the final EIS in accordance with section 13(c)(11) of this Order and provide copies of the final EIS to all who commented on the draft.

(c) List of Contacts. Interested persons can get information on the FRA environmental process and on the status of EISes issued by the FRA from: Office of Policy and Program Development, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426-8984. The Office of Policy and Program Development will contact the appropriate program office if additional information is required.

10. Environmental Assessment

(a) Policy. The environmental assessment of a proposed major FRA action shall be begun by or under the supervision of the FRA program office at the earliest practical time in the planning process for the proposed action and shall be considered along with technical and economic studies. To the fullest extent possible, steps to comply with other environmental review laws and Executive Orders shall be undertaken concurrently with the environmental assessment.

(b) Scope. The environmental assessment should begin by identifying all reasonable alternatives to the proposed action, including "no action" and including mitigation measures not incorporated into the design of the proposed action. It is entirely proper that the number of alternatives be reduced should decrease as the environmental
assessment proceeds and as analysis reveals that certain theoretical alternatives would in fact be unreasonable. The assessment should seek to identify the relevant environmental impacts of all alternatives discussed, including both beneficial and adverse impacts; impacts which are direct, indirect, and cumulative; and impacts of both long and short-term duration. The assessment shall include consultation with appropriate Federal, State, and local authorities, and to the extent necessary, with the public.

The following areas of impact should be among those considered for the affected environment:

1. Air quality;
2. Water quality;
3. Noise and vibration;
4. Solid waste disposal;
5. Ecological systems;
6. Impacts on wetlands areas;
7. Impacts on endangered species or wildlife;
8. Flood hazards and floodplain management;
9. Coastal zone management;
10. Use of energy resources;
11. Use of other natural resources, such as water, minerals, or timber;
12. Aesthetic and design quality impacts;
13. Impacts on transportation of both passengers and freight; by all modes, including the bicycle and pedestrian modes; in local, regional, national, and international perspectives; and including impacts on traffic congestion;
14. Possible barriers to the elderly and handicapped;
15. Land use, existing and planned;
16. Impacts on the socioeconomic environment, including the number and kinds of available jobs, the potential for community disruption and demographic shifts, the need for and availability of relocation housing, and impacts on commerce and on local government services and revenues;
17. Public health;
18. Public safety, including any impacts due to hazardous materials;
19. Recreation opportunities;
20. Locations of historic, archeological, architectural, or cultural significance, including, if applicable, consultation with the appropriate State Historic Preservation Officer(s);
21. Use of 4(f)-protected properties; and
22. Construction period impacts.

(c) Depth. The environmental assessment should seek to quantify each impact identified as relevant to the proposed action and to each alternative. Such quantification should proceed in the course of the assessment process, from a rough order-of-magnitude estimate of impact to finer and more precise measurements. The depth of analysis of each impact should be determined at each point in the assessment process consistent with the following factors:

1. The likely significance of the impact;
2. The magnitude of the proposed action or an alternative action;
3. Whether the impact is beneficial or adverse; and
4. Whether and to what extent the impact has been assessed in a prior environmental document.

(d) Documentation. The administrative record produced in the course and as a result of an environmental assessment shall be maintained by or under the supervision of the FRA program office responsible for the assessment. This documentation shall be used to determine the need to prepare either a FONSI or an environmental impact statement for the proposed action, and shall comprise the foundation for such documents if and when they are prepared. Evidence of consultation with appropriate Federal, State, and local authorities is especially desirable as part of the documentation of an environmental assessment. When necessary to perform its review, the program office shall seek the advice of the Office of Policy and Program Development and of the Office of Chief Counsel (or, in the case of the ARR, of the Chief Counsel of the ARR) as to the sufficiency of the documentation.

(e) Determination Based on the Environmental Assessment. The environmental assessment is completed when sufficient information has been accumulated in the record for the FRA program office to make the following determinations: whether the proposed action will or will not have a foreseeable significant impact on the quality of the human environment; whether or not the proposed action will use 4(f)-protected properties; whether or not the proposed action will occur in a wetlands area; and whether or not the proposed action will occur in a base floodplain. In making these four determinations, the program office shall take action in accordance with paragraphs (1) through (4) below, as applicable:

1. If the FRA program office determines that the proposed action will not have a foreseeable significant impact on the quality of the human environment, whether or not the proposed action will use 4(f)-protected properties; whether or not the proposed action will occur in a wetlands area; and whether or not the proposed action will occur in a base floodplain. In making these four determinations, the program office shall take action in accordance with sections 9 and 13 of this Order.
2. If the program office determines that there is a foreseeable significant impact, it shall begin the scoping process (CEQ Regulations 1501.7) and proceed to prepare a draft EIS in accordance with sections 9 and 13 of this Order.
3. If the program office determines that the proposed action contemplates using 4(f)-protected properties, it shall proceed in accordance with section 12 of this Order.
4. If the program office determines that the proposed action will occur in a wetlands area or a base floodplain, the program office shall comply with subsection 24(n) (6) or (8) of this Order, as applicable. If a FONSI is prepared, the reference in (6) and (8) to final EIS should be read as FONSI.

11. Finding of No Significant Impact

(a) General. A FONSI shall be prepared for all major FRA actions for which an environmental impact statement is not required, as determined in accordance with section 10(e) of this Order.

(b) Decisionmaking on the Proposed Action. No decision shall be made at any level of authority of the FRA to consult the FRA or its resources to a major FRA action for which a FONSI must be prepared until a FONSI covering the action has been prepared and approved in accordance with this section.

(c) Staff Responsibilities. (1) A FONSI, when required, shall be prepared by the FRA program office and shall be signed by the official heading that office. The program office shall forward a copy to the Office of Policy and Program Development and a copy to the Office of Chief Counsel.

(2) When requested by the program office, the Office of Policy and Program Development shall review the FONSI and shall advise the program office of the consistency of the FONSI with FRA policies and programs.

(3) The Office of Chief Counsel shall review every FONSI and shall advise the program office in writing as to the legal sufficiency of the FONSI.

(4) After complying with subsection (d)(2) of this section the program office shall submit the FONSI to the Administrator concurrently with the advice obtained from the Office of Policy and Program Development, when applicable, and from the Office of Chief Counsel.

(5) A FONSI may become final only upon approval by the Administrator. Title V program actions do not require a separate or additional agreement package including the finding of no significant environmental impact.

(d) Coordination. (1) Normally an approved FONSI need not be coordinated in advance outside the FRA, but a notice of availability shall be provided to the A-95 state and area wide clearhouses for the affected area, upon final approval and release of the FONSI shall be made available to the public, to Government agency, or to Congress upon request at any time.

(2) When the proposed action is, or is closely similar to one which normally requires an EIS as identified in section 4(a) of this Order, or when the nature of the proposed action is one without precedent, the program office shall provide a copy of the draft document to P, and the document shall be made available to the public for a period not less than 30 days before the FONSI is made and the action is implemented.

(e) 4(f) Determinations. A 4(f) determination, prepared according to section 12 of this Order, may be required for a proposed FRA action even though an EIS is not required. If a 4(f) determination shall be set forth in a separate document and shall accompany the FONSI through the review process.

(f) Representations of Mitigation. Where a FONSI has represented that certain measures would be taken to mitigate adverse environmental impacts of an action, the FRA program office shall monitor the action and,
as necessary, to steps to enforce the implementation of such measures. Where applicable, the FRA program office shall include mitigation measures in grant and contract funding agreements. Upon request, the program office shall inform cooperating or commenting agencies on progress in carrying out mitigation measures they proposed and shall make available to the public the results of relevant monitoring.

(g) Legislative. An approved FONSI covering any FRA-sponsored proposal for legislation which will not significantly affect the quality of the human environment shall be forwarded to the appropriate Congressional committee(s) with the proposed legislation.

(h) Changes and Supplements. Where a significant change is made in planning for an FRA action which would alter environmental impacts, or where significant new information becomes available regarding the environmental impacts of an FRA action, the FRA program office shall determine whether, because of changes or the new information, the proposed action will or will not have a foreseeable significant impact on the quality of the human environment. In making this determination, the program office shall seek the advice of the Office of Chief Counsel (or, in the case of the ARR, of the Chief Counsel of the ARR). If not the program office shall prepare an appropriate supplement to the original FONSI. If so, it shall prepare a draft EIS and proceed in accordance with sections 9 and 13 of this Order.

(i) Contents of a FONSI. There shall be no prescribed format for FONSIs. A FONSI shall contain the following:

(1) Identification of the document as a FONSI;
(2) Identification of the U.S. Department of Transportation, Federal Railroad Administration;
(3) The title of the action, including, if applicable, identification of the action as a legislative proposal;
(4) The FRA program office which prepared the document;
(5) The month and year of preparation of the document;
(6) The name, title, address, and phone number of the person in the program office who should be contacted to supply further information about the document;
(7) A list of those persons or organizations assisting the FRA program office in the preparation of the document;
(8) A description of the proposed action;
(9) A description of the alternatives considered;
(10) Environmental effects;
(11) To the extent necessary and practicable, evidence of compliance with all applicable environmental laws, e.g., a copy of letters from the State Historic Preservation Officer and the Advisory Council on Historic Preservation;
(12) A discussion of mitigation measures that will be used;
(13) A conclusion that the proposed action will have no foreseeable significant impact on the quality of the human environment; and
(14) Signature and date indicating the approval of the Administrator required by subsection (c) of this section.

12. 4(f) Determinations
(a) General. The program office shall obtain the approval of the Administrator for a 4(f) determination before any FRA action is taken which proposes to use 4(f)-protected properties. The 4(f) determination shall accompany either a FONSI or an environmental impact statement.
(b) Staff Responsibilities. (1) The FRA program office shall determine whether or not a proposed action contemplates the use of 4(f)-protected properties. The program office shall seek the advice of the Office of Chief Counsel (or, in the case of the ARR, of the Chief Counsel of the ARR) in making this determination.
(2) If it is determined that the proposed action would use 4(f)-protected properties, the FRA program office shall initiate consultations on the proposed action with the Department of the Interior and, if appropriate, with the Departments of Housing and Urban Development and of Agriculture. If State or locally-owned property is involved, the program office shall also consult with the appropriate State or local authorities.
(3) The FRA program office shall incorporate into its environmental assessment of the proposed action an analysis of whether or not there are any feasible and prudent alternatives to the proposed use of 4(f)-protected properties and of all possible planning measures which could be taken to minimize harm to such 4(f)-protected properties resulting from such use.
(4) If the program office determines on the basis of its analysis that there is no feasible and prudent alternative to the use in the proposed action of 4(f)-protected properties, it shall prepare a 4(f) determination for the action. The document shall evidence consultation with the Department of the Interior and, where applicable, with the Departments of Housing and Urban Development and of Agriculture. The program office shall forward a copy of the 4(f) determination to the Office of Policy and Program Development and a copy to the office of Chief Counsel along with the appropriate FONSI or EIS.
(5) When requested by the program office, the Office of Policy and Program Development shall review the 4(f) determination and shall advise the program office as to the consistency of the 4(f) determination with FRA policies and programs.
(6) The Office of Chief Counsel shall review every 4(f) determination and shall advise the program office in writing as to the legal sufficiency of the 4(f) determination.
(7) The program office shall submit the 4(f) determination to the Administrator concurrently with the advice obtained from the Office of Policy and Program Development, when applicable, and from the Office of Chief Counsel.

(j) A 4(f) determination may become final only upon approval by the Administrator.

(k) Representations of Mitigation. Where a 4(f) determination has represented that certain measures would be taken to implement the planning to minimize harm to 4(f)-protected properties, the FRA program office shall monitor the action and, as necessary, take steps to enforce the implementation of such measures. Where applicable, the FRA program office shall include mitigation measures in grant and contract funding agreements.

(l) Contents of a 4(f) Determination. There shall be no prescribed format for 4(f) determinations. A 4(f) determination shall contain the following:
(1) Identification of the document as a 4(f) determination made pursuant to section 4(f) of the Department of Transportation Act, 49 U.S.C. 10534(f);
(2) Identification of the U.S. Department of Transportation, Federal Railroad Administration;
(3) The title of the action;
(4) The program office which prepared the document;
(5) The month and year of preparation of the document;
(6) A description of the proposed action in its entirety, or reference to such description in an accompanying environmental document;
(7) A description of the 4(f)-protected properties proposed to be affected, including information about their size, uses, patronage, unique qualities, and relationship to other lands in the vicinity of the action; and an explanation of the significance of the properties as determined by the Federal, State, or local officials having jurisdiction thereof;
(8) A detailed description of the use which the FRA action proposes to make of the affected 4(f)-protected properties;
(9) A similarly detailed description of every reasonable alternative location, routing, or design to the one proposed, including the alternative of "no action". Each description shall analyze, as appropriate, the technical feasibility, cost estimates (with figures showing percentage differences in total project costs), the possibility of community or ecosystem disruption, and other significant environmental impacts of each alternative, so as to evidence that the financial, social, or ecological costs or adverse environmental impacts of each alternative other than that proposed would present serious problems or reach extraordinary magnitudes;
(10) A description of all planning undertaken to minimize harm to the 4(f)-protected properties from the proposed action. This should include a description of actions which will be taken to mitigate adverse environmental impacts, such as beautification measures, replacement of land or structures or their equivalents on or near their existing sites, cutting, tuneling, cut and cover, cut and fill, treatment of embankments, planting, screening, installation of noise barriers, or establishment of pedestrian or bicycle paths;
(11) Evidence of concurrence of or efforts to obtain concurrence of the public official or
officials having jurisdiction over the 4(f)-protected properties regarding the proposed action and the plan to minimize harm; (12) In a final EIS or along with a FONSI, evidence of consultation with the Department of the Interior and, where appropriate, with the Departments of Housing and Urban Development and of Agriculture; (13) In a final EIS or along with a FONSI, a conclusion that there is no feasible and prudent alternative to the proposed use of 4(f)-protected properties and that the proposal includes all possible planning to minimize harm to such properties resulting from such use; and (14) In a final EIS or along with a FONSI, a signature and date indicating the approval of the Administrator as required by subsection (b)(6) of this section.

13. Environmental Impact Statement

(a) General. The FRA shall prepare and include a final EIS in every recommendation on proposals for major FRA actions significantly affecting the quality of the human environment, as determined in accordance with section 4(a) and 10 of this Order.

(b) Decisionmaking on the Proposed Action. No decision shall be made at any level of FRA to commit the FRA or its resources to a major FRA action for which an EIS must be prepared until the later of the following dates:

(1) thirty (30) days after a final EIS covering the action has been submitted to the EPA, as measured from the date the EPA publishes a notice of the final EISs availability in the Federal Register; or

(2) ninety (90) days after a draft EIS has been made available to the public, as measured from the date the EPA publishes a notice of the draft EISs availability in the Federal Register.

The FRA program office may seek a waiver to shorten these time limits from the EPA for compelling reasons of national policy. In emergency circumstances, alternative arrangements can be made through CEQ. Any proposed waiver of time limits should be requested only after consultation with the Office of Chief Counsel which will submit the request through P to EPA or CEQ, as appropriate.

(c) Staff Responsibilities and Timing. (1) The FRA program office shall begin the preparation of a draft EIS as soon as the environmental assessment for the proposed action, performed in accordance with section 10 or 11(h) of this Order, discloses that the action will significantly affect the quality of the human environment.

(2) As soon as a decision to prepare a draft EIS has been made, if FRA is the lead or only agency, the program office, in consultation with the Office of Chief Counsel, shall undertake the scoping process identified in CEQ 1501.7.

(3) In preparing a draft EIS, the program office shall perform further research and consultation as may be required to supplement the record of the environmental assessment. When completed, the draft EIS shall be signed by the head of the program office. The program office shall forward a copy to the Office of Policy and Program Development and a copy to the Office of Chief Counsel.

(4) When requested by the program office, the Office of Policy and Program Development shall review the draft EIS and shall advise the program office in writing as to the consistency of the draft EIS with FRA policies and programs.

(5) The Office of Chief Counsel shall review every draft EIS and shall advise the program office in writing as to the legal sufficiency of the draft EIS.

(6) The program office shall submit the draft EIS to the Administrator concurrently with the advice obtained from the Office of Policy and Program Development, when applicable, and from the Office of Chief Counsel.

(7) A draft EIS may be formally released outside the FRA only after approval by the Administrator.

(8) The program office shall direct distribution of the draft EIS as follows: ten copies to the EPA; two copies to the Office of the Assistant Secretary of Transportation for Policy and International Affairs; and copies to the Office of Policy and Program Development and the Office of Chief Counsel, all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impacts of the proposed action; State and regional clearinghouses in accordance with OMB Circular A-90; State and local government authorities and public libraries in the area to be affected by the proposed action; and all other interested parties identified during the preparation of the draft EIS pursuant to section 9(b)(1) of this Order.

(9) The draft EIS shall be made available for public and agency comment for at least 45 days from the Friday following the week the draft EIS was received by EPA. The time period for comments on the draft EIS shall be specified in a prominent place in the document, but comments received after the stated time period expires should be considered to the extent possible.

(10) Where a public hearing is to be held on the draft EIS, as determined in accordance with section 9(b)(5) of this Order, the draft EIS shall be made available to the public at least 30 days prior to the hearing.

(11) The program office shall consider all comments received on the draft EIS, issues raised through the citizen involvement process, and new information, and shall revise the text into a final EIS accordingly. (See CEQ 1503 4). If the proposed final EIS is not submitted to the Administrator within three years from the date of the draft EIS circulation, a written reevaluation of the draft shall be prepared to determine if the draft EIS remains applicable, accurate and valid. If not, a supplement to the draft EIS or a new draft EIS shall be prepared and circulated as required by (c)(1) through (c)(6) above. If the draft EIS remains applicable, accurate and valid, the final EIS shall be signed by the head of the program office and a copy forwarded to the Office of Policy and Program Development and a copy to the Office of Chief Counsel.

(12) When requested by the program office, the Office of Policy and Program Development shall review the final EIS and shall advise the program office in writing as to the consistency of the final EIS with FRA policies and programs.

(13) The Office of Chief Counsel shall review every EIS and shall advise the program office in writing as to the legal sufficiency of the final EIS.

(14) Program office shall transmit two copies of the final EIS to the Office of the Assistant Secretary of Transportation for Policy and International Affairs for concurrence by that office. The final EIS may be deemed concurred in by that office unless that office notifies the FRA to the contrary within two weeks of the decision whether or not to take the action has been reserved to the Secretary of Transportation, as provided in section 11(a) of DOT Order 5010.1C. That office shall issue appropriate comments if it does not concur. The comments must be resolved and concurrence obtained prior to submission of the final EIS to the Administrator.

(15) The program office shall submit the final EIS to the Administrator concurrently with the advice obtained from the Office of Policy and Program Development, when applicable, and the Office of Chief Counsel, and along with any comments of the Assistant Secretary of Transportation for Policy and International Affairs.

(16) The final EIS shall become final only upon approval by the Administrator.

(a) If major steps toward implementation of the proposed action have not commenced, or a major decision point for actions implemented in stages occurs, within three years from the date of approval of the final EIS, a written reevaluation of the adequacy, accuracy, and validity of the final EIS shall be prepared, and a new or supplemental EIS prepared, if necessary. If major steps toward implementation of the proposed action have not occurred within the time frame, if any, set forth in the final EIS, or within five years from the date of approval of the final EIS, the final EIS will be assumed to be no longer valid and a new assessment or new EIS will be prepared, except that the five year period may be extended by an additional time equal to the duration of any injunction or restraining order resulting from an environmental challenge to the proposed action or written by FRA. (See CEQ 1503 4). If the proposed final EIS is not submitted to the Administrator within three years from the date of the draft EIS circulation, a written reevaluation of the draft shall be prepared to determine if the draft EIS remains applicable, accurate and valid. If not, a supplement to the draft EIS or a new draft EIS shall be prepared and circulated as required by (c)(1) through (c)(6) above. If the draft EIS remains applicable, accurate and valid, the final EIS shall be signed by the head of the program office and a copy forwarded to the Office of Policy and Program Development and a copy to the Office of Chief Counsel.

(c) Legislative EIS. Notwithstanding the provisions of subsections (b) and (c) of this section, an approved draft EIS covering proposed legislation shall be cleared through P and forwarded to the appropriate
Congressional committee(s) up to 30 days later than the proposed legislation. If a final EIS is prepared as required by CEQ 1506.8(b)(2), it shall be forwarded to the appropriate Congressional committee as soon as it becomes available. Comments on the draft EIS and FRA's responses thereto, shall be forwarded to the appropriate Congressional committee(s).

(e) Changes and Supplements. Where a significant change is made in the planning for an FRA action which will alter the environmental impacts, or where significant new information becomes available regarding the environmental impacts of an FRA action, the FRA program office shall prepare an appropriate supplement to the original draft or final EIS. The supplement shall be processed like a draft EIS for that portion of the FRA action affected and shall become part of the administrative record. The program office, in consultation with the Office of Chief Counsel, shall determine whether any as well as any new significant impacts of the proposed action are unaffected by the planning change or new information. FRA decisionmaking on portions of the proposed action having utility independent of the affected portion may go forward regardless of the concurrent processing of the supplement.

(f) Representations of Mitigation. Where a final EIS has represented that certain measures would be taken to mitigate the adverse environmental impacts of an action, the FRA program office shall monitor the action and, as necessary, take steps to enforce the implementation of such measures. Where applicable, the FRA program office shall include mitigation measures in grant and contract funding agreements. Upon request, the program office shall inform cooperating and commenting agencies on progress in carrying out mitigation measures they proposed and shall make available to the public the results of relevant monitoring.

(g) 4(f) Determinations. Where a 4(f) determination is required for a proposed FRA action, it should be prepared in accordance with Section 12 of this Order and should be incorporated into the draft and final EIS in an appropriate section.

(b) Contents of an EIS. The specific contents of both a draft and final EIS shall be prescribed by section 14 of this Order. Prescribed format for or page limitations on EIS's shall be those set out in CEQ 1502.7 and 1502.12. An EIS shall be prepared so as to focus on the significant issues, as identified by the environmental assessment and the process of public comment, and so as to avoid extraneous data and discussion. The text of an EIS should be written in plain language comparable to a lay person, with technical material gathered into appendices. Graphics and drawings, maps and photographs shall be used as necessary to clarify the proposal and its alternatives. The sources of all data used in an EIS shall be noted or referenced in the EIS.

14. Contents of an Environmental Impact Statement

In addition to the requirements of CEQ 1502.11 through 1502.13, a draft or final EIS shall contain the following, subject to the general provisions of section 13(b) of this Order:

(a) If appropriate, identification of the document as containing a 4(f) determination made pursuant to section 4(f) of the Department of Transportation Act, 49 U.S.C. 1063(f).

(b) If appropriate, a citation to section 106 of the National Historic Preservation Act. 16 U.S.C. 470(f).

(c) Identification of the U.S. Department of Transportation, Federal Railroad Administration.

(d) The FRA program office which prepared the document.

(e) The month and year of preparation of the document.

(f) In a draft EIS, the name and address of the person in the FRA to whom comments on the document should be addressed, and the date by which comments must be received to be considered.

(g) A list of those persons, organizations, or agencies assisting the FRA in the preparation of the document.

(h) In a draft EIS, a list of agencies, organizations, and persons to whom copies of the document are being sent.

(i) In a final EIS, a list of all agencies, organizations, or persons from whom comments were received on the draft EIS.

(j) A table of contents.

(k) A brief statement of the purpose and need to which the alternatives described in subsection (1) respond, including, where applicable, the legislative authority on which it is based; and the extent to which other Federal, State, or local agencies are funding or otherwise participating in or regulating the alternatives.

(l) A description of all reasonable alternative courses of action which could satisfy the purpose and need identified in subsection (k). The description should include the "no action" alternative and alternatives not currently within the authority of the FRA, as well as a description of feasible mitigation measures which have not been incorporated into the proposed action. The draft EIS may and the final EIS shall identify which alternative is the proposed action.

(m) A short description of the environment likely to be affected by the proposed action, by way of introduction to the environmental impact analysis, including a list of all States, counties, and metropolitan areas likely to be so affected.

(n) An analysis of the environmental impacts of the alternatives, including the proposed action, if identified. The discussion under each area of impact should cover the proposed action and all alternatives, even if only to point out that one or more alternatives would have no impact of that kind. Under each area of impact, the discussion should focus on which alternatives might enhance environmental quality or avoid some or all adverse impacts of the proposed action. Attachment 2 to DOT Order 5910.1C shall provide guidance to the contents of this section. Analysis should be focused on areas of significant impact: beneficial and adverse, direct, indirect, and cumulative; and both long and short term. There should be evidence of consultation with appropriate Federal, State and local officials. At least the following areas of impact should be discussed:

1. Air quality. There should be an assessment of the consistency of the alternatives with Federal and State plans for the attainment and maintenance of air quality standards.

2. Water quality. There should be an assessment of the consistency of the alternatives with Federal and State standards concerning drinking water, storm sewer drainage, sedimentation control, and nonpoint source discharges such as runoff from construction operations. The need for any permits under sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344) for the discharge of dredged or fill material shall be discussed.

3. Noise and vibration. The alternatives should be assessed with respect to applicable Federal, State, and local noise standards, especially those enforced by the FRA for railroad equipment, yards and facilities including 49 CFR Part 210 "Railroad Noise Emission Compliance Regulations".

4. Solid waste disposal. The alternatives should be assessed with respect to State and local standards for sanitary landfill and solid waste disposal.

5. Natural ecological systems. The EIS should discuss both construction period and long-term impacts of the alternatives on wildlife and vegetation in the affected environment. Where an alternative proposes to control or modify a stream or other body of water in some way, there shall be evidence of consultation with the U.S. Fish and Wildlife Service of the Department of the Interior and with the agencies exercising administration over the wildlife resources of affected States.

6. Water bodies. In accordance with E.O. 11990 (May 24, 1977), and revised DOT Order 5500.1A (43 FR 45283, September 24, 1978), the program office shall determine whether any of the alternatives will be located in a wetland area. If so, the procedures in DOT Order 5500.1A should be followed including consultation with the appropriate representative of the Department of the Interior, and with responsible Federal, State or local officials with special expertise concerning the impacts of the proposal on the wetland areas affected. If the proposed action is located in a wetland area, the draft EIS shall document a determination that there is no practicable alternative to such location, and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

7. Endangered species. If applicable, the EIS shall discuss the impacts of the alternatives on endangered or threatened species of wildlife. The Department of the Interior lists such species in 50 CFR Part 17. There should be evidence of consultation with the Department of the Interior as required by section 7 of the Endangered Species Act. 16 U.S.C. 1530.
Flood hazard evaluation and floodplain management. In accordance with E.O. 11999 (May 24, 1977), and DOT Order 5650.2, (44 FR 24078, April 28, 1979) the program office shall determine whether any of the alternatives will affect a base floodplain. Base floodplain limits shall be determined by using Department of Housing and Urban Development floodplain maps, or, if one or more are not available for a particular area, on the best available information. If one or more alternatives will affect such a base floodplain, the draft EIS shall discuss: any risk associated with each such alternative; the impacts on natural and beneficial floodplain values; the degree to which the alternative would result in inchoatable development in the base floodplain; and the adequacy of the methods proposed to minimize harm. In the final EIS, this discussion should concentrate on the proposed action. If the proposed action involves a significant encroachment on or development on a base floodplain, the final EIS shall contain a finding, made in writing by the Administrator, that the proposed significant encroachment is the only practicable alternative. Such a finding shall be supported by a description of why the proposed action must be located in the floodplain, including the alternatives considered and why they were not practicable and accompanied by a statement that the action conforms to applicable State and/or floodplain protection standards. This finding shall be provided to clearinghouse agencies designated under OMB Circular A-65 and to other interested parties. Guidance or the definition of significant encroachment and other matters is provided in DOT Order 5650.2.

Coastal zone management. If applicable, the EIS shall discuss to what extent the alternatives are consistent with approved coastal zone management programs in affected States, as required by section 307(c)(2) of the Coastal Zone Management Act, 16 U.S.C. 1458c(c)(2).

Production and consumption of energy. The EIS shall discuss in detail any irreversible or irrevocable commitments of energy resources likely to be involved in each alternative and any potential energy conservation.

Use of natural resources other than energy, such as water, minerals, or timber. The EIS shall discuss in detail any irreversible or irrevocable commitments of these resources likely to be involved in each alternative.

Aesthetic environment and scenic resources. The EIS shall identify any significant changes likely to occur in the natural landscape and in the developed environment. The EIS shall also discuss the consideration given to design art and architecture in project planning and development as required by DOT Order 5610.4.

Transportation. The EIS shall discuss the impacts on both passenger and freight transportation, by all modes, from local, regional, national, and international perspectives. The EIS shall include a discussion of both construction period and long-term impacts on vehicular traffic congestion.

Elderly and handicapped. The EIS shall discuss the impacts of the alternatives on the transportation and general mobility of the elderly and handicapped.

Land use. The EIS shall discuss the impacts of each alternative on local land use controls and comprehensive regional planning as well as on development within the affected environment, including, where applicable, other proposed Federal actions in the area. Where inconsistencies or conflicts exist, this section should describe the extent of reconciliation and the reason for proceeding notwithstanding the absence of full reconciliation. As required by 42 U.S.C. 4332(2)(i)(iv), the program office shall provide early notification to, and solicit the views of, any State or Federal land management entity with respect to any alternative which may have significant impacts upon such entity and, if there is any disagreement upon such impacts, prepare a written assessment of such impacts and views for inclusion in the final EIS.

Socioeconomic environment. The EIS shall discuss the number and kinds of available jobs likely to be affected by the alternatives. Also discussed should be the potential for community disruption or cohesion, the possibility of demographic shifts, and impacts on commerce and local government services and revenues. The need for and availability and adequacy of relocation housing should be assessed, using as a guide section 8 of Attachment 2 to DOT Order 5610.C.

Public health.

Public safety. The EIS shall discuss the transportation or use of any hazardous materials which may be involved in the alternatives, and the level of protection afforded residents of the affected environment from construction period and long-term operations associated with the alternatives.

Recreation areas and opportunities. Impacts of the alternatives on sites devoted to recreational activities should be discussed, including impacts on non-site-specific activities such as hiking and bicycling and impacts on non-activity-specific sites such as designated "open space". Where land acquired with Federal grant money such as Department of Housing and Urban Development "open space" funds or Bureau of Outdoor Recreation "land and water conservation" funds is involved, there should be evidence of consultation with the grantee agency concerning the proposed action. This discussion should reference but need not repeat any matter discussed in a 4(f) determination, if any covering the same proposed action.

Sites of historical, archeological, architectural, or cultural significance. In accordance with section 106 of the National Historic Preservation Act, 16 U.S.C. 470(f), the EIS shall identify all properties which may be affected by the alternatives, and those are included in or eligible for inclusion in the National Register of Historic Places. (For a property not included in the National Register, the criteria for inclusion may be found in 36 CFR Part 60. There should be evidence of consultation with the appropriate State Historic Preservation Officer and in case of disagreement with the Department of the Interior as to whether a property is eligible for the National Register). The criteria of effect on historic properties found in 36 CFR Part 800, should be discussed with regard to each alternative. In the final EIS, there should be evidence of consultation concerning the impacts of the proposed action on historic properties, with the appropriate State Historic Preservation Officer(s), and with State or local historical societies, museums, or academic institutions having special expertise. In the event that a State Historic Preservation Officer finds that a proposed action will have an adverse effect on such property, there should also be evidence in the final EIS of subsequent consultation with the Advisory Council on Historic Preservation. A 4(f) determination may be required in addition to this discussion in the EIS, as provided in section 12 of this Order.

Construction impacts. The EIS should identify and discuss the impacts associated with the construction period of each alternative, if any.

(1) A summary tabulation of unavoidable adverse impacts of the alternatives and a description of mitigation measures planned to minimize each adverse impact. Impacts and mitigation measures should be identified in this table as either long-term, short-term, or construction-period. If a proposed action will have an adverse impact on a property included in or eligible for inclusion in the National Register of Historic Places, this part of the final EIS shall include a copy of any Memorandum of Agreement with, or other response to comments by, the Advisory Council on Historic Preservation, in accordance with 36 CFR Part 800. This part of the EIS should also include a summary of any irreversible or irrevocable commitments of resources and any foreclosures of future options that would be likely to result from the alternatives.

(2) A brief discussion of the relationship between local short-term uses of the environment affected by the alternatives, and the maintenance and enhancement of long-term productivity in that environment.

(3) Any 4(f) determination covering the same proposed action as the EIS.

(4) In a final EIS, a compilation of all responsible comments received on the draft EIS, whether made in writing or at a public hearing, a responses to each comment. Comments may be collected and summarized except for comments by Federal agencies and where otherwise required by Federal law or regulation. Responses shall indicate how each issue raised by the Comments has been resolved.

(5) An index, if possible and useful.

(6) A bibliography.

(7) Signature and date indicating the approval of the Administrator as required by section 32(c) of this Order.

15. Record of Decision

(a) General. The program office shall prepare a draft record of decision which shall accompany the proposed final EIS through
the approval process described in section 13(c)(12) through (16) above.

(b) Contents. The draft record of decision shall include a description of the proposed action and the environmental information specified in CEQ 5059.2 as well as proposed findings pursuant to section 4(f), the DOT Wetlands Order (DOT 5560-1A), and the DOT Floodplains Order (DOT 5580.2) as appropriate.

(c) Changes. If the Administrator, or his/her designee, wishes to take an action which was not identified as the preferred action in the final EIS or proposes to make substantial changes in the mitigation measures or findings discussed in the draft record of decision, the revised record of decision shall be processed internally in the same manner as EIS approval, pursuant to section 13(c).

[FR Doc. 79-21325 Filed 7-6-79; 8:45 am]
BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

Safety, Bumper, and Consumer Information Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on Wednesday, August 15, 1979, to answer questions from the public and industry regarding the Agency's safety, bumper, and consumer information programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Motor Vehicle Environmental Laboratory Facility, 2965 Plymouth Road, Ann Arbor, Michigan.

This is another in a series of public technical meetings modeled after those conducted by the Environmental Protection Agency (EPA) for its motor vehicle emissions program. At the August 15 meeting, representatives of DOT will answer questions received in writing from the industry and the public relating to NHTSA's vehicle safety, bumper, or consumer information programs which are technical, interpretative or procedural in nature. The questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. (Questions regarding this Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions.)

Questions for the August 15 meeting must be submitted in writing by August 1 to William Marsh, NHTSA/Executive Secretary, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received.

Questions received after the August 1 date may be answered at the meeting if sufficient time is available and a person from DOT knowledgeable in the subject matter is present. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of questions submitted by August 1 will be available at the meeting and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will be available in four to five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

Succeeding meeting will be held on October 10 and December 12, 1979. The date previously published for these months in the NHTSA Public Calendar, Federal Register Notice of June 14, 1979, were incorrect.


William H. Marsh, Executive Secretary.

[FR Doc. 79-20103 Filed 7-6-79; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Privacy Act of 1974; Notice of Intention To Delete Certain Systems of Records From the Annual Privacy Act Publication and To Consolidate Other Systems

Notice is hereby given that the Comptroller of the Currency intends to delete several systems of records previously listed in the annual inventory of systems of records published by the Department of the Treasury in accordance with 5 U.S.C. 552a(c)(4). The reason for two of the deletions is that the records maintained by the Comptroller of the Currency, while falling within the Privacy Act definition of records, are not retrieved by individual name or identifying particular and are therefore not systems of records under the Act. One of the systems will be deleted because it should have been consolidated into the general personnel system maintained by the bureau at the time that numerous other systems were so consolidated. Finally, six systems of records will be deleted by consolidating them with another existing system.

The two systems to be deleted altogether are Treasury/Comptroller 00.090 (Bank Organizers & Proposed Officer Files (listed by name of bank)—Treasury/Comptroller) and Treasury/Comptroller 00.139 (Financial & Biographical Reports of Organizers of New National Banks—Treasury/Comptroller). In the case of each of these systems, located in Atlanta, Georgia, and Minneapolis, Minnesota, respectively, the bureau maintains records concerning individuals and containing their names. These records, though, are filed with records concerning the banks with which the individuals are or propose to be associated and are retrieved and retrievable only by bank name. No cross-index is maintained for determining which bank files contain the records of given individuals. Therefore, the records in question are not contained in systems of records and the erroneous listing will be deleted.

One system, Treasury/Comptroller 00.142 (Public Files—Treasury/Comptroller), should have been deleted from the annual publication by the September 28, 1977, publication (42 FR 49599). In that notice the Comptroller consolidated numerous systems into Treasury/CC 320 (General Personnel System). The records in Treasury/Comptroller 00.142 concern employees of the Comptroller of the Currency and the system should likewise have been consolidated into Treasury/CC 320.

Finally, the Comptroller intends to delete consumer complaint index files maintained in six of the regional offices of the Comptroller of the Currency. This deletion will be accomplished by consolidating these systems with the consumer complaint index maintained in the Washington, D.C., headquarters office of the Comptroller of the Currency. The regional systems are Treasury/Comptroller 00.041, 00.104, 00.115, 00.149, 00.166, and 00.208 maintained respectively in Philadelphia, Pennsylvania; Chicago, Illinois; Memphis, Tennessee; Kansas City, Missouri; Dallas, Texas; and San Francisco, California. They will be consolidated into Treasury/Comptroller 00.004 (Consumer Complaint Letter File—Treasury/Comptroller) and will continue to be maintained at their present locations.

The changes being proposed today do not require the agency to solicit public comment.
Assignment of Hearings
July 2, 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 dates 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.


No. 37146, Transit on Wheat Between Reshipping Point and Destination, now being assigned for hearing on July 31, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

AB 43 (Sub-48), Illinois Central Gulf Railroad Company abandonment at Rio, La, and Lexie, MS, in Washington Parish, LA, and Walton County, MS, now assigned for hearing on September 10, 1979 (5 days), at Bogalusa, LA, in a hearing room to be later designated.

MC 111649 (Sub-294), Home Transportation Company, Inc., now assigned for hearing on September 17, 1979 (1 week), at Nashville, TN, in a hearing room to be later designated.

MC 119986 (Sub-159F), Great Western Trucking Co., Inc, MC 143059 (Sub-24F), Mercer Transportation Co., now assigned for hearing on July 19, 1979, at the offices of the Interstate Commerce Commission, Washington, DC.


MC-C-7297, Anacon Auto Transport, Inc., Investigation and Revocation of Certificates, now assigned for hearing on July 9, 1979, at New York, NY, is cancelled and reassigned to July 9, 1979, at the offices of the Interstate Commerce Commission, Washington, DC.

No. 37107, Pacific States Railcar Company v. the Atchison, Topck And Santa Fe Railway Company, et al., now assigned for hearing on July 16, 1979, at San Francisco, CA, is postponed to September 24, 1979, at San Francisco, CA, in a hearing room to be later designated.

MC 31359 (Sub-296F), McLean Trucking Company, now being assigned for hearing on September 10, 1979 (9 days), at Atlanta, GA, in a hearing room to be designated later.

MC 115332 (Sub-466F), Truck Transport Incorporated, now being assigned for hearing on September 18, 1979 (2 days), at St. Louis, MO in a hearing room to be designated later.

MC 145321 (Sub-1F), Tuehouse Excavating Company, Inc., now assigned for hearing on September 20, 1979 (1 day), at St. Louis, MO in a hearing room to be designated later.

MC 133591 (Sub-58f), now being assigned for hearing on September 21, 1979 (1 day), at St. Louis, MO in a hearing room to be designated later.

MC 149459 (Sub-130F), Cargo Contract Carrier Corp., application dismissed.

MC 144255, Bazel-Kiene, application dismissed.

MC 85540 (Sub-1052), Walkins Motor Lines, Inc., now being assigned for hearing on September 17, 1979 (2 weeks), at San Francisco, CA, in a hearing room to be later designated.

MC 138882 (Sub-180F), Wiley Sanders Truck Lines, Inc., now assigned for hearing on September 11, 1979 (2 days), at San Francisco, CA, in a hearing room to be later designated.

MC 138732 (Sub-15F), Osterkamp Trucking, Inc., now assigned for hearing on September 13, 1979 (2 days), at San Francisco, CA, in a hearing room to be later designated.

No. 37180, Homestake Lead Company Of Missouri (A wholly owned subsidiary of Homestake Mining Company) v. Consolidated Rail Corporation, St. Louis-San Francisco, Railway Company, now assigned for hearing on September 10, 1979 (3 days), at San Francisco, CA, in a hearing room to be later designated.

MC-F-12184, Nebraska-Iowa Express, Inc.—Control—ChapPELL Freight Lines, Inc., now assigned for hearing on September 6, 1979 (2 days), at Denver, CO, in a hearing room to be later designated.

MC 108887 (Sub-10F), A. D. Ray Trucking, Inc., now assigned for hearing on September 10, 1979 (1 week), at Denver, CO, in a hearing room to be later designated.

MC 11207 (Sub-449F), Deaton, Inc., now assigned for hearing on September 10, 1979 (1 day), at Dallas, TX, in a hearing room to be later designated.

MC 119700 (Sub-49F), Steel Haulers, Inc., now assigned for hearing on September 10, 1979 (3 days), at Dallas, TX, in a hearing room to be later designated.

MC 120701 (Sub-47F), Newman Bros. Trucking Company, now assigned for hearing on September 24, 1979 (1 week) at Dallas, TX, in a hearing room to be later designated.

MC 144041 (Sub-159F), Davins Transportation Co., Inc., now assigned for hearing on September 5, 1979 (1 day), at Atlanta, GA, in a hearing room to be later designated.

MC 12107 (Sub-462), Deaton, Inc., now assigned for hearing on September 8, 1979 (2 days), at Atlanta, GA, in a hearing room to be later designated.

MC-C-10300, Fogarty Van Lines, Inc.—Investigation and Revocation of Certificates, now assigned for hearing on September 10, 1979 (5 days), at Atlanta, GA, in a hearing room to be later designated.

MC 159034 (Sub-4F), All Southern Trucking, Inc., now assigned for hearing on September 17, 1979 (2 days), at Tampa, FL, in a hearing room to be later designated.

H. G. Homme, Jr.,
Secretary.
administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-33 (Sub-No. 2), Oregon Short Line Co.-Abandonment Goshen, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit abandonment by the Chesapeake and Ohio Railway Company to abandon the Elk Rapids Branch of its line of railroad which extends from Valuation Station 0-00 (milepost 0.0) at Williamsburg (Grand Traverse County), MI, to the end of the line at Valuation Station 465+77 (milepost 8.82) at Elk Rapids (Antrim County), MI, a distance of approximately 8.82 miles in Grand Traverse and Antrim Counties, MI. A certificate of abandonment will be issued to the Chesapeake and Ohio Railway Company based on the above-described finding of abandonment, August 8, 1979, unless within 30 days from the date of publication (August 8, 1979), the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and
(2) It is likely that such proffered assistance would:
(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or
(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1978, at 41 FR 13694, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. Homme, Jr.,
Secretary.

FR Doc 79-20503 Filed 7-6-79; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29065]

Chicago & North Western Transportation Co.—Construction, Ownership and Operation of a Line of Railroad in Campbell and Converse Counties, Wyo.

Chicago and North Western Transportation Company (North Western), 403 West Madison Street, Chicago, IL 60606, represented by Christopher A. Mills, Senior Commerce Counsel, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, IL 60606, hereby give notice that on the 13th day of June, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application under 49 U.S.C. § 11344 (formerly Section 5(2)(b) of the Interstate Commerce Act) for a decision approving and authorizing the terms of a joint construction, ownership and operation agreement for a line of railroad approximately 115.5 miles in length being constructed in Campbell and Converse Counties, WY, to serve coal mines in the Southern Powder River Basin. The purpose of this application is to obtain Interstate Commerce Commission approval of the modified terms of joint ownership and operation of the new line by North Western and Burlington Northern Inc., thereby enabling the implementation of the authority granted by the Commission in Finance Docket No. 27579, Burlington Northern Inc.—Construction and Operation, 348 I.C.C. 388 (1976).

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in the proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 29065 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person’s position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein.

Persons submitting written comments to the Commission shall at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation, and the Attorney General.

H. G. Homme, Jr.,
Secretary.

FR Doc 79-20504 Filed 7-6-79; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 90]

Permanent Authority Applications; Decision-Notice

Decided: June 18, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission’s Rules of Practice (49 CFR 1100.247). For applications filed before March 1, 1979, 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
prosecuting party'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 a copy 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
currently 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.

Findings:

With the exceptions of those
applications involving duly noted
problems (e.g., unresolved common
control, unresolved fitness questions,
and jurisdictional problems) we find,
predominantly, 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

In those proceedings containing a
statement or note that dual operations
are or may be involved we find,
predominantly 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 2, Members Boyle, Eaton and
Liberman.

H. G. Homme, Jr.,
Secretary.

MC 112304 (Sub-179F), filed February
28, 1979. Applicant: ACE DORAN
HAULING & RIGGING CO., a
corporation, 1601 Blue Rock St.,
Cincinnati, OH 45223. Representative:
Fred Schmits (same address as
applicant). To operate as a common
carrier, by motor vehicle, in interstate
or foreign commerce, over irregular routes,
transporting (1) steel pipes, pipe fittings,
beams, piling, rails, railway track
accessories, bridge railing, highway
railing pile drivers, and pile extractors,
and (2) parts for the commodities in (1)
above, and (3) materials, equipment,
and supplies (except commodities in
bulk), used in the manufacture,
distribution, installation, and
dismantling of the commodities named in
(1) and (2) above, between the
facilities of L. B. Foster Company, at (a)
Parkersburg, WV, and (b) Washington,
WV, on the one hand, and, on the other,
those points in the United States in and
east of ND, SD, NE, KS, OK, and TX.
(Hearing site: Pittsburgh, PA, or
Washington, DC)

MC 134145 (Sub-72F), filed December
28, 1978, previously published in the
Federal Register issue of February 8,
1979. Applicant: NORTH STAR
TRANSPORT INC., Route 1, Highway 1
and 68 West, Thief River Falls, MN
56710. Representative: Robert P. Sack,
P.O. Box 9010, West St. Paul, MN 55110.
To operate as a contract carrier, by
motor vehicle, in interstate or foreign
commerce, over irregular routes,
transporting computing machine paper
and paper forms, between the facilities
of Control Data Corporation, at (a)
Merced, CA, (b) Arlington, TX, (c)
Lincoln, NE, and (d) Manchester, CT,
under continuing contract(s) with
Control Data Corporation, of
Minneapolis, MN. (Hearing site: St. Paul,
MN.)

Note.—This reproduction indicates that
Lincoln is located in NE and not ME. Dual
operations may be involved.
Motor Carrier Temporary Authority Applications

June 20, 1979

The following are notices of filing of applications for temporary authority under Section 210a(6) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1153.1. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made.

The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket number and "Sub" number and the particular portion of authority upon which it relies. Also, the protest shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application.

The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's statement. The weight accorded a protest shall be governed by the pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

MC 134404 (Sub-48F), filed February 23, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) plumbings' goods and bathroom fixtures, and (2) materials, equipment, and supplies used in the manufacture of the commodities used in (1) above, (except commodities used in bulk), between the facilities of Universal-Rundle Corporation, at or near (a) Monroe and Union Point, GA, (b) Leominster, MA, (c) Salem, OH, (d) Corsicana and Hondo, TX, (e) Ottumwa, IA, and (f) Crawfordsville and Rensselaer, IN, on the one hand, and, on the other those points in the United States in and east of ND, SD, NE, KS, OK, and AR, and continuing contract(s) with Universal-Rundle Corporation, of New Castle, PA. (Hearing site: New York, NY.)

MC 138144 (Sub-44F), filed February 1, 1979. Applicant: FRED OLSON CO., INC., 6022 W. State St., Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting roofing, from Chicago and Wilmington, IL, to points in IA, IN, KS, KY, MI, MN, MO, NE, OH, PA, and WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 145734 (Sub-SF), filed January 24, 1979. Applicant: B D TRUCKING CO., a corporation, P.O. Box 817, Ripon, CA 95366. Representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting lumber, lumber mill products, particleboard, and fibre board, from points in CA, ID, MT, OR, WA, to points in CA and NV. (Hearing site: San Francisco or Oakland, CA.)

MC 146595 (Sub-1F), filed February 4, 1979. Applicant: W. C. PITTS CONSTRUCTION CO., INC., P.O. Box 112, Waynesboro, MS 39367. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA 70130. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting lumber, poles, pilings, ties, timbers, wood residue, and bark, from the facilities of . . . (omitted).

Waynesboro, MS, to points in AL and LA, under continuing contract(s) with North Pacific Lumber Co., of Portland, OR. (Hearing site: Jackson, MS.) [FR Doc. 79-20555 Filed 7-20-79; 6:15 am]

BILLING CODE 2035-01-M

[Notice No. 110]

Motor Carrier Temporary Authority Applications

June 20, 1979

The following are notices of filing of applications for temporary authority under Section 210a(6) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1153.1. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket number and "Sub" number and the particular portion of authority upon which it relies. Also, the protest shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's statement. The weight accorded a protest shall be governed by the pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application. A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 134783 (Sub-57TA), filed May 17, 1979. Applicant: B. J. McADAMS, INC., Route 6, Box 16, North Little Rock, AR 72118. Representative: Bob McAdams (same as applicant). Pulp board not corrugated from Oppelo, AR to Kalamazoo, MI, Fremont, OH, and Cedarburg, Green Bay and Wausau, WI, for 160 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Green Bay Packaging, Inc., 1700 North Webster, Green Bay, WI 54303. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 135283 (Sub-52TA), filed May 15, 1979. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 S. Stuh Rd., P.O. Box 2122, Grand Island, NE 68801. Representative: Lloyd A. Mettenbrink, [same address as applicant]. Supporting shipper(s): Internal combustion engines, iron and steel articles, agricultural implement parts, hardware, and equipment and parts used in the manufacture of agricultural implements, except in bulk, from points in IL, IN, KY, OH, and WI to the facilities of Sperry New Holland at or near Grand Island and Lexington, NE, restricted to traffic originating at named points and destined to Sperry New Holland, for 160 days. An underlying ETA seeks 90 days authority. Sperry New Holland, Division of Sperry Rand Corp., 3445 W. Stolley Park Rds., Grand Island, NE 68801. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St. Omaha, NE 68102.

MC 135542 (Sub-11TA), filed May 10, 1979. Applicant: TIMOTHY D. SHAW, Station & Empire Sts., Wilkes-Barre, PA 18702. Representative: Lawrence E. Lindeman, 1632 Pennsylvania Bldg., Pennsylvania Ave. & 13th ST., NW, Washington, D.C. 20004. Sweeping and cleaning compounds, from Turbotville, PA, to Denver, CO; Duluth and Garden City, Ga; Edison, NJ; Ft. Worth, TX; Franconia and Norfolk, VA; Shelby, OH; Hingham, MA; Kansas City, KS; Albany, NY; Hartsville, SC; Auburn, WA; Chicago, IL and stocked, CA for 160 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lycreo Products Co., 53 West Main St.,...
or near Massillan, then along U.S. Hwy. 21 at or near Cambridge, OH, and north of U.S. Hwy. 40 from Cambridge to the OH-WV State Line, including points on the indicated portions of the highways specified. Ft. Wayne and South Bend, IN, Cincinnati and Lorain, OH and Wheeling, WV for 180 days. An underlying ETA seeks 90 days authority. 

Supporting shipper(s): Cleveland Shippers Association, 1940 East 6th Street, Cleveland, OH 44114; M. O’Neil Company, 229 South Main Street, Akron, OH. Send protests to: J. J. England, DS, ICC, 2111 Federal Bldg., Pittsburgh, PA 15222.


MC 138782 (Sub-14TA), filed May 3, 1979. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: D. C. Sullivan, Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, Chicago IL 60603. 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 those injurious or contaminating to other lading from New York, NY Commercial Zone to points in PA in and West of Fulton, Huntington, Mifflin, Centre, Clinton and Potter Counties and those in OH east of a line beginning at Cambridge, OH and extending along U.S. Hwy. 21 to jct. unnumbered Hwy. (formerly portion of U.S. Hwy. 40), then along unnumbered highway through Montrose, Clinton and Canal Fulton, OH to jct. U.S. Hwy. 21 at or near Massillon, then along U.S. Hwy. 21 to jct. U.S. Hwy. 40 at or near 


MC 138812 (Sub-36TA), filed May 9, 1979. Applicant: ROLAND’S TRANSPORTATION SERVICES, INC., P.O. Box 656, Cudahy, WI 53110. Representative: Allan J. Morrison (same address as applicant). Contract carrier: irregular routes: Foodstuffs (except commodities in bulk) from facilities of American Home Foods, Div. of American Home Products Corp, at or near LaPorte, IN to WI, for 180 days. An underlying ETA seeks 90 days authority. 


MC 138703 (Sub-2TA), filed May 2, 1979. Applicant: BOEDSOFER TRUCKING, INC., 117 Church Street, Pleasant Plains, IL 62677. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. (a) Anhydrous ammonia from Fort Madison, Bellevue, Clinton, and Dubuque, IA; Crawfordsville and Huntington, IN; Henderson, KY; and Palmyra, MO to points in IL. (b) Liquid fertilizer from Clinton, IA; Henderson, KY and Crystal City, MO to points in IL. 

Supporting shipper(s): Midwest Fertilizer Company, P.O. Box 4153, Bartonville, IL 61607. Send protests to: Charles V. Little, D/S, ICC, Room 414, Leland Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 138732 (Sub-28TA), filed May 21, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 No. Cypress St., P.O. Box 5548, Orange, CA 92867. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Rd., Suite 325, San Ramon, CA 94583. Aluminum plate and sheet, from the facilities of Kaiser Aluminum and Chemical Corporation, Trentwood Mill, at or near Spokane, WA to points in CA, for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, CA 94643. Send protest to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 138882 (Sub-242TA), filed May 18, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James
W. Segrest (same address as applicant).

Plastic pipe, fittings and accessories from Hawthorn, MO, to: IL, NC, and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cresline Plastic Pipe Co., Inc., 651 U.S. 41 South, Henderson, KY 42420. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 138882 (Sub-243TA), filed May 18, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36801. Representative: James W. Segrest (same address as applicant). Charcoal, charcoal briquettes, hickory chips, vermiculite, charcoal lighter fluid, rolled roofing compound, and accessories thereof, to facilities of W. T. Segrest 

Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36801. Representative: James W. Segrest (same address as applicant). Roofing materials, composition shingles,
Paper and paper products from the facilities of Olin Kraft, Inc. at or near Albany GA to Hurlock, MD; Pocomoke City, MD and Suffolk, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Kraft, Inc., P.O. Box 488, West Monroe, LA 71291. Send protest to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 140583 (Sub-92TA), filed March 12, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (a) Containers, container ends and closures, (b) commodities manufactured or distributed by manufacturers and distributors of containers, when moving in mixed loads with containers, and (c) materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures, between points in the United States and in east of MN, IA, MO, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Restriction: The above authority is restricted (1) against the transportation of commodities in bulk, in tank vehicle, and (2) to apply only on shipments originating at or destined to a Brockway Glass Company, Inc. facility. Supporting shipper(s): Brockway Glass Company, Inc., McCullough Ave., Brockway, PA 15824, Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 140583 (Sub-33TA), filed April 4, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Mineral wool insulation (fiberglass) except in bulk, from the facilities of CertainTeed Corporation located at or near Memphis, TN, to points in AL, FL, GA, KY, LA, MS, NC, OH and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 140652 (Sub-1TA), filed May 15, 1979. Applicant: S. C. HUTCHINSON COMPANY, INC., 428 Gervais Street, Columbia, SC 29201. Representative: Harry S. Dent, P.O. Box 528, Columbia, SC 29202. Contract carrier; irregular routes; Furnaces, filers, and replacement parts to maintain furnaces under a continuing contract with Ducane Heating Corporation of Blackville, SC, restricted against the transportation of commodities in bulk, in tank vehicles, from Blackville, SC, to Houston, TX; Dallas, TX; and Ft. Worth, TX; Kenner, and New Orleans, LA; Sacramento and Fullerton, CA; Marshalltown, IA; and Utica, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ducane Heating Corporation, 118 W. Main Street, Blackville, SC 29171. Send protests to: E. E. Strothold, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 140943 (Sub-7TA), filed May 3, 1979. Applicant: CHEYENNE ROAD TRANSPORT LTD., 232 38th Avenue Northeast, Calgary, AB, Canada T2E 2M2. Representative: Grant J. Kerrit, 4444 IDS Center, Minneapolis, MN 55402. (1) Lumber and lumber mill products from ports of entry on the International Boundary line between the U.S. and Canada located in WA, ID and MT to points in AZ, CA, ID, NM, NV, OR and WA; and (2) lumber, wood products, fiberboard and particleboard from MT and ID to ports of entry on the International Boundary line between the U.S. and Canada located in MT, ID and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralph S. Plant, Ltd., 475 West Georgia St., Vancouver, BC, Canada V6B 3T2 Canfor Limited, Bldg. Materials Div., 440 Canfor Ave., New Westminster, BC, Canada. Northwood Building Materials, 8146 Beresford St., Burnaby, BC, CD V5J 1K2 Taiga Wood Products, Ltd., 4400 Dominion St., Burnaby, BC, CD E3M 3X6. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.


MC 141533 (Sub-40TA), filed May 8, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 E. Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, 15 S. Grady Way, Renton, WA 98055. Gypsum products, and materials and supplies used in the installation thereof, from the facilities of Gold Bond Building Products Division of National Gypsum Co., at or near Phoenix, AZ to points in CA, for 180 days. Supporting shipper(s): Gold Bond Building Products, Division of National Gypsum Company, 1850 West 8th St., Long Beach, CA 90813. Send protests to: Shirley M. Holmes, T/A, ICC, 838 Federal Bldg., Seattle, WA 98174.


MC 141572 (Sub-2TA), filed May 1, 1979. Applicant: COUNCIL HAULING, INC., 1447 Clay Street, Franklin, VA 23234. Representative: Richard J. Leo, 4070 Falstone Road, Richmond, VA 23234. Contract—irregular, Lumber, landscape timbers, and pallets, between the facilities of Potomac Supply Corporation at or near Kinsale, VA, on the one hand, and, on the other points in VA, NC, SC, TN, PA, DE, NJ, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Potomac Supply Corporation, P.O. Box 8, Kinsale, VA 23249. Send protests to: Paul D. Collins, DS, ICC, Room 10–302 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.
MC 141783 (Sub-6TA), filed May 22, 1979. Applicant: HARRIGILL TRUCKING COMPANY, P.O. Box 89, Brookhaven, MS 36801. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Truck bodies, dump bodies, hydraulic hoists, lift tailgates, refuse bodies, refuse containers and compactors, from the facilities of Perfection-Cogby Co., at or near Brookhaven, MS to points in AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Perfection-Cogby Co., Brookhaven, MS AL 36801. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 142563 (Sub-3TA), filed May 17, 1979, to points in AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mabel Holston, T/A, ICC, 7497, Birmingham, AL 35203.

MC 142563 (Sub-9TA), filed May 15, 1979. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1996, Springfield, MA 01101. Representative: S. Michael Richards, 44 North Avenue, P.O. Box 223, Webster, NY 14580. Contract carrier: Irragular routes: Liquid and powder cleaning compounds (except in bulk), from Manchester, CT to all points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Syndet Products, Inc., P.O. Box 1425, Manchester, CT 05040. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 142612 (Sub-4TA), filed May 9, 1979. Applicant: LONNIE KEENER, Box 551, Sublette, KS 67877. Representative: Clyde N. Christy, Suite 110L, 1010 Tyler, Kansas Credit Union Bldg., Topeka KS 66612. Contract carrier: Irragular routes, 180 days: Plastic pipe and accessories, from Garden City and Ulysses, KS, to points in LA, IL, MO, SD, ND, LA & MS. Commodities used in the manufacture of plastic pipe and pipe accessories (except in bulk), from Chicago, IL to Garden City, KS; Supporting shipper: Peerless Plastics, Inc., 1600 West Mary St., Garden City, KS 67846. An underlying ETA seeks 90 days authority. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 142592 (Sub-3TA), filed May 4, 1979. Applicant: L. D. FONTAINE d/b/a L. D. FONTAINE TRUCKING, 504 Riverview Blvd., Great Falls, MT 59404. Representative: L. D. Fontaine (same address as applicant). Articles as dealt in or distributed by wholesale or retail food chain houses from CA, WA, ID, OR, and AZ to the U.S.-Canada International Boundary line at points of entry in MT, ID, WA, and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott National Company Limited, P.O. Box 4340, Station C, Calgary, AB, Canada T2T 9P2. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 142593 (Sub-3TA), filed May 17, 1979. Applicant: PICKENS TRUCKING CO., INC., Route 1, Box 86, Livingston, AL 35470. Representative: Henry E. Seaton, 920 Pennsylvania Building, 425 131th Street, NW, Washington, DC 20004. Limestone and construction aggregates, in dump vehicles from AL and GA to points in AL, GA, SC, MS, TN, and FL. For 180 days. Supporting shipper(s): Vulcan Materials Company, P.O. Box 7497, Birmingham, AL 35223. Send protests to: Mabel Holston, T/A, ICC, Room 1016, 2121 Building, Birmingham, AL 35203.

MC 142603 (Sub-9TA), filed May 15, 1979. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1996, Springfield, MA 01101. Representative: S. Michael Richards, 44 North Avenue, P.O. Box 223, Webster, NY 14580. Contract carrier: Irragular routes: Liquid and powder cleaning compounds (except in bulk), from Manchester, CT to all points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Syndet Products, Inc., P.O. Box 1425, Manchester, CT 05040. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 142672 (Sub-6TA), filed May 8, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72956. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Meat slaughtering and store fixtures, from Terrell, TX to points in the United States (except AK, HI and TX), restricted to the transportation of traffic originating at the facilities of Maytex, Inc., at or near Terrell, TX, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Maytex, Inc., P.O. Box 729, Terrell, TX 75160. Send protests to: William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.


MC 143032 (Sub-23TA), filed May 3, 1979. Applicant: THOMAS J. WALCZYNISKI, d/b/a Walco Transport, 3112 Truck Center Drive, Duluth, MN 55818. Representative: James B. Howland, 414 Gate City Building, P.O. Box 1668, Fargo, ND 58107. Hardboard and accessories for the installation thereof from the facilities of Superwood Corp. located at Duluth, MN to points in IN, MI and OH, restricted to the transportation of traffic originating at the above named facilities and destined to the named states, for 160 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Superwood Corporation, Box 6287, Duluth, MN
55805. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 143053 (Sub-7TA), filed May 2, 1979. Applicant: B & B TRANSPORT, INC., P.O. Box 5310, Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Blvd., 15 S. Grady Way, Renton, WA 98055. Contract carrier: irregular routes: (1) Wood doors and wood turnings, from Tacoma, WA to points in AZ, CA, ID, IN, IA, LA, MT, NM, NV, OK, OR, and TX for the account of West Coast Door, Inc., Tacoma, WA; (2) wood turnings, from the facilities of Western Turnings and Specialties Co., Inc., Tacoma, WA to Commercial City, CO and Omaha, NE, for the account of Western Turnings and Specialties Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Coast Door, Inc., P.O. Box 1135, Tacoma, WA 98411.

MC 144393 (Sub-7TA), filed May 4, 1979. Applicant: GEORGE McFARLAND, SR., d.b.a. McFARLAND TRUCK LINES, P.O. Box 1006, Austin, TX 78742. Representative: Duane McFarland (same address as applicant). Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A. C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 51 M.C.C. 209 and 768 (except hides and commodities in bulk) between Belt and Mason City, IA, on the one hand, and, on the other points in IL, IN, MN, ND, QA, SD, and WI, restricted to shipments originating at or destined to the facilities utilized by Lauridsen Foods, Inc. at or near Britt, IA and Armour and Co. at Mason City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. H. Bass & Co., Wilton, WA 98842. Send protests to: Donald G. Wiler, District Supervisor, ICC, 79 Pearl St., Rm. 303, Portland, ME 04101.

MC 143662 (Sub-7TA), filed May 17, 1979. Applicant: CENE VOIGHT TRUCKING, INC., Lt. 2, P.O. Box 138, Marathon, WI 54448. Representative: Wayne Wilson, 130 E. Gilman St., Madison, WI 53703. Pallets and pallet parts from facilities of Community Industries Corp. or near Stevens Point, WI to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Community Industries Corp., 3116 Algoma St., Stevens Point, WI 54481. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 144222 (Sub-7TA), filed May 10, 1979. Applicant: RONALD HACKENBERGER, d.b.a. RON’S TRUCKING SERVICE, Route 3, Norwalk, OH 44057. Representative: Richard Brandon, 220 W. Bridge St., Dublin, OH 43017. (1) Lime and limestone products, in bulk, from Huron, OH to the plant sites of Mercer Lime Co., at or near Branchton, Butler County, PA, or at near Branchton, Butler County, PA, to Cleveland, Barberton, Ashtabula, Lisbon, Lorain Conesville, Fultonham, Marietta, Canton, Warren, Salem, Massillon, Granville and Marion, OH for 180 days. Supporting shipper(s): Mercer Lime & Stone Co., Suite 3619, 325 Wm. Penn Place, Pittsburgh, PA 15219. Send protests to: I.C.C., 101 N. 7th St., Rm. 620, Phila., PA 19106.


MC 144622 (Sub-7TA), filed May 8, 1979. Applicant: PETERSEN & FOGO, INC., P.O. Box 1481, Superior, NE 68078. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, P.O. Box 81649, Lincoln, NE 68501. Grain drying, storage, handling, conditioning, and aeration equipment, attachments, accessories and parts, from the facilities of Superior Equipment Manufacturing Company, at or near Matteson, IL to points in AR, IA, MN, MT, ND, SD, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Superior Equipment Manufacturing Company. A Division of Tiffany Industries 19th & Olive Streets, Mattoon, IL 61938. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th., Omaha, NE 68102.


TRUCKING, INC., P.O. Box 8943, Little Rock, AR 72219. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Glass containers with or without lids and materials, equipment and supplies, from Indianapolis and Gas City, IN to points in CA and TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glass Containers Corporation, 1307 E. Wisconsin Ave., Rm. 752, Milwaukee, WI 53201. Send protests to: William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144882 (Sub-13TA), filed May 10, 1979. Applicant: R. R. STANLEY, P.O. Box 95, Mesquite, TX 75159. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Clay glazed tile, frozen, moving in mechanically refrigerated equipment, from Connell, WA; Aberdeen, ID; Burley, ID; Clearfield and Bettendorf, IA; Mount Airy, MD; Atlanta, GA; and Mount Morris, NY to Syosset, NY; Detroit, MI; Cleveland, OH; Atlanta, GA; Houston, and Dallas, TX; Miami, FL; and Greensboro, NC; Kansas City, MO, Denver, CO; San Jose, and Los Angeles, CA; Minneapolis, MN and Bellmawr, NJ for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Burger King, Inc., P.O. Box 520943, General Mail Facility, Miami, FL 33192. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 144883 (Sub-3TA), filed May 10, 1979. Applicant: Earl Moore, d.b.a. S & M MARKETING, 825 Willow St., Redwood City, CA 94063. Representative: D. J. Marchant, 1 Maritime Plaza, Suite 300, San Francisco, CA 94111. Liquid, Powder and Paste Points, protective coatings, pigments, paint thinners and supplies, materials and equipment used in the application of any of the foregoing commodities, from So. San Francisco, CA to Portland/Durham, OR and Phoenix, AZ; and from Brisbane, CA to Phoenix, Mesa and Tempe, Arizona, for 180 days. SUPPORTING SHIPPER(S): Fuller-O'Brien Division of O'Brien Corp., 450 E. Grand Ave., So. San Francisco, CA 94080; Glidden Paints, 450 Valley Dr., Industrial Park, Brisbane, CA. Send PROTESTS TO: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105. Supporting shipper(s): Fuller-O'Brien, Division of O'Brien Corp., 450 E. Grand Ave., So. San Francisco, CA 94080; Glidden Paints, 450 Valley Dr., Industrial Park, Brisbane, CA. Send PROTESTS TO: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 142512 (Sub-3TA), filed May 25, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsville, WI 53586. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk) from facilities of Neofoods Papers, Inc. at or near Port Edwards & Stevens Point, WI to points in ID, CO & UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Neofoods Papers, Inc., Port Edwards, WI 54463. Send protests to: Gall Daugherty, TA, ICC, 517 E Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 142512 (Sub-74TA), filed May 4, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springfield, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Tanks, hydropneumatic, steel, from the facilities of Clayton-Mark-Hoyt, Inc., at or near Rogers, AR, to points in the United States (except AR, AK and HI), for 190 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mark-Clayton-Hoyt, Inc., P.O. Box 238, Rogers, AR 72756. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142512 (Sub-77TA), filed May 10, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springfield, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Foodstuffs, canned, preserved, or prepared (other than frozen), NOF, from Sulphur Springs, TX to points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, ND, NE, NM, OH, OK, PA, SC, SD, TN, VA, WI and WV, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Ocean Spray Corporation, Water Street, Plymouth, MA 02360. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142512 (Sub-78TA), filed May 14, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springfield, AR 72764.
Representative: Don Garrison, P.O. Box 156, Rogers, AR 72758. (1) Candy and confectionary, and (2) machinery, equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above (except in bulk), between Lufkin, TX, on the one hand, and the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Atkinson Candy Company, at or near Lufkin, TX, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Atkinson Candy Company, P.O. Drawer 786, Lufkin, TX 75901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC145152 (Sub-79TA), filed May 1, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springfield, AR 72704. Representative: Don Garrison, P.O. Box 156, Rogers, AR 72758. Canned foodstuffs from the facilities of Allen Canning Company, at or near Benton, Crawford; Sebastian and Washington Counties, AR; Moorehead, MS; and Stigler and Westville, OK, to points in the United States (except AK and HI), for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allen Canning Company, P.O. Box 250, Siloam Springs, AR 72781. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC145213 (Sub-4TA), filed May 21, 1979. Applicant: DEEP SOUTHW TRUCKING, INC., Hwy. 11 N., P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main St., Purvis, MS 39475. Contract carrier: Irregular routes: Iron and steel articles from Chicago, IL and its commercial zone, and from points in Allen, Denton, Vidalia, Vanango, Washington, and Westmoreland Counties, PA, and Butler, PA and its commercial zone, to the facility of Howard Industries, Inc., Laurel, Jones County, MS, for the account of Howard Industries, Inc., Laurel, MS, for 180 days. Supporting shipper(s): Howard Industries, Inc., P.O. Box 1588, Laurel, MS 39440. Send protests to: Alan C. Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC145363 (Sub-2TA), filed April 20, 1979. Applicant: BRETTOWN EXPRESS INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton, P.O. Box 508, Winnfield, LA 71483. Applicant is seeking authority to operate as a contract carrier over irregular routes transporting poles, piles and posts from the plant site of Crown Zellerbach Corp. at or near Udania, LA to points in AZ, AR, FL, IL, KS, LA, MS, MO, NE, NM, OK, TX, and WI, for 180 days. Applicant has also filed an underlying ETA for 90 days. Supporting shipper(s): Crown Zellerbach Corporation, P.O. Box 1050, Bogalusa, LA 70427. Send protests to: Robert J. Kirsip, DS, ICC, T-9039 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 145472 (Sub-2TA), filed May 11, 1979. Applicant: HOWARD L. and M. ELAINE KIME, d.b.a. K & K TRANSPORT, Foot of Washington Street (P.O.B. 4903), Eureka, CA 95501. Representative: M. Elaine Kime (same address as applicant). Contract carrier: irregular routes: Lumber; Wood Pulp and Wood Products (including flakeboard), from facilities of Louisiana Pacific Corporation in Humboldt County, CA to reload operations at their facilities in Mendocino and Sonoma Counties, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Louisiana Pacific Corporation, P.O. Box 158, Sanoma, CA 95564. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC145513 (Sub-6TA), filed May 9, 1979. Applicant: SERVICE TRANSPORTATION, INC., 125 North 6th Street, Payette, Idaho 83661. Representative: Timothy R. Stivers, P.O. Box 182, Boise, ID 83701. Aire, beer, malt beverages and wine and related advertising materials, from points in CA to the facilities of Superior Beverage at or near Boise and Sun Valley, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Superior Beverage, 4910 Irving Street, Boise, ID 83704. Send protests to: Barney L. Hardin, D/S ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC145582 (Sub-3TA), filed May 16, 1979. Applicant: DENMARK TRUCKING, INC., P.O. Box 373, Greenville, SC 29607. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, SC 29607. Contract carrier: Irregular routes: Metal wire products and hinges between the facilities of Hager Industries, Inc., at or near Greenville, SC, on the one hand, and, on the other, Los Angeles, CA, for the accounting of Hager Hinge & Sons Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hager Hinge & Sons Co., Inc., 139 Victor Ave., St. Louis, MO 63102. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC145593 (Sub-2TA), filed May 9, 1979. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1709 West Carroll Ave., Chicago, IL 60612. Representative: Abraham A. Diamond, 29 S. LaSalle St., Chicago, IL 60603. Contract carrier: irregular routes: Such commodities as are dealt in by the wholesale and retail grocery industry; and rejected, refused and out-of-date shipments, except commodities in bulk, (1) between the Detroit, MI Commercial Zone, on the one hand, and, points in the State of OH, on the other; and (2) between the Chicago, IL Commercial Zone, on the one hand, and points in the State of OH, on the other, for the account of Procter & Gamble Distributing Company of Cincinnati, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: David H. Transportation Assistant, 219 S. Dearborn St., Room 1306, Chicago, IL 60604.

MC145992 (Sub-1TA), filed May 18, 1979. Applicant: THE TOWN TOUR FUN BUS COMPANY, d.b.a. FUN BUS SYSTEMS, 304 Katella Ave., Anaheim, CA 92802. Representative: William J. Monheim, P.O. Box 1755, Whittier, CA 90609. Passengers and their baggage in round trip special and charter operations, beginning and ending at points in Los Angeles, Riverside, and Orange Counties, CA and extending to points in AZ, CO, ID, NV, and UT, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): West Yale Enterprises, Ltd., d.b.a. Executive Tours and Transportation, 36 W. Yale Loop, Irvine, CA 92714. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC146233 (Sub-1TA), filed May 2, 1979. Applicant: BOBBY REEVES CO., INC., Box 630, Route No. 3, Azleiville, CA 93010. Representative: Mark C. Ellison, P.O. Box 56932, Atlanta, GA 30343. Contract carrier: irregular routes: Truck tires and tubes from Topkea, KS to points in L.A, MS, AL, CA, FL, SC, NC, TN, VA, KY, OH and points in PA, on and west of US Hwy 219, under a continuing contract with Brad Ragan, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Brad Ragan, Inc., 3741 S. Park, Topeka, KS 66609. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC146293 (Sub-18TA), filed May 8, 1979. Applicant: REGAL TRUCKING CO., INC. 95 Lawrenceville Industrial
Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1537 Phoenix Blvd., Atlanta, GA 30349. (1) Central heating and air conditioning units and component parts from Bristol, VA, Sidney, OH and east of Kansas City, MO, Troy, OH, Memphis, TN and Carrollton, TX, on the one hand, and, on the other, points in IL on and west of Aurora and Joliet, Aurora and Joliet, IL, and points in WI on and north of U.S. Hwy 10; and points in IA on and east of U.S. Hwy 65; and points in IL on and north of U.S. Hwy 36; and points in IN on and west of U.S. Hwy 10 for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Caterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL 61629. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1366, Chicago, IL 60064.

MC 146243 (Sub-2TA), filed March 7, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, INC. P.O. Box 1456, Scranton, PA 18517. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. (1) Photographic and reproducing equipment, and parts and accessories for these commodities, in vehicles equipped with mechanical refrigeration, from Binghamton, Vestal and Johnson City, NY, to Arlington, TX, Denver, CO, and points in CA; (2) equipment, materials and supplies used in the manufacture and sale of above commodities (except in bulk), in vehicles equipped with mechanical refrigeration, from Arlington, TX, Denver, CO, and points in CA, to Binghamton, Vestal and Johnson City, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): GAF Corp., 1391 Alpa Road, Wayne, NJ 07470. Send protests to: F. J. Kentworthy, DS, ICC, 314 U.S. P.O. Bldg., Scranton, PA 18503.

MC 146493 (Sub-1TA), filed May 1, 1979. Applicant: AIRPORT LIVERY SERVICE, INC., 257 Stuart Ave., Aurora, IL 60505. Representative: Joseph E. Ludden, 321 Exchange Bldg., La Crosse, IL 60505. General commodities requiring emergency priority movement, except those of unusual value, Class A & B explosives, household goods as defined by the Commission; commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Aurora and Joliet, IL, and Points in WI, on and south of U.S. Hwy 10; and points in IA on and east of U.S. Hwy 65; and points in IL on and north of U.S. Hwy 36; and points in IN on and west of U.S. Hwy 27; and points in MI on and west of U.S. Hwy 127 and south of U.S. Hwy 10 for 180 days. Supporting Shipper(s): Caterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL 61629. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1366, Chicago, IL 60064.

MC 146303 (Sub-5TA), filed April 6, 1979. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, CO 80110. Representative: Kenneth R. Vancil (same address as above). Foodstuffs frozen and not frozen, also Alcoholic beverages and Wines, except that which is transported in bulk or tank vehicles, from (1) Frozen and not frozen from ID, FL, IL, IN, MI, OH, KS, to Denver, CO; (2) Alcoholic beverages and wines from IN, IL, KY, TN, OH, NY, NJ, PA, MA, and MI to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mile Hi Fruits and Vegetables Co., 1917 Denargo Market, Denver, CO 80218. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, Colorado 80202.

MC 146303 (Sub-6TA), filed May 11, 1979. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, CO 80110. Representative: Kenneth R. Vancil (same address as above). Alcoholic mallowed beverages, except that which is transported in bulk, from Milwaukee, WI to Cheyenne, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Duck Bar Beverage Company, 1706 Pacific Avenue, Cheyenne, WY 82001. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 146352 (Sub-3TA), filed April 19, 1979. Applicant: AVERY TRUCKING CO., INC., P.O. Box 428, Delahoga, GA 30333. Representative: Thomas D. Rainey, 206 Moores Drive, Delahoga, GA 30333. Paper articles, paper dishes, plates and trays and packaging materials; horticultural products, peat pots and growing blocks, plastic articles, and materials, equipment and supplies used in the manufacture, sales and distribution of these products (except commodities in bulk and commodities the transportation of which, because of size or weight require the use of special equipment) between Albertville and Gadsden, AL, Gary and Hammond, IN, New Iberia, LA, Bangor, Lewiston, Portland and Waterville, ME, Kansas City, MO, Troy, OH, Memphis, TN and Carrollton, TX, on the one hand, and on the other, points in the U.S. in and east of ND, SD, NE, CO, OK and TX for 180 days. Supporting Shipper(s): Keyes Fibre An Arcaia Co., Waterville, ME 04901. Send protests to: Sara K. Davis, T/A, ICC, 1232 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30303.

MC 146372 (Sub-1TA), filed May 1, 1979. Applicant: DON'S TRUCKING CO., INC., 4855 Southmoor Road, Richmond, VA 23219. Representative: Richard J. Lee, Suite 1222, 700 East Main Street, Richmond, VA 23219. Scrap metals, between the facilities of Frank H. Nott, Inc., at or near Richmond, VA on the one hand, and, on the other, points in VA, MD, DE, PA, NJ, NY, NC, SC, GA, WV and the DC for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Frank H. Nott, Jr., P.O. Box 27225, Richmond, VA 23261. Send protests to: Paul D. Collins, DS, ICC. Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.


MC 146782 (Sub-2TA), filed May 15, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37220. (1) Iron and steel and iron and steel articles and (2) equipment, materials and supplies used in the manufacture of iron and steel and iron and steel articles (except commodities in bulk), between the facilities of Weirton Division of National Steel Corp., located at Weirton, WV, and Steubenville, OH, on the one hand, and, on the other, points in TN, KY, AL, GA, NC, SC, FL, LA, MS, and AK, for 180 days. Restricted to traffic originating at or destined to the above named facilities. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weirton Steel (a division of National Steel Corp.), Weirton Steel Division, Weirton, WV 26062. Send protests to: Glenda Russ, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 146762 (Sub-4TA), filed May 9, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201.

MC 146833(Sub-1TA), filed April 25, 1979. Applicant: C. E. COCHRAN, Route 3, Box 280, Jacksonville, AR 72076. Representative: C. E. Cochran (same as applicant). (1) Roofing building materials. (2) Raw materials used in the manufacture of roofing building material, such as saturated felt, (1) from points in AR to points in AL, AZ, CA, IN, IA, KS, KY, LA, MS, MO, NM, NC, OH, OK, SC, TN and TX; (2) from Stephens, AR; East St. Louis, IL; Daingerfield, TX; Memphis; TX; Ardmore, OK; New Orleans, LA, to the plant of Tarco, Inc., in or near North Little Rock, AR, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tarco, Inc., P.O. Box 3330, North Little Rock, AR 72117. Send protests to: William H. Land, jr., D/S, 3108 Federal Office Building, 703 West Capitol, Little Rock, AR 72201.

MC 146863 (Sub-1TA), filed May 22, 1979. Applicant: WEBB’S HOT SHOT SERVICE, INC., P.O. Box 1968, Rock Springs, WY 82901. Representative: Monty M. Webb (same address as applicant). (1) Machinery, materials, equipment and supplies utilized in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and (2) Machinery, materials, equipment and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up there, between points in WY, CO, ID, UT and NV for 180 days. Restricted against the transportation of complete oil drilling rigs. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (8) shippers. Their statements may be examined at the office listed below or at Headquarters. Send protests to: Paul A. Naughton, DS, ICC, Rm. 105 Federal Bldg., 111 South Wolcott, Casper, WY 82001.

MC 146877 (Sub-1TA), filed April 25, 1979. Applicant: SPRINKLE ELEVATORS, INC., P.O. Box 177, Lyons, IN 47443. Representative: William H. Towe, 180 North LaSalle St., Chicago, IL 60601. Anhydrous ammonia, in bulk, in tank vehicles, from points in IL to points in IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, USS Agri-Chemicals Division, 600 Grant Street, Room 525, Pittsburgh, PA 15230; Swift Agricultural Chemical Corp., 111 W. Jackson Blvd., Chicago, IL 60606. Send protests to: Annie Booker, TA, ICC, 1388 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 146883 (Sub-1TA), filed May 2, 1979. Applicant: F. W. STRouP TRUCKING CO., INC., P.O. Box 532, Roberts, GA 30176. Representative: Frank D. Hall, Suite 713, 3394 Peachtree Rd., NE., Atlanta, GA 30326. Lime and slag, in bulk in dump vehicles from points in Lee and Jefferson Counties, AL, to points in GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmers Mutual Exchange of Ashburn, Inc., Ashburn, GA. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 146893 (Sub-1TA), filed April 26, 1979. Applicant: BROWN TRANSPORT, INC., Box 327A, R.R. 3, West Alexandria, OH 43561. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Contract carrier: irregular routes: Iron and steel scrap, loose, not in bundles or packages when loaded by consignor and dumped by carrier; from the facilities of Polk Scrap Iron & Metal Co. at Zanesville, OH, on the one hand, and, on the other, Richmond, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polk Scrap Iron & Metal Co., Fred C. Polk, Owner, 1900 W. Main St., Zanesville, OH 43701. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 146898 (Sub-2TA), filed May 3, 1979. Applicant: BROWN TRANSORT, INC., Box 327A, R. R. 3, West Alexandria, OH 43581. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Contract carrier: irregular routes: scrap metal, from Chillicothe, Cincinnati, Dayton, Mansfield, Springfield and Xenia, OH, on the one hand, and, on the other, points in IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Luntz Corporation, Continental Bldg., Canton, OH 44702. Send protests to: Wm. J. Green, Jr., BOP, ICC, Federal Bldg., 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 146895 (Sub-2TA), filed April 24, 1979. Applicant: MONROE FUGATE, d.b.a. H&M CARTAGE, 17151 South Overhill, Tinley Park, IL 60477. Representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Plastic articles (except commodities in bulk), from the facilities of Arco Polymers, Inc., at Chicago, IL to points in WI, MI, IN, OH, MO, KY, AR, TX, PA, and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arco Polymers, Inc., 7001 West 60th St., Chicago, IL 60638. Send protests to: Annie Booker, TA, ICC, 1388 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 146972 (Sub-1TA), filed March 29, 1979. Applicant: SOUTHERN MOTOR FREIGHT, INC., 575 Great Southwest Parkway, Atlanta, GA 30336. Representative: K. Edward Wolcott, 1200 Gal Light Tower, 235 Peachtree St., NE., Atlanta, GA 30303. (1) Insulation, insulation materials and supplies, insulation equipment and materials, storm windows and storm doors, from the facilities of Southern Cellulose, Inc., at or near Atlanta, GA, on the one hand, and, on the other, points in the U.S. on and east of US Hwy 85. (2) Materials and supplies utilized in the manufacture, installation, and distribution of insulating materials and
supplies and storm windows and storm doors, from points in the U.S. on and east of US Hwy 85 to the facilities of Southern Cellulose, Inc. at or near Atlanta, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southern Cellulose, Inc., 578 Great Southwest Parkway, Atlanta, GA 30336. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 1469393 TA, Filed May 3, 1979. Applicant: D. J. LEE CO., INC., Route 1, Vesper, WI 54489. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk) from facilities of Consolidated Papers, Inc., at or near Wisconsin Rapids, Biron and Stevens Point, WI to points in FL, GA, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Papers, Inc., Wisconsin Rapids, WI 54494. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave. Rm. 619, Milwaukee, WI 53202.

MC 1469393 Sub-2TA, Filed May 9, 1979. Applicant: JE-RI TRUCKING, INC., 70 South Woodcrest Drive, P.O. Box 1994, Fargo, ND 58107. Supporting carrier: irregular routes: Malt and carbonated beverages, water and articles dealt in or utilized by wholesale and retail grocery houses, drugstores and variety stores, between the facilities of Peyton’s Southeastern, Inc., at or near Cleveland, TN, on the one hand, and, on the other points in AL, AR, KY, MS, NC, SC, OH, TN, TX, VA, WV, IN, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peyton’s Southeastern, Inc., 1500 Sanita Avenue, Louisville, KY 40232. Send protests to: Mabel E. Holston, TA, ICC, Rm. 1616—2121 Bldg., Birmingham, AL 35203.

MC 147022 Sub-1TA, filed May 2, 1979. Applicant: T. B. T., ICC, P.O. Box 8742, Stockton, CA 95208. Representative: D. W. Baker, 100 Pine St., Rm 2550, San Francisco, CA 94111. Motor contract carrier, over irregular routes (1) Corrugated fibreboard and corrugated fibreboard boxes, KD, from facilities of Inland Container Corporation, Newark, NJ to points in OR, WA, ID, and AZ. (2) Paper, in rolls, from points in OR, WA, and AZ to facilities of Inland Container Corporation, Newark, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inland Container Corporation, 37333 Cedar Blvd., Newark, NJ 07110. Send protests to: District Supervisor A. J. Rodriguez, 1111 M.C. Bldg., 657 5th Avenue, New York, NY 10019.

MC 147022 Sub-1TA, filed May 2, 1979. Applicant: T. B. T., ICC, P.O. Box 8742, Stockton, CA 95208. Representative: D. W. Baker, 100 Pine St., Rm 2550, San Francisco, CA 94111. Motor contract carrier, over irregular routes (1) Corrugated fibreboard and corrugated fibreboard boxes, KD, from facilities of Inland Container Corporation, Newark, NJ to points in OR, WA, ID, and AZ. (2) Paper, in rolls, from points in OR, WA, and AZ to facilities of Inland Container Corporation, Newark, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inland Container Corporation, 37333 Cedar Blvd., Newark, NJ 07110. Send protests to: District Supervisor A. J. Rodriguez, 1111 M.C. Bldg., 657 5th Avenue, New York, NY 10019.

MC 147032 (Sub-ITA), filed May 2, 1979. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9833, Baltimore, MD 21237. Representative: Edward N. Buntin, P.O. Box 1417, Hagerstown, MD 21740. General commodities (except Classes A & B explosives), between points in the Baltimore, MD commercial zone, restricted to traffic having a prior or subsequent movement by water, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): 5 supporting shippers. Their statements may be examined at the office listed below or at headquarters. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 147032 Sub-1TA, filed May 4, 1979. Applicant: STORY, INC., Route 1, Box 122, Hanover, AL 35978. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Contract carrier; irregular routes; such commodities as are dealt in or used by wholesale and retail grocery houses, drugstores and variety stores, between the facilities of Peyton’s Southeastern, Inc., at or near Cleveland, TN, on the one hand, and, on the other points in AL, AR, GA, KY, MS, NC, SC, OH, TN, TX, VA, WV, IN, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peyton’s Southeastern, Inc., 1500 Sanita Avenue, Louisville, KY 40232. Send protests to: Mabel E. Holston, TA, ICC, Rm. 1616—2121 Bldg., Birmingham, AL 35203.

MC 147032 (Sub-ITA), filed May 10, 1979. Applicant: MARK FREEMAN, d/b/a MARK FREEMAN TRUCKING COMPANY, 6418 Moon Road, Columbus, GA 31904. Representative: C. E. Walker, P.O. Box 1925, 4811 11th Street, Columbus, GA 31902. General commodities, except commodities in bulk, in shipper or railroad-owned trailers, having prior or subsequent movement by rail between railroad ramps in LaGrange and Atlanta, GA, on the one hand, and, on the other, points in Troup, Heard and Meriwether Counties, GA and Randolph County, AL for 180 days. An ETA seeks 90 days authority.
in GA, KY, NC, SC, TN, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sucorn, Inc., Rt. 70 East, Marion, NC 28752. Send protests to: DS Terrell Price, 800 Briar Creek Rd., Rm. CC1618, Mart Office Building, Charlotte, NC 28205.

MC 147062 (Sub-TA), filed May 4, 1979. Applicant: EXPRESS TRANSPORTATION COMPANY, P.O. Box 769, Chattanooga, TN 37401. Representative: Paul M. Danieli, 1200 Gas Light Tower, 255 Peachtree Street NE, Atlanta, GA 30303. 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 the use of special equipment between Atlanta, GA; Birmingham, AL; and Chattanooga, TN on the one hand, and, on the other, Los Angeles, San Diego and San Francisco, CA, serving the commercial zone of each named point, for 180 days. Restricted to the transportation of traffic moving on bills of lading issued by a shipper cooperative operating under the exemption of 49 USCA 10562. An underlying ETA seeks 90 days authority. Supporting shipper(s): Action Shippers Association, Inc., P.O. Box 224, Chattanooga, TN 37401. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 601 Broadway, Nashville, TN 37203.

MC 147072 (Sub-TA), filed May 8, 1979. Applicant: D & M TRUCKING, INC., 710 Colonial Circle, Jackson, MS 39211. Representative: Fred W. Johnson Jr., P.O. Box 22928, Jackson, MS 39205. Brick from the facilities of Tri-State Brick & Tile Co., Inc. at or near Jackson, MS to points in AL, AR, LA, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tri-State Brick & Tile Co., Inc., 2050 Forest Ave., P.O. Box 9787, Jackson, MS 39206. Send protests to: Alan Tarrent, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 147092 (Sub-TA), filed May 16, 1979. Applicant: EMIL E. CHAMP, Route 3, Box 103, Junction City, KS 66441. Representative: Arthur J. Cerra, 2100 TenMaven Center, P.O. Box 12251, Kansas City, MO 64141. Ice, Between the commercial zones of Junction City, KS and Omaha, NE, and from the commercial zone of Omaha, NE to the commercial zones of Topeka and Wichita, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: City Ice Co., Inc., 239 East 7th Street, Junction City, KS 66441. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., 110 North Market, Wichita, KS 67202.

MC 147112 (Sub-TA), filed May 11, 1979. Applicant: L. H. BRYAN, d/b/a, BRYAN TRUCKING COMPANY, Rt. 4 Circle Creek Dr., Stockbridge, GA 30281. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Freight of all kinds, having a prior or subsequent movement in ocean containers between Atlanta, GA, Charleston, SC, Jacksonville, FL, Mobile, AL, New Orleans, LA, Norfolk, VA and Savannah, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Army and Air Force Exchange Service, 3911 Walton Walker Blvd., Dallas, TX 75222. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.


MC 147163 (Sub-TA), filed May 2 1979. Applicant: JOHN BREJEC, d/b/a, MID-FLORIDA COACHES, 330 N.E. 54th Court, Ocala, FL 32670. Representative: Richard McD. Davis, Suite 530, Barnett Bank Building, Tallahassee, FL 32301. Passengers and their baggage in charter and special operations, between all points in Citrus, Marion, and Hernando Counties in the State of FL on the one hand, and, on the other, Los Angeles, San Diego and San Francisco, CA, for 180 days. Supporting shipper(s): Far North Trucking, Co., Inc., 3873 Chestnut St., Ocala, FL 32671. Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 147182 IA, filed May 1, 1979. Applicant: GERALD C. DOLAN, d/b/a, JAR EXPRESS (an Individual), P.O. Box 604, Leechburg, PA 15657. Representative: Arthur J. Diskin, 906 Frick Building, Pittsburgh, PA 15219. Contract Carrier, irregular routes—Metal, asbestos, vinyl and artificial brick siding; metal, asbestos and composition roofing material: gutters and downspouts, windows, doors, screens and components thereof; kitchen cabinets, sink tops, bowls, countertop tops, and components thereof and fittings; kitchen and laundry appliances and components thereof; from the warehouse sites of Jones and Brown, Inc., Pittsburgh, PA to points in WV and that part of OH on and East of U.S. Hwy 23, under a continuing contract with Jones and Brown, Inc., Pittsburgh, PA for 180 days. Supporting shipper(s): Jones & Brown, Inc., 2515 Preble Avenue, Pittsburgh, PA 15230. Send protests to: J. C. Campbell, DS, ICC, 2111 Federal Bldg., Pittsburgh, PA 15222.


MC 147183 (Sub-TA), filed May 7, 1979. Applicant: MARTIN RUITER, d/b/a MARTIN'S FEED CO., P.O. Box 189, Custer, WA 98240. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Feed, feed ingredients, feed supplements and seed, between ports of entry on the U.S.-Canada boundary, on the one hand, and points in WA and OR on the other hand,
for 180 days. Supporting shipper(s): Wilbur-Ellis Company, 1200 Westlake Avenue N., No. 1000, Seattle, WA 98109; Westcan Commodities Ltd., No. 514—355 Burrard Street, Vancouver, B.C., Canada: Whitmyer-Cunningham Feedstufs, Ltd., No. 1—130 W. 12th St., North Vancouver, B.C. Send protests to: Shirley M. Holmes, T/A, ICC, 888 Federal Bldg., Seattle, WA 98174.

MC 147202 (Sub-1 TA), filed May 17, 1979. Applicant: KENNECO, INC., P.O. Box 813, Janesville, WI 53545. Representative: James Spiegel, 6425 Odana Road, Madison, WI 53719. Dirt, sand, gravel, stone cinders, ashes, batch cement, or asphalt mix, in bulk, in dump vehicles, between points in WI on the one hand, and, on the other hand, points in IL on and north of a line formed by IL State Hwy. 59 and on and east of a boundary formed by IL State Hwy. 59 running from its junction with IL State Hwy. 64 to the IL-WI border, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wm. J. Kennedy & Son, Inc., P.O. Box 813, Janesville, WI 53545; Shipler Construction Co., 2300 Shirlin Ave., Beloit, WI 53511; Rock Roads of WI, Inc., P.O. Box 4779, Hwy 51 S., Janesville, WI 53545; Wilson & Shipler, Inc., 2300 Shirlin Ave., Beloit, WI 53511. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 147212 (Sub-1 TA), filed May 17, 1979. Applicant: YASTE TRANSPORTATION CO., INC., 2519 Cherry St., Hoquiam, WA 98550. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. Contract carrier: irregular routes: Wood pulp and paper and prohibition from cuts or contract with shippers. Their statements may be examined at the Office shown below or at Headquarters. Send protests to: Paul A. Naughton, DS, ICC, Room 105 Federal Bldg., 111 South Wolcott, Casper, WY 82601.


MC 147283 (Sub-1 TA), filed May 24, 1979. Applicant: KENYON TRUCKING, INC., P.O. Box 477, Mills, WY 81544. Representative: Donnie G. Kenyon, 2312 Pheasant Drive, Casper, WY 82601. (1) Machinery, materials, equipment and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in CO, WY, UT, ID and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (8) shipper(s). Their statements may be examined at the office shown below or at Headquarters. Send protests to: Paul A. Naughton, DS, ICC, Room 105 Federal Bldg., 111 South Wolcott, Casper, WY 82601.

MC 147353 (Sub-1 TA), filed May 11, 1979. Applicant: McGEE TRUCKING COMPANY, P.O. Box 297, Bostic, NC 28601. Representative: Richard A. McGee, Sr., P.O. Box 297, Bostic, NC 28601. Contract Carrier-Irregular Routes: Office and/or business furniture and replacement parts for same from the facilities of GF Business Equipment, Inc. located at or near Forest City, NC to Commerce, CA and San Francisco, CA, for 180 days. Under a continuing contract with GF Business Equipment, Inc. Supporting shipper(s): GF Business Equipment, Inc., P.O. Box 360, Forest City, NC 28643. Send protests to: D/S Terrell Price, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, NC 28205.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-21155 Filed 7-6-79; 8:45 am]
WILLING CODE 7035-01-M

[Notice No. 109]

Motor Carrier Temporary Authority Applications
June 20, 1979.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 682 (Sub-15TA), filed May 2, 1979. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Boulevard, Columbus, GA 31907. Representative: W. H. Tomlinson, (same as applicant). Golf carts and industrial vehicles and related articles from points in CA to points in the U.S. except AK and HI for 180 days. Supporting shipper(s): Taylor Dunn Mfg. Co., 2114 W. Ball Rd., Anaheim, CA 92804. Send protests to:
Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. N.W., Rm. 300, Atlanta, GA 30309.

MC 1783 (Sub-42TA), filed May 2, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M Street, N.W., Washington, DC 20036. Common carrier; irregular routes; boots and shoes and machinery, except that requiring special equipment, and materials and supplies used in the manufacture thereof, serving Plainview, NY as an off-route points in connection with carrier's regular route operations between Lawrence, MA and New York, NY and serving Brewer and Bangor, ME as off-route points in connection with carrier's regular route operations between Boston, MA and Madison, ME, for 180 days. Supporting Shipper(s): United Suppliers, Inc., P.O. Box 582, Eldora, IA 50627. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 4963 (Sub-70TA), filed April 17, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuykill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same as applicant). General commodities (except those of unusual value, class A & B explosives, household goods as defined by the Commission and commodities requiring special equipment) over irregular routes, between points in the state of VA, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack and interline this authority with that presently held under MC-4963. Supporting Shipper(s): Applicant's statement of facts. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3258, Philadelphia, PA 19106.

MC 7523 (Sub-17TA), filed May 8, 1979. Applicant: VENTURA TRANSFER COMPANY, 2418 E. 22nd Street, Long Beach, CA 90810. Representative: Robert Fuller, Suite 310, 13215 E. Penn Street, Whittier, CA 90602. Plastic Materials other than Expanded; in flakes, granules, pellets, or powder in bulk in special pneumatic equipment, from Los Angeles, Orange, Ventura, Alameda and Contra Costa Counties, CA to AZ, NV, OR, UT and WA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Phillips Petroleum Company, 154 Phillips Building Annex Bartlesville, OK 74004. Send protests to: Irene Carlos, P.O. Box 1551, Los Angeles, CA 90053.

MC 14252 (Sub-60TA), filed May 9, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William Buckham (same address as applicant). Common carrier; regular route: General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Sharon, PA and Oil City, PA via U.S. Hwy 62, (2) between Weirton, WV over U.S. Hwy 22 to Pittsburgh, PA, then over U.S. Hwy. 30 to Jct. U.S. Hwy 219 to Jct. PA Hwy 50 to Johnstown, PA and return over the same route serving all intermediate points and (3) counties of Erie, Venango, Crawford, Beaver, Washington and Westmoreland, PA as off route points for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 101 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: ICC, 101 N. 7th St. Rm. 620, Phila., PA 19106.

MC 16513 (Sub-4TA), filed May 2, 1979. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 819 Union Avenue, Pennsauken, N.J. 08110. Representative: Jeffrey A. Vogelman, Suite 405, Overlook Bldg., 6121 Lincoln Road, Alexandria, Virginia 22312. [1] plastic articles, and [2] material, equipment, and supplies used in the bottling, sale, and distribution of beverages (except commodities in bulk), from the facilities of Owens-Illinois, Inc. located at or near Milford and New Haven, CT to Solvay, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Owens-Illinois, Inc., Plastic Products Division, P.O. Box 1035, Toledo, Ohio 43616. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, N.J. 08606.

MC 20722 (Sub-38TA), filed May 15, 1979. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013. Motor vehicles except trailers in initial movements, in truckaway service, from the facilities of Chrysler Corporation at Newark, DE to points in IN, IL, KY, MI, OH and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Chrysler Corporation, P.O. Box 1976, Detroit, MI 48231. Send protests to: Richard H. Cattadoris, DS, ICC, 910 Federal Bldgs., 111 W. Huron Street, Buffalo, NY 14202.

MC 24583 (Sub-22TA), filed May 7, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 955, Magnolia, AR 71753. Representative: James M. Duckett, 827 Pyramid Life Building, Little Rock, AR 72201. Expanded plastic products from the facilities of Dow Chemical U.S.A. at Pevlys, MO and Magnolia, AR, to all points in the United States and on and east of U.S. Highway 65, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dow Chemical U.S.A., Central Division, 14555 Sprague Road, P.O. Box 360000, Strongsville, OH 44130. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 41432 (Sub-161TA), filed April 18, 1979. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125—2355 Stemmons Freeway, Dallas, TX 75207. Representative: Eldon E. Brosee
Underlying ETA for 90 days filed.
Supporting Shipper(s): There are forty-six (46) supporting shippers. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 43963 (Sub-17TA), filed May 8, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Grading and road making implements, parts, machinery, equipment and supplies, tractor parts, engines and iron and steel articles, between Milwaukee, WI, Scott County, IA, Joliet, Aurora, Morton, Mossville, Mapleton, Peoria, Decatur and Rock Island, IL for 160 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Caterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL 61629. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1398, Chicago, IL 60604.

MC 44302 (Sub-11TA), filed May 3, 1979. Applicant: DeFAZIO EXPRESS, INC., 1026 Springbrook Ave., Moosica, PA 15607. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Such merchandise as is dealt in in wholesale, retail, and chain grocery stores and food business establishments as defined (except commodities in bulk), in the manufacture of paper products other than those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other food products, between Davenport, IA and Iowa City, serving no intermediate or off-route points of Cedar Rapids, Marion, Marshalltown and Stanwood, IA; from Davenport over IA Hwy 130 to junction IA Hwy 38, then over IA Hwy 38 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Missouri and return over the same route; (2) Between Davenport, IA and Ames, IA serving the intermediate and off-route points of Cedar Rapids, Marion, Marshalltown and Stanwood, IA; from Davenport over IA Hwy 130 to junction IA Hwy 38, then over IA Hwy 38 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Missouri and return over the same route; (3) Between Des Moines, IA and Ames, IA serving the intermediate and off-route points: From Des Moines over U.S. Hwy 35 to Ames and return over the same route; (4) Between junction IA Hwy 330 and U.S. Hwy 30 and Waterloo, IA serving the intermediate and off-route points of Marshalltown and Cedar Falls, IA; From junction IA Hwy 330 and U.S. Hwy 30 over IA Hwy 330 to junction IA Hwy 14, then over IA Hwy 14 to junction IA Hwy 57 near Farn, IA, then over IA Hwy 57 to Waterloo and return over the same route; (5) Between Waterloo, IA and Iowa City, IA serving the intermediate and off-route points of Cedar Rapids and Marion, IA. From Waterloo over U.S. Hwy 218 to Iowa City and return over the same route; (6) Between Davenport, IA and Clinton, IA serving the intermediate point of De Witt, IA; From Davenport over U.S. Hwy 61 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Clinton and return over the same route; (7) Between Davenport, IA and Clinton, IA serving the intermediate and off-route points: From Davenport over U.S. Hwy 67 to Clinton and return over the same route; (8) Between Stanwood, IA and Clinton, IA serving the intermediate point of De Witt, IA; From Stanwood over U.S. Hwy 30 to Clinton and return over the same route; (9) Between Des Moines, IA and junction U.S. Hwy 30 and IA Hwy 330 serving no intermediate points, and serving junction IA Hwy 330 and U.S. Hwy 30 for purposes of joiner only: From Des Moines over U.S. Hwy 65 to junction IA Hwy 330, then over IA Hwy 330 to junction U.S. Hwy 30 and return over the same route; Applicant intends to tack with MC 41432 and subs thereto and to interline; for 180 days.

MC 44513 (Sub-STA), filed May 29, 1979. Applicant: MATCO TRANSPORTATION, INC., 3rd Street and Hackensack Avenue, South Kearny, NJ 07032. Representative: Piken & Piken, One Lefrak City Plaza, Flushing, NY 11368. General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other food products, between New York, NY and Philadelphia, PA, on the one hand, and, on the other. Alexandria, VA, for 180 days. An underlying ETA seeks 90 days authority. Restriction: Restricted to movements having a prior or subsequent movement by rail or water. Supporting shipper(s): Seven (7) supporting shipper statements on file at Newark, NJ and Washington, DC. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.


MC 66012 (Sub-20TA), filed May 5, 1979. Applicant: TISCHLER EXPRESS, INC., 8408 Elliston Drive, Phila., PA 19118. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002. Paper and paper products, materials, supplies, and equipment used in the manufacture of paper products except commodities in bulk, between the facility of Union Camp Corporation at Franklin, VA on the one hand, and on the other, points in MD, PA, NJ, NY, CT, RI and MA, for 180 days. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 64932 (Sub-597TA), filed May 5, 1979. Applicant: ROGERS CARTAGE COMPANY, 10735 South Cicero, Oak Lawn, IL 60453. Representative: William F. Farrell, (same as applicant). Chemicals, in bulk, in tank vehicles, from the plantsite and storage facilities of Monsanto Co. at or near Chocolate Bayou, Texas City and Houston, TX and its Commercial Zone, to all points in the U.S. in and east of the states of LA, AR, MO, IA and MN for 180 days.

Supporting shipper(s): Monsanto Company, 600 North Lindbergh, St. Louis, MO 63168. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 75543 (Sub-5TA), filed May 7, 1979. Applicant: VALLERIE TRANSPORTATION SERVICE, INC., P.O. Box 860, Norwalk, CT 06852. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Such commodities as are dealt or used by wholesale and retail dealers in leisure products manufacturers (except commodities in bulk) between the facilities of the Parts Distribution Warehouse of Deere & Company at Milan, IL and the Distribution Service Company of Deere & Company at Moline, IL on the one hand, and, on the other, Memphis, TN, for 180 Days.

Supporting shipper(s): John Deere Company, 2105 Latham Street, Memphis, TN 38101. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 60443 (Sub-21TA), filed May 17, 1979. Applicant: OVERTIME EXPRESS, INC., 2500 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein and David Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Lumber and lumber products from (1) Scotia, CA to Fargo, ND; (2) Arcata, CA to Eau Claire, Wausau and Baldwin, WI; (3) Cleverdale and Samson, CA to Minneapolis, MN and the Commercial Zone; and (4) Willits, CA to Lake Elmo, MN, for 180 days. An underlying ETA seeks 90 days authority.


MC 80653 (Sub-16TA), filed April 20, 1979. Applicant: DAVID GRAHAM CO., P.O. Box 254, Old Rj. 13, Levittown, PA 19059. Representative: Lois T. Philipkosky (same as applicant). Corrugated steel sheets, from Montgomeryville, PA to points in the U.S. in and east of MN, IA, MO, AR, LA and equipment, materials and supplies (except commodities in bulk) on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Power Replacement Corp., Stump Rd., Montgomeryville Industrial Park, Montgomeryville, PA 18936. Send protests to: T. M. Esposito, TA, 300 Arch St., Room 3236, Philadelphia, PA 19108.

MC 82063 (Sub-10TA), filed May 21, 1979. Applicant: KLIPSCH HAULING CO., 10795 Watson Rd., Sunset Hills, MO 63127. Representative: W. E. Klipsch (same as applicant). Liquid chemicals, in bulk, in tank vehicles, from the plant site of Monsanto Co. at or near Chocolate Bayou and Texas City, TX and the Houston TX commercial zone, to all points in the U.S. in and east of LA, AR, MO, IA, and MN, for 180 days. Supporting shipper(s): Monsanto Company, 600 N. Lindbergh, St. Louis, MO 63166. Send protests to: P. E. Binder, DS, Interstate Commerce Commission, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 82492 (Sub-23TA), filed May 15, 1979. Applicant: MICHICAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marseille, 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Meats, meat products, meal by-products and articles distributed by meat packinghouses, as described in Sections A, C and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk). Between the facilities of Lauridsen Foods, Inc., located at or near Bretty, IA, and the facilities of Armour and Company, located at or near Mason City, IA, on the one hand, and on the other, Covington and Louisville, KY, and points in IL, IN, KS, MI, MN, MO, NE, OH, TN, those points in PA on and West of U.S. Hwy. 228, and those points in NY in and West of Broome, Cortland, Onondaga and Oswego Counties.

Restriction: Restricted to transportation of shipments originating at the above named origin and destined to the indicated destinations. For 180 days.


MC 96793 (Sub-3TA), filed May 15, 1979. Applicant: MARISPOA EXPRESS, INC., 131 Alpine Dr., Merced, CA 95340. Representative: R. A. Greeno, Jr., 100 Pine St., San Francisco, CA 94111.

Common carrier: regular route: General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fresno, Madera, Merced, Stanislaus and San Joaquin Counties, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 9 statements in support to this application which may be examined at the ICC in Washington, DC or copies of which may be examined in the field office named below. Send protests to: DS, Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 98592 (Sub-67TA), filed May 1, 1979. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford St., Decatur, IL 62526. Representative: Paul W. Steinhein, 918 East Capitol Avenue, Springfield, IL 62701. Such commodities as are dealt in by wholesale and retail warehouses and drug stores between the facilities utilized by Proctor & Gamble Distributing Company at or near Cincinnati, OH and points in IN, IL and MO, for 180 days. Supporting shipper(s): Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Charles D. Little, D/S, ICC, Room 414 Leland Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 103993 (Sub-968TA), filed May 14, 1979. Applicant: MORGAN DRIVE-AWAY, INC, 28851 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda, 28851 U.S. 20 West, Elkhart, IN 46515. Motor Vehicles from the facilities of Holiday Rambler Corporation at or near Woodland, CA to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Holiday Rambler Corporation, 65526 State Road 19, Wakarusa, IN. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107003 (Sub-55TA), filed May 22, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Both (same as applicant). Compound, water clarifier liquid, NOI, in bulk, in tank vehicles, from Laurel, MS to Petrolia, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Petrolia Corp., Tontitovic Div., 369 Marshall Ave., St. Louis, MO 63119. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 37301.

MC 107103 (Sub-17TA), filed May 8, 1979. Applicant: Robinson Cartage Co., 2712 Chicago Drive SW., Grand Rapids, MI 49509. Representative: Donald Sterken, 2712 Chicago Drive SW., Grand Rapids, MI 49509. Gypsum, gypsum products and materials, equipment and supplies used in the manufacture installation and distribution of the aforementioned commodities; between the facilities of Grand Rapids Gypsum Co., Inc. at Grand Rapids, MI on the one hand, and, on the other, points in IL, IN, IA, KY, OH and WI. For 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Grand Rapids Gypsum Co., Inc., 201 Monroe N. W., Grand Rapids, MI 49501. Send protests to: C. R. Fleming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.


MC 111812 (Sub-636TA), filed May 8, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandma (same address as applicant). Frozen bakery products from the facilities of Lloyd J. Hariss Pie Co. located at or near Holland, MI to points in AZ, CA, CO, ID, IA, MN, MT, NE, NV, NM, ND, OR, SD, UT, WA, WI and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lloyd J. Hariss Pie Co., 350 Culver Street, Saugatuck, MI 49452. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-637TA), filed May 11, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A, C and D of Appendix 1 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 Lauridsen Foods, Inc. located at or near Britt, IA and the facilities of Armour & Co. located at Mason City, IA on the one hand, and on the other, points in the U.S. (except AK and HI) restricted to the transportation of traffic originating at and/or destined to the facilities of Lauridsen Foods, Inc. and/or Armour & Co. for 180 days. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 112083 (Sub-20TA), filed May 17, 1979. Applicant: P. I. & I. MOTOR EXPRESS, INC., Broadway Avenue Extension, Masury, OH 44430. Representative: Milan Tatolovich, 11 W. Liberty St., Girard, OH 44420. Iron and steel articles, and materials, equipment and supplies used in, or in connection with, the manufacture and/or resale of iron and steel articles, between Sharon, PA and points within 5 miles of Sharon, PA, to all points in WI, MO, WV, KY, IA, MN, OH, and the Lower Peninsula of MI, for 180 days. Supporting shipper(s): Midland-Ross Corporation, 700 S. Dock St., Sharon, PA 16146. Send protests to: DS/ICC, Room 620, Philadelphia, PA 19105.

MC 112713 (Sub-27TA), filed April 25, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Common carrier: regular route: General Commodity, except household goods as defined by the Commission, commodities in bulk, commodities of unusual value, Classes A and B explosives and those requiring special equipment, serving the terminal facilities of Associated Truck Lines, Inc. at Coldwater, MI as an off-route point in connection with carrier’s otherwise authorized operations, for 180 days. Supporting Shipper: Hallmark Cards, Inc., P.O. Box 361, Liberty, MO 64068. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64105.

Note.—Applicant proposes to tack. Applicant proposes to interline at Coldwater, MI on points destined to MI. An underlying ETA seeks 90 days authority.


MC 113932 (Sub-35TA), filed May 14, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 E. Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Household, laundry and kitchen appliances, air conditioners and related repair parts, from the facilities of Gibson Appliance, Greenville Products, and Belding Products (Divisions of White Consolidated Ind., Inc.) located at or near Greenville, MI; Belding, MI; Grand Rapids, MI; and Muskegon, MI, to points in MN, WI, IA, NB, KS, MO, OK, AR, TX, LA, MS, AL, GA, TN, KY, PA, NJ, RI, NY, MA, ME, VT, NH, CT, MD, WV, VA, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gibson Appliance, Greenville Products, Belding Products, Division of White Consolidated Ind., Inc., 1401 Van Deinse St., Greenville, MI 48838. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-506TA), filed May 3, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). Tires, pneumatic, NOI, and tire tubes, and related articles, from Des Moines, IA to Chepeseau, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Armstrong Rubber Company, P.O. Box 1616, Des Moines, IA 50306. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-802TA), filed May 10, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). Agricultural implements and parts from Grinnell, IA to Columbus, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmhand, Inc., 146 South, Grinnell, IA 50112. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-603TA), filed May 10, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). Meats, meat products, meat by-products and/or sound deadener compounds, distributed by paint and hardware decorating stores (except in bulk, in tank vehicles), from Chicago, IL to Kansas City, KS and Kansas City, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standard T Chemical, 10th & Washington, Chicago, IL 60411. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114632 (Sub-220TA), filed May 8, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David T. Peterson (same address as applicant). Petroleum, petroleum products, vehicle body sealer and/or sound deadening compounds (except in bulk) and filters, from Emleton and Farmers Valley, PA and Congo and St. Mary's, WV to points in CO, IL, IN, IA, KS, MN, MO, NE, ND, SD and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quaker State Oil Refining Corporation, P.O. Box 998, Oil City, PA 16301. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-227TA), filed May 8, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042.
Representative: Davld E. Peterson (same address as applicant). Canned foodstuffs (except commodities in bulk) from the facilities of Stokely-Van Camp, Inc., located at Fairmont and Lakeland, MN and at Cumberland, Fredrick, Columbus, Appleton, Plymouth and Sheboygan, WI to all points in the U.S. and in east of KS, SE, ND, OK, SD and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods, 3265 S.W. Second Street, Madison, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Wooden doors and wooden doors and frames combined from Belen, NM to points in WY and CO and from Denver, CO to points in WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dependable Lumber Co., Inc., 1376 5th Street, Denver, CO 80204. Send protests to: L. D. Keller, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 115682 (Sub-483TA), filed May 14, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 505, Evergreen, AL 36041. Representative: Robert E. Tate (address same as above). (1) Pipe fittings, valves, fire hydrants, castings and materials and supplies used in the installation thereof, from Belen, NM to points in WY and CO and from Denver, CO to points in WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cast Iron Pipe Co., 2930 North 18th Street, Birmingham, AL 35203. Send protests to: Mabel Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 115621 (Sub-81TA), filed May 14, 1979. Applicant: REDWING TRUCKING, INC., P.O. Drawer 500, Evergreen, AL 36041. Representative: Robert E. Tate (same address as applicant). Insulated building and roofing panels; panels and equipment, materials and supplies used in the installation (except commodities in bulk, in tank vehicles) from Jacksonville, FL to points in CO, CT, IN, IA, KS, MD, MA, MI, MN, MO, NH, NJ, NY, ND, OH, PA, SD, UT, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz Company, at or near Greenville, SC, to points in AL, GA, MS, NC, TN, New Orleans, LA and its commercial zone, and points in FL on and west of FL 79, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, at or near Greenville, SC, to points in AL, GA, MS, NC, TN, New Orleans, LA and its commercial zone, and points in FL on and west of FL 79, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh PA 15230. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 115612 (Sub-487TA), filed May 23, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36041. Representative: Robert E. Tate (same address as applicant). Insulated building and roofing panels; panels and equipment, materials and supplies used in the installation (except commodities in bulk, in tank vehicles) from Greenville County, SC to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and from Adams and Franklin County, PA to points in WY and CO and from Denver, CO to points in WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RMAX 8001 Carpenter, Dallas, TX 75247. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.
City, UT, 84110. Representative: Melvin J. Whitlear (same address as applicant).

**Direct reduced iron ore pellets** (Spent iron mass or sponge) from Portland, OR to Rowley, UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): NL Magnesium, 238 North 2200 West, Salt Lake City, UT 84110. Send protests to: L. H. Halfner, DS, ICC, 5001 Federal Building, Salt Lake City, UT 84138.

MC 115523 (Sub-16TA), filed May 10, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitlear (same address as applicant).

Petroleum products, between Salt Lake City, UT and Cody, WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Oil Company, 600 South Cherry Street, Denver, CO 80222.

MC 115803 (Sub-18TA), filed May 14, 1979. Applicant: TURNER BROS. TRUCKING COMPANY, INC., 5501 S. Hattie, P.O. Box 94526, Oklahoma City, OK 73110. Representative: G. Armstrong, 200 North Chocataw, P.O. Box 24, El Reno, OK 73038. Machinery, equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of manufactured and natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stripping and picking up thereof, (1) between points in AR, LA, & TX, on the one hand, and, on the other, points in AL, FL, GA, & MS; and (2) between points in OK, on the one hand, and, on the other, points in AL, FL, & GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 14 shipper support statements. Their statements may be examined at the office listed below and Headquarters. Send protests to: Connie Stanley, TA, ICC, Room 240, Old Post Office, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 116142 (Sub-28TA), filed May 4, 1979. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box M-25, York, PA 17406. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Malt beverages, and related advertising materials and materials, equipment and supplies used in the manufacture and sale of malt beverages, in containers, from the facilities of Miller Brewing Co.

in the counties of Oswego and Onondaga, NY to points in PA & MD. Restricted to traffic originating at and destined to the above-named origins and destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Co., 3939 West Highland Blvd., Milwaukee, WI 53208. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 116873 (Sub-230TA), filed April 25, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same address as applicant).

Spent or waste chemicals, in bulk, in tank vehicles, from points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TX, WV and WI to Elgin, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Motor Oils Refining, 7901 W. 47th, McCook, IL 60625. Send protests to: Annie Booker, TA, ICC 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 116273 (Sub-232TA), filed April 25, 1979. Applicant: D & L TRANSPORTATION, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same address as applicant).

Spent or waste chemicals, in bulk, in tank vehicles, from points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TX, WV and WI to Elgin, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Motor Oils Refining, 7901 W. 47th, McCook, IL 60625. Send protests to: Annie Booker, TA, ICC 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 116273 (Sub-232TA), filed April 25, 1979. Applicant: D & L TRANSPORTATION, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same address as applicant).

Spent or waste chemicals, in bulk, in tank vehicles, from points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TX, WV and WI to Elgin, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Motor Oils Refining, 7901 W. 47th, McCook, IL 60625. Send protests to: Annie Booker, TA, ICC 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.


Restricted to traffic originating at the name origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion International Corp., Knightsbridge Dr., Hamilton, OH 45020. Send protests to: I.C.C., Fed. Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 116763 (Sub-510TA), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant).

Flour, prepared mixes and bases for prepared mixes, and crozins in containers (except commodities in bulk, in tank vehicles) from facilities of The Peavey Co. at or near Alton, IL to points in the U.S. in and east of MN, IA, MO, OK, and TX for 180 days. (Restricted to traffic originating at the name origin and destined to the indicated destinations.) An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Peavey Co., 145 W. Broadway, Alton, IL 62002. Send protests to: ICC, Fed. Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 116763 (Sub-512TA), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant).

Paper and paper products (except commodities in bulk) from facilities of Champion International Corp., at or near Cincinnati and Hamilton, OH, to points in CT, MA, NH, and RI, for 180 days. Restricted to traffic originating at the name origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Champion International Corp., Knightsbridge Dr., Hamilton, OH 45020. Send protests to: ICC, Fed. Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 116763 (Sub-520TA), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant).

Canned and preserved foodstuffs, from the facilities of Heinz USA, Div. of H. J. Heinz Co., at or near Greenville, SC, to points in FL for 180 days. Restricted to traffic originating at the name origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Heinz USA, P.O. Box 1409, Knightsbridge Dr., Hamilton, OH 45020. Send protests to: ICC, Fed. Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 116763 (Sub-520TA), filed May 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant).

Canned and preserved foodstuffs, from the facilities of Heinz USA, Div. of H. J. Heinz Co., at or near Greenville, SC, to points in FL for 180 days. Restricted to traffic originating at the name origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Heinz USA, P.O. Box 1409, Knightsbridge Dr., Hamilton, OH 45020. Send protests to: ICC, Fed. Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 117003 (Sub-19TA), filed May 22, 1979. Applicant: HUDSON VALLEY CEMENT LINES, INC., Route 23 B, Claverack, New York 12513. Representative: Michael R. Werner, P.O. Box 1408, 167 Fairfield Road, Fairfield, NJ 07008. Cement, from East Cambridge, MA to points in ME, RI, CT and NH, for
1979. Applicant: MONKEM COMPANY, P.O. Box 313, Hudson, NY 12534. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 119726 (Sub-58TA), filed May 9, 1979. Applicant: DUNKLEY TRANSPORTATION, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Canned and preserved foods (except frozen or in bulk), from the facilities of Heinz U.S.A. at or near Fremont and Toledo, OH, to points in WV and points in the Chicago, IL commercial zone for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: ICC., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112712 (Sub-4TA), filed May 3, 1979. Applicant: MORRIS TRANSPORTATION, INC., 8300 Baldwin Street, Oakland, CA 94606. Representative: Walter H. Walker, III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Iron and steel articles as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from the plantsite of Herrick Corporation in Hayward, CA to points in OR and WA, for 180 days. An underlying ETA seeks 90 day authority. Supporting Shipper(s): The Herrick Corporation, 25450 Clavier Road, Hayward, CA 94545. Send protests to: A.J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94103.


MC 112392 (Sub-6TA), filed May 15, 1979. Applicant: JACK B. KELLEY, INC., R.I. 1, Box 460, Amarillo, TX 79106. Representative: Austin L. Hatchell, 807 Brazos Street, Austin, TX 78701. Coal, coke, and metal in bulk, in tank trailers, from the Great Lakes Chemical Company storage terminal, Houston, TX to Cameron, LA, for 180 days. Supporting shipper: Great
Martha Powell, Transportation Assistant, Interstate Commerce Commission, Room 9A27 Federal Building, 619 Taylor Street, Fort Worth, TX 76102.

MC 124673 (Sub-33TA), filed May 11, 1979. Applicant: FEED TRANSPORTS, INC., Box 2167, Amarillo, TX 79105. 
Representative: Gail Johnson (same). Animal feed ingredients; in bulk or in bags, between the facilities of Ralston Purina Company at or near Oklahoma City, OK; Wichita and Liberal, KS; and, on the other all points in the states of TX, KS, MO, and AR, for 180 days. An underlying ETA was granted. Supporting shipper(s): Ralston Purina Company, 13700 N. Lincoln, Edmond, OK 73034. Send protests to: Martha Powell, Transportation Assistant, Room 9A27 Federal Building, 619 Taylor Street, Fort Worth, TX 76102.

Shirley M. Parks, 20 Walnut St., Suite 1501, St. Louis Street, New Orleans, LA 70112. 

MC 124673 (Sub-34TA), filed May 11, 1979. Applicant: FEED TRANSPORTS, INC., Box 2167, Amarillo, TX 79105. 
Representative: Gail Johnson (same). Animal, fish, or poultry feed and or feed ingredients; in bulk or in bags, between the facilities of Ralston Purina Company at or near Oklahoma City, OK; Wichita and Liberal, KS on the one hand, and, on the other all points in the states of TX, KS, MO, and AR, for 180 days. An underlying ETA was granted. Supporting shipper(s): Ralston Purina Company, 13700 N. Lincoln, Edmond, OK 73034. Send protests to: Martha Powell, Transportation Assistant, Room 9A27 Federal Building, 619 Taylor Street, Fort Worth, TX 76102.

MC 124673 (Sub-35TA), filed May 11, 1979. Applicant: FEED TRANSPORTS, INC., Box 2167, Amarillo, TX 79105. 
Representative: Gail Johnson (same). Animal, fish, or poultry feed and or feed ingredients; in bulk or in bags, between the facilities of Ralston Purina Company at or near Oklahoma City, OK; Wichita and Liberal, KS on the one hand, and, on the other all points in the states of TX, KS, MO, and AR, for 180 days. An underlying ETA was granted. Supporting shipper(s): Ralston Purina Company, 13700 N. Lincoln, Edmond, OK 73034. Send protests to: Martha Powell, Transportation Assistant, Room 9A27 Federal Building, 619 Taylor Street, Fort Worth, TX 76102.
Howard Paper Company. Supporting shipper(s): Fort Howard Paper Company, P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma, City, OK 73102.

MC 129065 (Sub-22TA), filed May 17, 1979. Applicant: JIMMY T. WOOD, Box 294, Route 6, Ripley, TN 38063. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Dry area. In bulk, in pneumatic tank trailers, from the facilities of W. R. Grace & Company at or near Woodstock, TN to points in the states of AR, LA, TX, OK, MO, IA, IL, OH, KY, MS and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. R. Grace & Co., Agricultural Chemicals Group, P.O. Box 277, Memphis, TN 38101. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 129712 (Sub-20TA), filed May 10, 1979. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC. P.O. Box 559, McDonough, GA 30253. Representative: Frank H. Hall, Suite 715, 3394 Peachtree Blvd., NE, Atlanta, GA 30306. Contract Carrier: Irregular Routes: Iron and steel and iron and steel articles and materials, equipment and supplies used, sold or dealt in by steel supply companies between St. Louis, MO and Madison, IL on the one hand, and, on the other, points in OK, KS, AR, IL, NE, IA, TN, KY, MO, GA, IN, OH and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwest Steel Supply Company, 3401 Morganford, St. Louis, MO. Send protests to: Sara K. Davis, 2522 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

By the Commission.
H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-2116 Filed 7-6-79; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 99]

Permanent Authority Applications; Decision-Notice

Decided: June 12, 1979.

The following applications, filed on or after March 1, 1979, 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 petition for intervention, either in support of or in opposition 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. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires the petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(f) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner’s interest, the particular facts, matters, and things relied upon including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner’s interest will be represented by other parties, the extent to which petitioner’s participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant’s representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely 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 an 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 administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.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 present and future 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 petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 30 days after the service of the notification of the effectiveness of this decision notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,
Secretary.

MC 9812 (Sub-12P), filed April 2, 1979. Applicant: C. F. KOLB TRUCKING CO., INC., R. R. 1, Box 294, Mt. Vernon, IN 47620. Representative: Edwin J. Simcox, Suite 800, Circle Tower Building, 5 East Market Street, Indianapolis, IN 46204. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) (a) roofing, shingles, and exterior sidings, (b) materials used in the installation of the commodities in (a) above, (except commodities in bulk, in tank vehicles), from the facilities of GAF Corporation at Mount Vernon and Evansville, IN, to points in AR, MO, and those in IL north of U.S. Hwy 24, (2) building insulation materials (except in bulk, in tank vehicles), from the facilities of GAF Corporation at or near St. Louis, MO, to points in AR, KY, IL, IN, OH, and TN, and (3) materials, equipment and supplies (except commodities in bulk, in tank vehicles), used in the manufacture, installation, and distribution of the commodities in (1) and (2) above, in the reverse direction. (Clicking sites St. Louis, MO, or Chicago, IL.)

MC 31539 (Sub-15F), filed March 22, 1979. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 S. Olive Street, South Bend, IN 46624. Representative: Alki E. Scopellitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular 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 Whiting and New Haven, IN, from Whiting over U.S. Hwy 41 to junction U.S. Hwy 30, then over U.S. Hwy 30 to New Haven, and return over the same route, serving the off-route point of Bourbon, IN; (2) between Cary and Butler, IN, over U.S. Hwy 6, serving the off-route points of Ligonier, Wawasee, Syracuse, and Topeka, IN; (3) between Elkhart and Liberty, IN, from Elkhart over U.S. Hwy 33 to Decatur, then over U.S. Hwy 27 to Liberty, and return over the same route, serving the off-route points of Millersburg, Bluffton, and Montpelier, IN; (4) between Elkhart and Angola, IN, over U.S. Hwy 20, serving the off-route points of Middlebury and Shipshewana, IN; (5) between Elkhart and Howe, IN, over IN Hwy 120; (6) between Anderson, IN, and Battle Creek, MI, from Anderson over IN Hwy 9 to the IN-MI State line, then over MI Hwy 68 to Battle Creek, and return over the same route; (7) between Nappanee, IN, and Paw Paw, MI, from Nappanee over IN Hwy 19 to the IN-MI State line, then over MI Hwy 205 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction MI Hwy 40, then over MI Hwy 40 to Paw Paw, and return over the same route; (8) between Elkhart, IN, and Kalamazoo, MI, from Elkhart over IN Hwy 120 to junction IN Hwy 13, then over IN Hwy 13 to the IN-MI State line, then over U.S. Hwy 191 to Kalamazoo, and return over the same route; (9) between Walkerton, IN, and Cassopolis, MI, from Walkerton over IN Hwy 23 to the IN-MI State line, then over MI Hwy 62 to Cassopolis, and return over the same route; (10) between Niles and Albion, MI, from Niles over MI Hwy 60 to junction MI Hwy 99, then over MI Hwy 99 to Albion, and return over the same route; (11) between Niles and Paw Paw, MI, from Niles over MI Hwy 51 to junction Interstate Hwv 94, then over Interstate Hwv 94 to junction MI Hwy 40, then over MI Hwy 40 to Paw Paw, and return over the same route; (12) between Michigan City, IN, and Battle Creek, MI, from Michigan City over U.S. Hwy 12 to New Buffalo, MI, then over unnumbered hwy (generally known as Red Arrow Hwy) to junction Interstate Hwv 94, then over Interstate Hwv 94 to junction Interstate Hwv 104, then over Interstate Hwv 104 to Battle Creek, and return over the same route; (13) between New Buffalo and Coldwater, MI, over U.S. Hwy 12; (14) between Watervliet and South Haven, MI, over MI Hwy 140, serving the off-route points of Bangor, Hartland, and Lawrence, MI; (15) between Port Wayne, IN, and Battle Creek, MI, from Port Wayne over Interstate Hwvy 69 to junction Interstate Hwv 94, then over Interstate Hwv 94 to junction Interstate Hwv 194, then over Interstate Hwv 194 to Battle Creek, and return over the same route; (16) between Michigan City and Liberty, IN, from Michigan City over U.S. Hwy 421 to junction IN Hwy 43, then over IN Hwy 43 to Lafayette,
then over U.S. Hwy 52 to Rushville, then over IN Hwy 44 to Liberty, and return over the same route, serving the off-route point of Frankfort, IN; (17) between Michigan City and Richmond, IN, over U.S. Hwy 36; (18) between South Bend and Madison, IN: from South Bend over U.S. Hwy 31 to Columbus, then over IN Hwy 7 to Madison, and return over the same route, serving the off-route points of Tipton, Elwood, Seymour, Austin, and Scottsburg, IN; (19) between Kentland and Fort Wayne, IN, over U.S. Hwy 24; (20) between Veedersburg and Greensburg, IN, from Veedersburg over U.S. Hwy 136 to Indianapolis, then over U.S. Hwy 421 to Greensburg, and return over the same route; (21) between Terre Haute and Richmond, IN, over U.S. Hwy 40; (22) between Lafayette and Spencer, IN, over U.S. Hwy 231; (23) between Hartford City and Terre Haute, IN: from Hartford City over IN Hwy 3 to Greensburg, then over IN Hwy 46 to Terre Haute, and return over the same route; (24) between Portland and Bloomington, IN, from Portland over IN Hwy 67 to Muncie, then over IN Hwy 32 to junction IN Hwy 37, then over IN Hwy 37 to junction Interstate Hwy 69, then over Interstate Hwy 69 to Indianapolis, then over IN Hwy 37 to Bloomington, and return over the same route, serving the off-route points of Mooresville and Martinsville, IN; (25) between Muncie and Union City, IN, from Muncie over IN Hwy 32 to junction IN Hwy 227, then over IN Hwy 227 to Union City, and return over the same route; (26) between Bristol and Portland, IN, from Bristol over IN Hwy 15 to Gas City, then over U.S. Hwy 55 to junction IN Hwy 22, then over IN Hwy 22 to junction IN Hwy 28, then over IN Hwy 26 to Portland, and return over the same route, serving the off-route point of North Manchester, IN; (27) between Logansport and Earl Park, IN: from Logansport over IN Hwy 25 to Lafayette, then over U.S. Hwy 52 to Earl Park, and return over the same route; (28) between Hammond and Terre Haute, IN, over U.S. Hwy 41, serving the off-route point of Clinton, IN; (29) between Crawfordsville and Noblesville, IN, over IN Hwy 32; (30) between Hartford City, IN and junction U.S. Hwy 41 and IN Hwy 26, over IN Hwy 26; serving in connection with (1) through (30) above, all intermediate points. (Hearing site: Indianapolis, IN or Chicago, IL)

Note.—Applicant intends to tack with existing authority.

MC 65802 (Sub-65F), filed March 21, 1979. Applicant: LYNDEN TRANSPORT, INC., 5615 West Marginal Way S.W., Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) contractors' equipment, materials, and supplies, (2) building materials and supplies, and (9) pipe and pipe fittings, between points in CA, ID, MT, OR, and WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 65802 (Sub-65F), filed March 21, 1979. Applicant: LYNDEN TRANSPORT, INC., 5615 West Marginal Way SW., Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) general commodities (except classes A and B explosives, motor vehicles, commodities in bulk, and those requiring special equipment), in containers, and (2) empty containers, between points in CA, ID, MT, OR, and WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 65802 (Sub-67F], filed March 21, 1979. Applicant: LYNDEN TRANSPORT, INC., 5615 West Marginal Way SW., Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) general commodities (except classes A and B explosives, motor vehicles, commodities in bulk, and those requiring special equipment), in containers, and (2) empty containers, between points in CA, ID, MT, OR, and WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 65802 (Sub-67F], filed March 21, 1979. Applicant: LYNDEN TRANSPORT, INC., 5615 West Marginal Way SW., Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) general commodities (except classes A and B explosives, motor vehicles, commodities in bulk, and those requiring special equipment), in containers, and (2) empty containers, between points in CA, ID, MT, OR, and WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 65802 (Sub-69F], filed March 21, 1979. Applicant: LYNDEN TRANSPORT, INC., 5615 West Marginal Way SW., Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) general commodities (except classes A and B explosives, motor vehicles, commodities in bulk, and those requiring special equipment), in containers, and (2) empty containers, between points in CA, ID, MT, OR, and WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.
MC 107103 (Sub-13F), filed March 26, 1979. Applicant: ROBINSON CARTAGE CO., a corporation, 7172 Chicago Drive, SW., Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Blvd., Detroit, MI 48226. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting pipe casing and pipe, between the facilities of Algoma Tube Corporation, at or near Daf, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Lansing or Detroit, MI.)

MC 107239 (Sub-55F), filed March 29, 1979. Applicant: GILLILLAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, MI 49411. Representative: Edward C. Bazelon, 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 glass containers and closures, from Mundelein, IL, to points in MI. (Hearing site: Chicago, IL.)

MC 107403 (Sub-1185F), filed March 29, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting methanol, in bulk, in tank vehicles, from New Haven, CT, to points in MA, RI, NH, and VT. (Hearing site: Washington, DC.)

MC 108332 (Sub-36F), filed March 29, 1979. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Representative: Ronald J. Mastej, 900 Guardian Blvd., Detroit, MI 48226. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting pipe casing and pipe, between the facilities of Algoma Tube Corporation, at or near Daf, MI, on the one hand, and, on the other, points in MI, OH, PA, IN, IL, and WI. (Hearing site: Lansing or Detroit, MI.)

MC 108479 (Sub-47F), filed April 2, 1979. Applicant: GRIFFIN MILL, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: Francis P. Barrett, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular 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), serving points in NJ as intermediate or off-route points in connection with its regular-route authority. (Hearing site: Boston, MA.)

Note.—Applicant states that the above authority may presently be performed over a combination of existing regular and irregular routes, tacking at Phillipsburg, NJ. It proposes to support the application by evidence of past traffic and efficiencies and economies.

MC 108473 (Sub-46F), filed April 2, 1979. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01749. Representative: Francis P. Barrett, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular 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), serving points in CT as intermediate and off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA.)

Note.—Applicant states that the above authority may presently be performed over a combination of existing regular and irregular routes, tacking at Phillipsburg, NJ. It proposes to support the application by evidence of past traffic and efficiencies and economies.

MC 109892 (Sub-80F), filed March 26, 1979. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, Route 13, Kansas City, MO 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting hides, from the facilities of Iowa Beef Processors, Inc., at or near (a) Dakota City, NE, (b) Denison, IA, and (c) Emporia, KS, to points in IL, IN, KY, MI, MN, MO, TN, TX, WV, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations, except for traffic moving in foreign commerce. (Hearing site: Kansas City, MO, or Omaha, NE.)

MC 111812 (Sub-620F), filed March 29, 1979. Applicant: MIDDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks, (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting hair care products, toilet preparations, and hair dryers, from the facilities of Helene Curtis Industries, Inc., at or near Franklin Park, IL, to points in CA, FL, GA, IA, KS, MA, MD, MN, MO, NJ, NY, OR, PA, WA, and DC. (Hearing site: Chicago, IL.)

MC 111812 (Sub-632F), filed March 29, 1979. Applicant: MIDDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandma (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting chemical liquid photographic developer, from Bensenville, IL, to Rochester, NY. (Hearing site: Minneapolis, MN.)

MC 112713 (Sub-257F), filed March 30, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of J. M. Huber Corporation, near Borger, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 112713 (Sub-260F), filed March 30, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of J. M. Huber Corporation, near Borger, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)
irregular routes, transporting (1) tank cars and grain bins, and (2) equipment, materials and supplies used in the manufacture of the commodities in (1) above, from the facilities of Butler Manufacturing Co., at Kansas City, MO, to points in CO, IA, IL, KS, MN, NE, ND, OK, SD, and WI. (Hearing site: Kansas City, MO.)

MC 113362 (Sub-349F), filed April 2, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 110 1/2 Eighth Avenue NE, P.O. Box 429, Austin, MN 55912. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting \textit{condensed and preserved foodstuffs}, (except commodities in bulk), from the facilities of Heinz U.S.A. at or near Pittsburgh, PA, to points in AR, LA, MS, OK, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114273 [Sub-581F], filed March 29, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). To operate as a \textit{common carrier}, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting \textit{printed matter}, from Lynchburg, VA, to points in CO, IL, IN, IA, MI, MN, MO, NE, NY, OH, OK, TX, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 [Sub-582F], filed March 29, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a \textit{common carrier}, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting \textit{meat, 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 \textit{Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766}. (except commodities in bulk, in tank vehicles), between the facilities of Lauradene Foods, Inc., at or near Britt, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, KS, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WI, and DC, restricted to the transportation of traffic originating at or destined to the named points. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 [Sub-583F], filed March 29, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). To operate as a \textit{common carrier}, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting \textit{hogs and pig skins and trimmings}, as described in section A of Appendix I to the report in \textit{Descriptions in Motor Carrier Certificates, 61 M.C.C. 209}, from the facilities of Geo. A. Hormel & Co., at Austin, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115162 (Sub-472F), filed March 12, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36041. Representative: Robert E. Tate (same address as applicant). To operate as a \textit{common carrier}, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting \textit{refractory products, and commodities used in the installation of refractory products}, (except commodities in bulk, in tank vehicles), from points in Montgomery County, MO, to points in AL, AR, CO, FL, GA, KY, IN, LA, MD, MI, MS, NY, NC, OH, PA, SC, TN, TX, VA, and WV; and (2) \textit{materials and supplies} used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 115322 (Sub-167F), filed March 29, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Tait, Fl 32809. Representative: L. W. Fincher, P.O. Box 428, Tampa, FL 33601. To operate as a \textit{common carrier}, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) charcoal charcoal briquettes, vermiculite, active carbon, hickory chips, charcoal lighter fluid, and charcoal grills, and (b) \textit{accessories} for charcoal grills, and (2) \textit{materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (4), (except commodities in bulk, in tank vehicles), between the facilities of Husky Industries, Inc., in FL and NY, on the one hand, and, on the other, points in ME, VT, MA, NY, CT, RI, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, AR, LA, MS, MI, and DC. (Hearing site: Atlanta, GA.)

MC 116783 (Sub-502F), filed March 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a \textit{common carrier}, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such commodities as are
Note.—Dual operations may be involved.

MC 119443 (Sub-41F), filed March 29, 1979. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08043.
Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting chocolate, chocolate liquor, chocolate products, confectioner's products and cocoa butter, in bulk, in tank vehicles, from the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, to restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI. (Hearing site: Milwaukee, WI.)

Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such commodities as are dealt in by grocery and food business houses [except commodities in bulk], in vehicles equipped with mechanical refrigeration, between the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, those points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Inland Storage Distribution Center, at or near Kansas City, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 119443 (Sub-41F), filed March 29, 1979. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08043.
Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting chocolate, chocolate liquor, chocolate products, confectioner's products and cocoa butter, in bulk, in tank vehicles, from the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI. (Hearing site: Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 119443 (Sub-41F), filed March 29, 1979. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08043.
Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting chocolate, chocolate liquor, chocolate products, confectioner's products and cocoa butter, in bulk, in tank vehicles, from the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI. (Hearing site: Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 119443 (Sub-41F), filed March 29, 1979. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08043.
Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting chocolate, chocolate liquor, chocolate products, confectioner's products and cocoa butter, in bulk, in tank vehicles, from the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI. (Hearing site: Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 119443 (Sub-41F), filed March 29, 1979. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08043.
Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting chocolate, chocolate liquor, chocolate products, confectioner's products and cocoa butter, in bulk, in tank vehicles, from the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of S. C. Johnson & Son, Inc., at or near Racine, WI. (Hearing site: Milwaukee, WI.)

Note.—Dual operations may be involved.
and parts, and (2) attachments and accessories for the commodities in (1) above, from the facilities of Watts Manufacturing Co., at or near Jerome, ID, to points in the United States (except AK and HI). (Hearing site: Boise, ID.)

MC 125343 (Sub-213F), filed March 26, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1495 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) Steel, tanks, and storage bins, and (2) parts and attachments for the commodities in (1) above, from the facilities of Columbian Steel Tanks Co., at or near Kansas City, KS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 125343 (Sub-233F), filed March 26, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1495 South Redwood Road, Salt Lake City, UT 84104. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) [a] pipe (except iron and steel) and (b) iron and steel articles, from Conroe, TX, to points in the United States (including AK, but excluding HI), and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Houston or Dallas, TX.)

MC 128122 (Sub-11F), filed March 26, 1979. Applicant: STATE TRANSPORT COMPANY, a corporation, P.O. Box 1022, Corvallis, OR 97330. Representative: Nick J. Gravik, 555 Benjamin Franklin Plaza, One Southwest Columbiaville, Portland, OR 97258. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting lumber and lumber mill products, between points in WA, ID, those in Marion, Polk, Lincoln, Benton, Linn, and Lane Counties, OR, and those in Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Glenn, Butte, Sierra, and Nevada Counties, CA. (Hearing site: Portland, OR, or Seattle, WA.)

MC 134183 (Sub-12F), filed March 29, 1979. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewistown, OH 45338. Representative: E. Stephen Helsey, 805 McLaughlin Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) adhesives, cleaning compounds, preserving compounds, sealing compounds, solvents, stains, plastic carpeting, and carpet strip and moldings (except commodities in bulk), and (2) such commodities as are used in the installation of the commodities named in (1) (except commodities in bulk), from Kalamazoo, MI, and Dayton, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Roberts Consolidated Industries, of City of Industry, CA. (Hearing site: Washington, DC.)

Note.-Dual operations may be involved in this proceeding.

MC 139442 (Sub-2F), filed March 30, 1979. Applicant: ALPHA CARGO MOTOR EXPRESS, INC., 2821 W. 7th St., P.O. Box 425, Fort Worth TX 76101. Representative: A. William Brackett, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) wood sawdust, wood fiber, wood scraps, and wood chips, and (2) coal and lignite, between points in AR, KS, LA, MS, MO, OK, TN, and TX, under continuing contract(s) with Acme Brick Company, Division of Justin Industries, Inc., of Fort Worth, TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 139442 (Sub-3F), filed March 30, 1979. Applicant: ALPHA CARGO MOTOR EXPRESS, INC., 2821 W. 7th St., P.O. Box 425, Fort Worth TX 76101. Representative: A. William Brackett, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) (a) bricks, fire bricks, and hollow building tiles, and (b) such commodities as are used in the installation of the commodities named in (1)(a), and (2) concrete products, between points in AR, KS, LA, MS, MO, OK, TN, and TX, under continuing contract(s) with Acme Brick Company, Division of Justin Industries, Inc., of Fort Worth, TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 139482 (Sub-10F1), filed March 28, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting beverages, from Cold Spring, MN, to points in the United States (except AK and HI). (Hearing site: Minneapolis or St. Paul, MN.)

MC 139482 (Sub-10F), filed March 28, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting pet foods, from Tupelo, MS, and Red Bay, AL, to points in IL, MO, IN, OH, MI, IA, MN, WI, and KS. (Hearing site: Minneapolis or St. Paul, MN.)

MC 139482 (Sub-115F), filed March 30, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenhin, 630 Osborn Bldg., St. Paul, MN 55102. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting plastic pellets (except in bulk), from Beaumont and Houston, TX, to points in IN, IL, IA, MI, MN, and WI. (Hearing site: Houston, TX.)

MC 140452 (Sub-16F), filed April 2, 1979. Applicant: ROSE BROTHERS TRUCKING, INC., 2425 U.S. Business Hwy 41 North, Suite 204, Evansville, IN 47711. Representative: David Konnersman, 5101 Madison Ave., Indianapolis, IN 46227. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting dry corn products (except in bulk), from the facilities of Illinois Cereal Mills, Inc., at Paris IL, to points in AL, FL, GA, LA, MS, NC, SC, KY, TN, VA, and WV. (Hearing site: Terre Haute or Indianapolis, IN.)

MC 140452 (Sub-17F), filed April 2, 1979. Applicant: ROSE BROTHERS TRUCKING, INC., 2425 U.S. Business Hwy 41 North, Suite 204, Evansville, IN 47711. Representative: David Konnersman, 5101 Madison Ave., Indianapolis, IN 46227. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting baking powder, from the facilities of Hulman & Co., at Terre Haute, IN, to Tyler, Lubbock, and El Paso, TX. Jacksonville, Tampa, and Miami, FL, Birmingham, Dothan, Mobile, and Montgomery, AL-Alexandria, Monroe, New Orleans, and Shreveport, LA, Greeneville, and Jackson, MS, and Bristol, Chattanooga, Knoxville, Memphis, and Nashville, TN. (Hearing site: Terre Haute or Indianapolis, IN.)

MC 141402 (Sub-30F), filed April 2, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN
The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73111.

To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) glass from Weston Paper Company, at Terre Haute, IN, to points in OH, IL, KY, and MI, and under continuing contract(s) with Weston Paper Company, at Lexington, KY, to points in IN, OH, IL, and MI, under continuing contract(s) with Weston Paper Company, at Old Saybrook, CT, Lancaster, PA, Warsaw and Crawfordsville, IN, Chicago, Mattoon, and Dwight, IL, Glasgow, KY, and Gallatin, TN, to points in CA, NV, UT, AZ, CO, NM, FL, and TX, under continuing contract(s) with R. R. Donnelley & Sons Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 144622 (Sub-57F), filed March 29, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting confectionery, in vehicles equipped with mechanical refrigeration, from the facilities of E. J. Brach and Sons, at or near Chicago, IL, to bulk points in AR, LA, MD, MS, NY, NJ, OH, PA, TN, TX, VA, GA, and NM, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144892 (Sub-2F), filed March 29, 1979. Applicant: O. L. DROEGE, d.b.a. A & L TRANSPORT, 11725 S. Halsted, Chicago, IL 60626. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) printed matter, and (2) materials and supplies used in the manufacture or distribution of printed matter, (except commodities in bulk), from Buffalo and traditional materials, from (a) Kansas City, MO, to points in WI, MN, TN, AR, MO, and IL, and (b) from Chicago, IL, to points in WI, MN, IN, IL, and IA. (Hearing site: Washington, DC.)

Notes.—(1) Applicant has introduced the issue of rates in support of its application. (2) Dual operations may be involved.

MC 144603 (Sub-57F), filed March 21, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, NW., Suite 300, Washington, DC 20006. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) paints, lacquers, adhesives, cartons, and paint materials, and (2) compounds for the reducing, removing, thickening, or thinning of paint, lacquer, gum, resin, plastic, and adhesives, from (a) Kansas City, MO, to points in WI, TX, MN, TN, AR, MO, and IL, and (b) from Chicago, IL, to points in WI, MN, IN, IL, and IA. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 144603 (Sub-57F), filed March 21, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terence D. Jones, 2033 K Street, NW., Suite 300, Washington, DC 20006. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) paints, lacquers, adhesives, cartons, and paint materials, and (2) compounds for the reducing, removing, thickening, or thinning of paint, lacquer, gum, resin, plastic, and adhesives, from (a) Kansas City, MO, to points in WI, TX, MN, TN, AR, MO, and IL, and (b) from Chicago, IL, to points in WI, MN, IN, IL, and IA. (Hearing site: Washington, DC.)

Notes.—(1) Applicant has introduced the issue of rates in support of its application. (2) Dual operations may be involved.

MC 144603 (Sub-57F), filed March 21, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terence D. Jones, 2033 K Street, NW., Suite 300, Washington, DC 20006. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) paints, lacquers, adhesives, cartons, and paint materials, and (2) compounds for the reducing, removing, thickening, or thinning of paint, lacquer, gum, resin, plastic, and adhesives, from (a) Kansas City, MO, to points in WI, TX, MN, TN, AR, MO, and IL, and (b) from Chicago, IL, to points in WI, MN, IN, IL, and IA. (Hearing site: Washington, DC.)

Notes.—(1) Applicant has introduced the issue of rates in support of its application. (2) Dual operations may be involved.

MC 146703 (Sub-10OF), filed March 28, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, NW., Suite 300, Washington, DC 20006. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) household cleaning compounds, (2) chemicals, and (3) materials, equipment, and supplies used in the manufacturing and distribution of the commodities in (1) above, from points in GA to points in the United States (except AK, HI, and GA). (Hearing site: Atlanta, GA.)
SUMMARY: The Commission proposes to require a special report by regulated motor carriers of freight making significant use of the services of independent truckers, i.e., owner-operators. Only those carriers which operated leased vehicles with drivers in excess of 5 million miles during 1977 would be subject to the reporting requirement. The report would elicit information concerning the type of traffic hauled by owner-operators, the method by which they were compensated, the location and title of carrier employees or agents responsible for the preparation of owner-operator settlement statements, the method by which employees or agents who prepare the settlement statements are compensated by the carriers, those cost items for which sums were deducted or offset by the carriers from the owner-operators’ settlements, whether and in what manner charges against consignees for unauthorized detention of owner-operators’ vehicles were passed through by the carriers to the owner-operators, and the existence and location of consignees facilities where money or other consideration is obtained or demanded from owner-operators as a condition to their securing access to the consignees’ property or to the unloading of consignees’ freight.

DATES: Comments must be filed on or before August 8, 1979.

ADDRESS: Send comments to: Peter M. Shannon, Jr., Director, Bureau of Investigations and Enforcement, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: Separate studies in 1977 and 1978 by the Commission’s Bureaus of Operations and Economics, respectively, of motor common carrier leasing practices and their impact on owner-operators disclosed areas in which applicable leasing rules were apparently being ignored and, additionally, pointed to certain unloading practices at the plants of consignees which may have violated the anti-rebate provisions of the Interstate Commerce Act. Either situation would harm the owner-operators and, if pervasive, threaten their contribution to the national transportation system.

Questions 1 through 10 of the special report are designed to furnish a profile of those carriers whose organizational structure for handling owner-operator compensation and settlement, coupled with the manner of compensation itself, provided a high degree of opportunity for abuse of owner-operators’ entitlement to compensation in accordance with the terms of their lease agreements. Actual abuse can, of course, be documented only through follow-up investigations by Commission field personnel.

Question 11 is intended to elicit information concerning the existence and prevalence of practices where “lumper” practices are known or reported to have occurred in 1978. Such practices involve the exaction or demand from owner-operators of money as a condition to entry to the consignee’s plant or unloading dock. Practices of this type may involve rebates.

The prophylactic value of the proposed special report, which draws on the carriers’ 1978 experience, is not thought to be affected by the 1979 modifications of the Commission’s leasing regulations. See Lease and Interchange of Vehicles, 131 M.C.C. 141 (1979). Like the 1978 regulations, the current leasing regulations contemplate negotiated agreements between owner-operators and carriers. The inadvertent or intentional failure of carriers to compensate owner-operators in accordance with those negotiated agreements is not condoned under the 1979 regulations, nor was it under the 1978 version.

It is proposed that the special report be served only on those carriers which operated lease vehicles with drivers in excess of 5 million miles in 1977. Thus, only those carriers making substantial use of owner-operators would be subject to the report.

The proposed action does not appear to constitute a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), nor the preparation of a statement of energy impact under the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 et seq.).

Interested persons are invited to file written comments (in duplicate) on or before August 8, 1979.

This notice of a proposed special report is issued under the authority of 49 U.S.C. § 11145(a)(1) and 5 U.S.C. § 553.


By the Commission.

H. G. Homme, Jr.
Secretary.

Interstate Commerce Commission

Special Report by Motor Carriers of Freight Concerning Practices Affecting Owner-Operators

Name of Reporting Carrier: TESORO TANK LINES

Headquarters Address: 1102 Perry-Brooks Drive, San Antonio, TX 78286

MC 147192F, filed March 14, 1979.

Applicant: HAYES TRAVEL AGENCY, a corporation, 104 Louisiana Avenue, Applicant: HAYES TRAVEL AGENCY, a corporation, 104 Louisiana Avenue, P.O. Box 152, Perrysburg, OH 43551. P.O. Box 152, Perrysburg, OH 43551.

MC 130563F, filed March 14, 1979.

Applicant: TESORO TANK LINES COMPANY, a corporation, 8700 Tesoro Drive, San Antonio, TX 78286.

Representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, TX 78726. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting crude petroleum and gas well condensate in bulk, in tank vehicles, (1) between points in NM, on the one hand, and, on the other, those points in TX on and west of Interstate Hwy 35, and (2) between points in LA, on the one hand, and, on the other, those points in TX on and east of Interstate Hwy 35, under continuing contract(s) with Tesoro Crude Oil Company, of San Antonio, TX. (Hearing site: San Antonio or Houston, TX.)


Applicant: HAYES TRAVEL AGENCY, a corporation, 104 Louisiana Avenue, Applicant: HAYES TRAVEL AGENCY, a corporation, 104 Louisiana Avenue, P.O. Box 152, Perrysburg, OH 43551. P.O. Box 152, Perrysburg, OH 43551.

Representative: Charles R. Hayes (same address as applicant). To engage in operations, in interstate or foreign commerce, as a broker, at Perrysburg and Toledo, OH, 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 OH, MI, and IN, and extending to points in the United States (except AK and HI). (Hearing site: Cleveland or Columbus, OH.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in Touch Tours, Inc., Extension, New York, NY, 54 MCC 221 (1952).

[FR Doc. 79-21117 Filed 7-6-79; 8:45 am]

BILLING CODE 4321-01-M

[Ex Parte No. MC-130]
1. In calendar year 1978, did the carrier use the services of an owner-operator or owner-operators?
Yes — No —

2. Describe generally the commodities transported by such owner-operators for the carrier during 1978.

3. If the services of such owner-operators were contracted for and utilized by a particular division or divisions of the carrier, identify the division(s) and furnish the principal office address of the division(s).

(N.B. Data requested under items 4 through 11 below is to be separately reported for each carrier division listed under item 3, with each divisional report appropriately identified.)

4. Describe the method(s) used in 1978 in compensating owner-operators under their lease agreements with the carrier, i.e., whether on a weight, mileage, ton-mile, percentage of gross revenue or other basis. Additionally, report the level of such gross compensation (before deductions), e.g., % of revenues (leased tractor and trailer); % of revenues (leased tractor only); $ per mile, $ per ton mile, etc. And if such distinction existed, describe the methods and level of compensation applied under long-term (30 days or more) and trip leases, including the settlement procedure followed with respect to trip leases:

(a) Long-Term Lease:
(1) Method of compensation:
(2) Level of compensation:

(b) Trip Lease:
(1) Method(s) of compensation:
(2) Level of compensation:

5. Are settlement statements, indicating net amounts to be paid owner-operators under both long-term and trip leases, prepared by the carrier's headquarters' office? (a) Long-term lease: Yes — No —

(b) Trip lease: Yes — No —

6. If an answer to question 5 is "no", indicate generally the title and location of those agents or employees who are responsible for the preparation of such settlement statements.

(a) Long-term lease:
(b) Trip lease:

7. Where individual agents or employees of the carrier—located at other than the headquarters' offices—are responsible for the preparation of such settlement statements, indicate whether they are compensated by the carrier on a salary, wage or commission basis.

(a) Long-term lease:
(b) Trip lease:

8. Where individuals responsible for preparation of settlement statements are employed by the carrier on a commission basis, describe the method by which such commissions are determined.

9. Indicate by a "yes" or "no" answer whether sums reflecting the items below were deducted or offset (regardless of their frequency or amount) from owner-operators' settlements in 1978. Any qualification or explanation of answers to specific items which the carrier desires to add should be included in an attachment to this report.

(a) Escrow funds or contract performance deposits
(b) Advances to driver or owner-operator
(c) Interest charges on such advances
(d) Freight charges which customer failed or refused to pay
(e) Charges or premiums for:
   (1) Bodily injury insurance
   (2) Property damage insurance
   (3) Cargo insurance
   (4) Bob-tail insurance
   (5) Comprehensive insurance
   (6) Workmen's compensation
   (7) Loss and damage claims
   (8) Loss and damage subject to potential claims
   (9) Loading service
   (10) Unloading service
   (11) Interchange or connecting line charges
   (k) Brokers' fees
   (l) Vehicle license fees
   (m) Special permits
   (n) Mileage taxes
   (o) Fuel taxes
   (p) Gross revenue taxes
   (q) Third structure taxes
   (r) Road taxes
   (s) Equipment use fees or taxes
   (t) Tow tolls
   (u) Federal, state or local fines charged against equipment or cargo
   (v) Equipment inspection fees
   (w) Equipment washing and steam cleaning
   (x) Equipment repairs and parts
   (y) Withholding taxes (income), social security, or other federal, state, county or municipal tax obligations assessed individuals or employees
   (z) Telegrams and phone calls
   (aa) Payments against equipment purchase contracts with carrier
   (b) If "no", specify why such charges (in whole or in part) are not passed through to the owner-operator.

10. Where the owner-operator is compensated on a percentage of revenue basis, are charges against consignees for the unauthorized detention of the owner-operator's equipment passed through to the owner-operator?
Yes — No —

(a) If "yes", describe the method and procedure for determining the pass-through (its amount) and its payment to the owner-operator.

(b) If "no", specify why such charges (in whole or in part) are not passed through to the owner-operator.

11. Is the carrier aware of any consignee facility where in 1978 the payment of money or other valuable consideration was obtained, exacted or demanded from owner-operators, under contract with the carrier, as a condition to securing entry or access of a vehicle under load to the consignee's facility, unloading area or dock, or to the unloading of such freight at the unloading area or dock?
Yes — No —

(a) If the answer is "yes", furnish in an attachment to this report the following information with respect to each such consignee facility.
   (1) Name of consignee
   (2) Identification and location of consignee's facility where payment is obtained or demanded
   (3) A general description of the commodities (regulated and exempt) transported to such facility by owner-operators or their drivers operating under long-term or trip-lease agreements with the carrier.
   (4) Whether services or equipment are provided or offered the driver at the consignee's facility in consideration of the payment.
   (5) A description of any such services or equipment provided or offered in consideration of the payment.
   (6) Whether such payment by the owner-operator or his driver, where the shipment is of a "regulated" commodity, is considered to be an authorized tariff "allowance." If so considered, furnish the pertinent tariff reference and item number.
   (7) Whether the carrier reimburses the owner-operator for such payments (in whole or in part).
   (8) A description of the circumstances in which the owner-operator is not reimbursed.
   (b) The attachment submitted in response to item 11(a) consists of pages and furnishes information with respect to different consignee facilities, (insert the number of pages in the attachment and the number of consignee facilities discussed.)
To be made only by the sole proprietor, partner or officer, as may be applicable to the respondent.

State of

County of

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(Exact legal title or name of reporting carrier) that his duties involve general supervision of and responsibility for the reporting carrier's records and activities, including without limitation the development and application of the carrier's rate structure, the carrier's operating and service practices, the use and disposition of carrier assets, the development and implementation of policies and procedures respecting the terms and conditions of employment of company personnel and the utilization of owner operators and their equipment, and the maintenance of accounts, books, memoranda, correspondence, agreements and other documents which reflect carrier activities; that this special report (including attachments) was prepared by him or under his supervision; that he carefully examined it and that to the best of his knowledge and belief the entries and answers contained therein are both true and complete.

(Signature of affiant)

Instructions

1. This special report of owner-operator utilization and arrangements shall be filed in duplicate with the Bureau of Investigations and Enforcement, Interstate Commerce Commission, Washington, D.C. 20423, by 1979.

2. Every inquiry contained in the report form must be definitely answered. Where the word "none" truly and completely states the fact, it should be given as the answer to any particular portion of the inquiry. If any inquiry based upon a preceding inquiry in this report is, because of the answer rendered to such preceding inquiry, inapplicable to the person or corporation in whose behalf the report is made, the words "not applicable" should be used in answer thereto, and where the report is made, the words "not applicable" concerning [motor carrier transportation subject to the jurisdiction of the Commission] or an officer, agent, or employee of that person that (1) does not make the report. (2) does not specifically, completely, and truthfully answer the question, "* * * * is liable to the United States government for a civil penalty of not more than $250 for each violation and for not more than $250 for each additional day the violation continues.

3. Answers to the inquiries in the report form must be complete. Wherever space provided in the report form is insufficient to permit full and complete statement of the requested information, attachments should be prepared and appropriately identified by the section and number of the report of which the attachment is a part.

4. "Respondent" and "carrier," referred to in the Oath, both include a carrier division. The report of such division, required under Item 3, may be executed by a division officer (designated as such) who exercises the supervisory responsibilities described in the Oath.

Notice

Attention is specially directed to provisions contained in Sections 11145(a)(1), 11901(g).

Sec. 1145. Reports by Carriers, Lessors, and Associations

(a) The Interstate Commerce Commission may require—(1) carriers, brokers, lessors, and associations, or classes of them as the Commission may prescribe, to file annual, periodic, and special reports with the Commission containing answers to questions asked by it: * * *

Sec. 11901. General Civil Penalties

* * *

Sec. 11909. Record Keeping and Reporting Violations

* * *

(b) A person required to make a report to the Commission, answer a question, * * * concerning [motor carrier transportation subject to the jurisdiction of the Commission] or an officer, agent, or employee of that person, that (1) willfully does not make that report, (2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date the Commission requires the question to be answered, (4) knowingly and willfully falsifies, destroys, mutilates, or changes that report * * * (5) knowingly and willfully files a false report * * * with the Commission * * * shall be fined not more than $5,000.

* * *

Sec. 1001. Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Dam and Reservoir at Ugum River, Guam, Mariana Islands


AGENCY: U.S. Army Corps of Engineers, DoD Pacific Ocean division.

ACTION: Notice of Intent to Prepare a DEIS.

SUMMARY: 1. Description of the Proposed Action: The Ugum River Study was initiated at the request of the Government of Guam to investigate development of Southern Guam water-resources for domestic and agricultural use. Several alternative plans were considered to conserve existing supply and to develop new sources. Of these plans, dam and reservoir facilities at Ugum or Inarajan Rivers were determined to be most feasible hydrologically. A single purpose facility at Ugum River, without recreational development is the Corps' tentative recommended plan. This facility would involve construction of an earth fill dam at the confluence of the Ugum and Bubaloa Rivers. The dam height would be 128.5 feet and the dam axis would be 1,260 feet. At maximum pool elevation, the reservoir would be 250 acres. The project would be designed to draw 12 million gallons per day (mgd), of which 9 mgd would be treated for domestic use or used directly for agriculture. An estimated 3 mgd would be returned to the downstream drainage below the dam.

2. Description of Reasonable Alternatives: Alternatives that were not considered to meet the planning objectives of the study include no-action, additional well-field development, water conservation, including repairs to the transmission system to reduce losses, desalination, incremental development of the Ugum drainage, and small impoundments on several drainages. Alternatives considered feasible, other than the recommended alternative, include a multi-purpose reservoir at the proposed Ugum River site or a single purpose water supply reservoir on the Inarajan River. The multi-purpose reservoir at Ugum would be structurally identical to the tentatively recommended plan but would include development of additional access and facilities to accommodate public recreational use.
This alternative was considered less acceptable because of additional costs and anticipated conflicts between public use and protection of water quality. The Inarajan reservoir plan was also considered less favorable than the Ugum single purpose facility due to significantly greater expense, resulting in considerably less yield of water for public use.

3. Scoping Process: a. Proposed Public Involvement Program: Two public meetings during the planning phase of this project have been held in Guam. Data gathered during these meetings have been used extensively in the development and assessment of alternative plans. An additional public meeting is scheduled for July 1979. The reconnaissance report and plan of study for this project have been widely distributed to the public, government agencies, community groups and others. Corps staff have made several field surveys of alternative project sites and have met frequently with officials in Guam.

b. Identify Significant Issues to be Analyzed in the DEIS: The DEIS will address several significant issues that have surfaced during field studies and public involvement. These include, among others: (1) comparative environmental impacts of several proposed alternatives, (2) project impacts on water quality, (3) project impacts on native forest and aquatic ecosystems, (4) project impacts on cultural resources, (5) social impacts of water resource development in southern Guam, (6) feasibility of inland recreational use of a water supply reservoir. The DEIS and survey report will address the above questions regarding need for southern Guam water resource development in light of uncertain data on potential yield of northern groundwater sources.

c. Possible Assignments for Input into EIS among the Lead and Cooperating Agencies: (1) U.S. Fish and Wildlife Service—field research to preparation of planning and reports and coordination (2b) to assist in assessment of ecological impacts.

(2) Review of contracted studies and additional input by Guam Historic Preservation Office.


d. Other Environmental Review and Consultation Requirements: (1) Section 402 of the Clean Water Act of 1977 requires Corps to evaluate its own projects to assess impacts resulting from deposition of dredged or fill materials into water of the United States.

(2) Section 404 of the Clean Water Act of 1977 requires Corps to evaluate its own projects to assess impacts resulting from deposition of dredged or fill materials into water of the United States.

(3) CEQ Memorandum dated 30 August 1976 requires analysis of impacts on prime and unique farmlands.

4. Because the study was initiated last year, a scoping meeting per se will not be held, although the public and cooperating agencies have contributed to the planning process through input at public meetings and through review of earlier planning documents.

5. The DEIS will be available to the public in July 1979.

ADDRESS: Questions about the Proposed Action and DEIS can be answered by: Mr. Harvey Young, Project Manager, U.S. Army Engineer Division, Pacific Ocean, Building 230, Fort Shafter, Hawaii 96850, Telephone: (808)438-1307.


Henry J. Hatch,
Brigadier General, U.S. Army, Division Engineer.

Office of the Secretary

Defense Science Board; Notice of Advisory Committee Meeting

The Defense Science Board will meet in closed session on August 6–10, 1979 at the Naval War College, Newport, Rhode Island.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting to be held August 6–10, 1979 the Board will examine the substance, interrelationships, and U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Research and Engineering. The subject areas are Theater Nuclear Warfare, Comprehensive Test Ban and Reducing the Unit Cost of Equipment. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(e)(1) (1976), and that accordingly this meeting will be closed to the public.


H. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.
Industrial Fund Billings to Non-DoD Federal Agencies

AGENCY: Office of the Secretary of Defense

ACTION: Notice of intent

SUMMARY: The Department of Defense proposes to change its interagency reimbursable billing policy and include military personnel costs in industrial fund activity billings. This action will make the policy for industrial fund activities consistent with that for appropriation fund activities.

DATES: Comments must be received on or before September 1, 1979. The proposed effective date is October 1, 1980 (Fiscal Year 1981).


FOR FURTHER INFORMATION CONTACT: Mr. K. C. Mulcahy, Telephone: 202-697-7296.

SUPPLEMENTARY INFORMATION: To assist non-Defense Federal Agencies, this policy would affect FY 1978 interagency billings by industrial fund activity groups as set forth below.

<table>
<thead>
<tr>
<th>Type of industrial fund activity</th>
<th>Percent increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aircraft</td>
<td></td>
</tr>
<tr>
<td>Special assignment aircraft</td>
<td></td>
</tr>
<tr>
<td>C-5</td>
<td>41.2</td>
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<tr>
<td>C-141</td>
<td>41.2</td>
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<tr>
<td>C-130</td>
<td>132.2</td>
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<tr>
<td>C-136B</td>
<td>52.2</td>
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<tr>
<td>C-131B/C</td>
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<td>C-141B</td>
<td>65.5</td>
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<td>C-90</td>
<td>81.4</td>
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<tr>
<td>C-9A</td>
<td>58.5</td>
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<tr>
<td>Channel tariff rates</td>
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<tr>
<td>Per passenger mile</td>
<td>13.5</td>
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<tr>
<td>Per cargo/mail ton mile</td>
<td>62.2</td>
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<tr>
<td>Depot Maintenance</td>
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<tr>
<td>Air Force</td>
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<tr>
<td>Navy</td>
<td></td>
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<tr>
<td>Laboratory</td>
<td></td>
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<tr>
<td>Navy</td>
<td></td>
</tr>
<tr>
<td>CIRL</td>
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<td>Air</td>
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<tr>
<td>Naval Research</td>
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<tr>
<td>Army</td>
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<tr>
<td>Military Traffic Management and Terminal Command:</td>
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<tr>
<td>Cargo operations</td>
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<tr>
<td>Support of tenants</td>
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<tr>
<td>Meat Market Services</td>
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</tr>
<tr>
<td>Real Property Maintenance and Base Services:</td>
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<tr>
<td>Navy</td>
<td>4.4</td>
</tr>
<tr>
<td>Air Force</td>
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<tr>
<td>Naval Air Engineering Center</td>
<td>2.0</td>
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<tr>
<td>All other:</td>
<td></td>
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<tr>
<td>Naval ordnance</td>
<td></td>
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<tr>
<td>Special project offices</td>
<td></td>
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<tr>
<td>Painting</td>
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<tr>
<td>Sealing</td>
<td></td>
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<tr>
<td>Naval aviation</td>
<td></td>
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<tr>
<td>Naval civil engineering</td>
<td></td>
</tr>
<tr>
<td>AF launch</td>
<td></td>
</tr>
<tr>
<td>Army supply depots</td>
<td></td>
</tr>
</tbody>
</table>

H. E. Lofdahl,
Director, Correspondence and Directives,
Washington Headquarters Service,
Department of Defense.

DEPARTMENT OF DEFENSE

Office of the Secretary

Armed Forces Epidemiological Board Meeting; Cancellation

The scheduled meeting of the Ad hoc Subcommittee of the Armed Forces Epidemiological Board which was to be held on 11 July 1979 has been cancelled. The date for the rescheduled meeting will receive timely notice in the Federal Register when determined.

Charles W. Halverson,
CDR, MSC, USN, Executive Secretary.

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Charles W. Halverson,
CDR, MSC, USN, Executive Secretary.
Sunshine Act Meetings

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(0)(3).

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Civil Aeronautics Board..................... Items 1-3
Commodity Futures Trading Commission .... 4, 5
Federal Energy Regulatory Commission ....... 6
Federal Home Loan Bank Board.............. 7
Nuclear Regulatory Commission.............. 8

1

[M-231, Amdt. 8; July 3, 1979]

CIVIL AERONAUTICS BOARD.

Addition and closure of item to the July 3, 1979, meeting agenda.


PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: This is an expedited case in which the Board must act quickly to resolve questions about the scope of the proceeding. Also, the Key Staff Member will not be here about the scope of the proceeding. Also, the following Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Public disclosure, particularly to foreign governments, of strategies, options, and evaluations in connection with this item could seriously compromise United States' ability to resolve the issues raised in the best interests of the public. Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that this meeting should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Richard H. Klem, and Mr. Steven H. Lachter.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr. and Mr. Michael Schopf.

Bureau of International Aviation.—Mr. Rosario J. Scibilia, Mr. Peter Rosenow, and Mr. Parlen L. McKenna.

General Director, International and Domestic Aviation.—Mr. Michael E. Levine.

Bureau of Consumer Protection.—Mr. John T. Golden.

Office of Economic Analysis.—Mr. Robert H. Frank.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah Lee, and Ms. Louise R. Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that this meeting may be closed to public observation.

Philip J. Bakes, Jr.

General Counsel.

BILLS CODE 6320-01-M

2

[M-231, Amdt. 9; July 3, 1979]

CIVIL AERONAUTICS BOARD.

Addition and closure of item to the July 3, 1979, meeting agenda.


PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The Board wishes to consider certain policy options on China to respond urgently to an incoming July 2nd telegram from U.S. Embassy in the Peoples Republic, and to a Department of State strategy paper. Timely consideration is required to give staff the opportunity to prepare for possible negotiations before the end of July 1979. Accordingly, the following Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This meeting will concern the Board's views of the appropriate United States response to the China offer. Premature public disclosure of the options, plans, and opinions of the Board could seriously compromise interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Richard H. Klem, and Mr. Steven H. Lachter.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr. and Mr. Michael Schopf.

Bureau of International Aviation.—Mr. Rosario J. Scibilia, Mr. Peter Rosenow, and Mr. Parlen L. McKenna.

General Director, International and Domestic Aviation.—Mr. Michael E. Levine.

Bureau of Consumer Protection.—Mr. John T. Golden.

Office of Economic Analysis.—Mr. Robert H. Frank.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah Lee, and Ms. Louise R. Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C.
552b(c)(9)(B) and 14 CFR Section 310.b(9)(B) and that this meeting may be closed to public observation.

Phillip J. Bakes, Jr.,
General Counsel.

[S-134-79 Filed 7-5-79; 3:07 p.m.]
BILLING CODE 6353-01-M

3

[M-232 Amdt. 1, July 3, 1979]
CIVIL AERONAUTICS BOARD.

Change of date and time regarding the July 9, 1979, meeting.

TIME AND DATE: 1 p.m., July 10, 1979.

SUBJECT:
1. Dockets 33112 and 33283, TXI-National Acquisition Case and Pan Am-National Acquisition Case [Instructions to staff].
2. Docket 33465, Continental-Western Merger Case [Instructions to staff].

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Due to conflicts in Members schedules the July 9, 1979 Board Meeting has now been changed to July 10, at 1 p.m.

Accordingly, the following Members have voted that agency business requires the meeting be changed from July 9, to July 10 and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O’Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[C-136-79 Filed 7-5-79; 3:07 p.m.]
BILLING CODE 6352-01-M

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., July 10, 1979.
PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:
Regulation of Leverage.
Option/Members Only Proposal.
Selection of Commodity for the Pilot Program on Exchange Traded Options.
Proposed Amendment to Early Warning System Under the Minimum Financial Rules.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey. 254-6314.

[S-131-79 Filed 7-5-79; 11:44 a.m.]
BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey. 254-6314.

[S-131-79 Filed 7-5-79; 12:14 p.m.]
BILLING CODE 6351-01-M

6


FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: July 11, 1979, 10 a.m.
PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Hearing Room A.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois S. Clay, Acting Secretary. Telephone (202) 275-4168.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

Power Agenda—328th Meeting, July 11, 1979, Regular Meeting (10 a.m.)

CAP-1. Project No. 2348, Georgia-Pacific Corp.
CAP-5. Project No. 719, Jesse I. Smith.

Miscellaneous Agenda—328th Meeting, July 11, 1979, Regular Meeting

CAM-4. Docket No. RM79-3, amendments to interim regulations section 274.501 change of address.
CAM-5. Docket No. RO79-4, King Resources Co.
CAM-6. Okie Pipeline Co.

Gas Agenda—328th Meeting, July 11, 1979, Regular Meeting

CAG-1. Docket No. RP73-77 (PGA No. 79-1A), Alabama-Tennessee Natural Gas Co.
Docket No. RP74-52 (PGA No. 79-1A).
CAG-5. Docket No. RP75-74 (rate of return), Transwestern Pipeline Co.
CAG-6. Docket No. RP79-59, Kansas-Nebraska Natural Gas Co., Inc.
FEDERAL REGISTER
Vol. 44, No. 132 / Monday, July 9, 1979 / Sunshine Act Meetings


Power Agenda—328th Meeting, July 11, 1979, Regular Meeting

I. Licensed Project Matters


II. Electric Rate Matters

ER-1. Docket No. ER79-277, Middle South Services, Inc.
ER-2. Docket No. ER79-370, Consolidated Edison Co.
ER-3. Docket No. ER79-274, Southwestern Public Service Co.

III. Pipeline Certificate Matters


I. Pipeline Rate Matters

RP-1. Docket No. R-72-156 (PGA 79-1) DCA 79-1, R-72-156 (PGA 79-1A), Texas Gas Transmission Corp.

II. Producer Certificate Matters


III. Pipeline Certificate Matters


Lols D. Cashell,
Acting Secretary.

[5-1342-29 Filed 7-5-79; 2:17 pm]
BILLING CODE 6740-02-M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., July 12, 1979.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling (202-377-6677)

MATTERS TO BE CONSIDERED:

Branch Office Application—Women’s Federal Savings and Loan Association of Cleveland, Ohio.

Branch Office Application—First Federal Savings and Loan Association of Grand Forks and Minot, Grand Forks, North Dakota.


Application for Bank Membership—Newton Co-operative Bank, Newtonville, Massachusetts.

Application for Bank Membership—Winchester Savings Bank, Winchester, Massachusetts.
Applications for Bank Membership and Insurance of Accounts—Summit Savings and Loan Association, Park City, Utah.
Voluntary Termination of Insurance of Accounts and Withdrawal From Bank Membership—Martin County Savings and Loan Association, Williamston, North Carolina.
Holding Company Acquisition and Merger—Entex, Incorporated, Houston, Texas; To Acquire Austin Savings Association, Austin, Texas and Community Savings and Loan Association, Fredericksburg, Texas; and To Merge University Savings Association, Houston, Texas and Community Savings and Loan Association, Fredericksburg, Texas into Austin Savings Association, Austin, Texas.
Application for Authority To Incur Debt—Murray Financial Corporation, Dallas, Texas.
[S-1547-79 Filed 7-5-79 3:45 pm]
BILLING CODE 6720-01-M

NUCLEAR REGULATORY COMMISSION.
TIME AND DATE: Wednesday, July 11 and Thursday, July 12.
PLACE: Commissioners' Conference Room, 1717 H St., NW, Washington, DC.
STATUS: Open and closed.
MATTERS TO BE CONSIDERED:
Wednesday, July 11, 9:30 a.m.
1. Discussion of Personnel Matter (Approximately 1½ hours—Closed—Exemption 6).

Wednesday, July 11, 1:30 p.m.
1. Brief. on UCS Petition on Qualification of Electrical Equipment and Responses to IE Bulletin 79-01 (Approximately 1 hour—Public meeting).
2. Discussion of SECY 79-397—Proceeding to Assess Commission Confidence in Safe Disposal of Nuclear Wastes (Approximately 1 hour—Public meeting).

Thursday, July 12, 9:30 a.m.
1. Discussion of Licensing Schedules and Staff Impact (Approximately 1 hour—Public meeting—Tentative).
2. Initial Discussion of Procedures to Govern Further Proceedings in Restart of TMI-1 (Approximately 1½ hours—Public meeting—Tentative).
3. Affirmation Session (Approximately 10 minutes—Public meeting). (a) Time Periods for Issuance of Initial Decisions.

Thursday, July 12, 1:30 p.m.
1. Executive Branch Brief. on Export Matters (Approximately 1½ hours—cont'd from June 19—Closed—Exemption 1).

Walter Magee,
Office of the Secretary.
[S-1343-79 Filed 7-3-79 2:15 pm]
BILLING CODE 7590-01-M
Monday
July 9, 1979

Part II

Department of Agriculture
Office of Secretary
Enhancement, Protection, and Management of Cultural Resources
DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 3100]

Enhancement, Protection and Management of Cultural Resources; Proposed Rulemaking

AGENCY: Office of the Secretary; United States Department of Agriculture (USDA).

ACTION: Proposed Rule

SUMMARY: This document sets forth Departmental policies and proposes procedures for compliance with the National Historic Preservation Act (NHPA) as amended, Executive Order 11593, and for implementing the regulations of the Advisory Council on Historic Preservation. It proposes to create Subpart C of 7 CFR, Chapter XXXI, Part 3100 as set forth below.

DATE: Comments due on or before September 7, 1979.

ADDRESS: Send comments to: Barry R. Flamm, Director, Office of Environmental Quality, USDA, Washington, D.C. 20250 (202-447-3965)

FOR FURTHER INFORMATION CONTACT: Dr. Janet Friedman, Cultural Resource Specialist Coordinator, USDA Forest Service, Washington, D.C. 20013 (202-447-3520)

SUPPLEMENTARY INFORMATION: The Office of the Secretary, Department of Agriculture, is publishing these proposed regulations to set forth policy on cultural resource management, enhancement and protection, and to implement the regulations of the Advisory Council on Historic Preservation (ACHP) as amended by the National Historic Preservation Act (NHPA) of 1966 as amended (16 U.S.C. 470) and Executive Order 11593, which established positive National policy for the preservation of cultural resources and set forth procedures for protection in section 106.

The purpose of section 106 is to protect properties included in or eligible for inclusion in National Register of Historic Places through review and comment by the ACHP on Federal undertakings that affect such properties. Properties are listed on the national Register or declared eligible for listing by the Secretary of the Interior.

As implemented through the ACHP's regulations, the section 106 process is a public interest process in which the Federal Agency proposes an undertaking, the State Historic Preservation Officer, the Council, and interested organizations and individuals participate. The process is designed to assure that alternatives to avoid or mitigate an adverse effect on property listed or eligible for listing in the National Register are adequately considered in the planning process.

The proposed rule establishes in 36 CFR Part 800, "Protection and Enhancement of the Cultural Environment", which gives the Federal Government the responsibility for stewardship of our Nation's heritage resources and charges Federal Agencies with the task of inventorying historic and prehistoric sites on their lands.

3. Presidential memorandum of July 12, 1978, "Environmental Quality and Water Resource Management" which directs the ACHP to publish final regulations, and further directs each Agency with water responsibilities to publish procedures implementing those regulations.


5. Land use policy of the USDA (Secretary's Memorandum No. 1827 Revised, with Supplement) which establishes a commitment by the Department to the preservation of farms, rural communities and rural landscapes.

This proposed rule sets forth general policy and procedural directives to assist the individual Agencies of USDA in complying with the mandates of the NHPA and the ACHP regulations. Each USDA Agency will be responsible for promulgating more specific procedures, consistent with these broad directives, which are tailored to the specific programs and activities of that Agency.

Those Agencies whose programs and activities are of such nature as to not come within the types of action covered by NHPA shall consult with the Office of Environmental Quality (OEQ) regarding the need for developing specific implementation procedures.

In addition to the above, this rule sets forth the role of the OEQ with regard to the ACHP process and procedures.

Further, it explains the coordination between the National Environmental Policy Act and NHPA processes.

These proposed regulations will supersede Secretary's Memorandum No. 1760, "Protection and Enhancement of the Cultural Environment."

This proposal has been reviewed under USDA criteria to implement Executive Order 12044 and has been determined to be significant.

An approved Environmental Assessment and Draft Impact Analysis Statement is available from Dr. Janet Friedman at the address provided above.

Comments on the proposed rule are invited. To be considered in the preparation of the final rule, comments must be received on or before September 7, 1979.

Dated: July 2, 1979.

Anson R. Bertrand,
Acting Assistant Secretary for Conservation, Research, and Education.

Accordingly, it is proposed to add a new Subpart C to Part 3100 of Title 7, CFR, to read as follows:

Subpart C—Enhancement, Protection, and Management of Cultural Resources

Sec.
3102.1 Purpose.
3102.2 Policy.
3102.3 Implementation
3102.4 Direction to Agencies.
3102.5 Responsibilities of the Department of Agriculture.


Subpart C—Enhancement, Protection and Management of Cultural Resources

§ 3102.1 Purpose.

(a) This subpart establishes USDA policy regarding the enhancement, protection, and management of cultural resources.

(b) This subpart establishes procedures for implementing regulations promulgated by the Advisory Council on Historic Preservation (ACHP). “Protection of Historical and Cultural Properties” in 36 CFR Part 800 as required by section 100.10 of those regulations.

(c) Direction is provided to the Agencies of USDA for protection of cultural resources.

§ 3102.2 Policy.

(a) The nonrenewable cultural resources of our country constitute a valuable and treasured portion of the national heritage of the American people. The Department of Agriculture is committed to the management—identification, protection, preservation, interpretation, evaluation and nomination—of our prehistoric and
§ 3102.3 Implementation.
(a) It is the intent of the Department to carry out the program of cultural resource management in the most effective and efficient manner possible. Implementation must include appropriate priorities for resource utilization, must exemplify good government, and must constitute a noninflationary approach which makes the best use of tax dollars.
(b) The commitment to cultural resource protection, while vital, must be balanced with the multiple Departmental goals of food and fiber production, environmental protection, natural resource and energy conservation, and rural development. It is essential that all these be managed to reduce conflicts between programs. In fact, the cultural resource program can contribute to achieving better land use, protection of rural communities and farm lands, conservation of energy, and more efficient use of resources.
(c) In reaching decisions, the long-term needs of society and the irreversible nature of an action must be considered. The Department must act to preserve future options; loss of important cultural resources must be avoided except in the face of overriding national interest where there are no reasonable alternatives.
§ 3102.4 Direction to Agencies.
(a) Each Agency of the Department which conducts programs or activities that may affect cultural resources shall develop its own specific procedures for implementing section 106 of the National Historic Preservation Act, Executive Order 11593, and the regulations of the ACHP, 36 CFR Part 800, in accordance with the Agency’s programs, mission and authorities. Such implementing procedures shall be published as proposed and final procedures in the Federal Register, and must be consistent with the requirements of 36 CFR Part 800 and this subpart. Each Agency’s procedures must contain mechanisms to insure:
(1) Identification of all properties listed or eligible for listing in the National Register that may be affected by a proposed activity;
(2) Early consultation with, and involvement of, the State Historic Preservation Officer, the ACHP, and others with cultural interests or expertise;
(3) Early notification of and meaningful involvement of the public in the Agency’s decisionmaking process as it relates to cultural resources;
(4) Identification and consideration of alternatives to a proposed undertaking that would affect a property identified under (1) above; and
(5) The funding of mitigation measures where required to minimize the potential to adversely affect cultural resources.
(b) Each Agency of the Department which conducts programs or activities that may have an effect on cultural resources shall recruit, place, develop, or otherwise have available, professional expertise in anthropology, archaeology, history, historic preservation, historic architecture, and/or cultural resource management (depending upon specific need). Such arrangements may include internal hiring, Intergovernmental Personnel Act assignments, memoranda of agreement with other Agencies or Departments, or other mechanisms which insure a professionally directed program.
(c) Compliance with cultural resource legislation is the responsibility of each individual Agency. Cultural resource values must be considered during the earliest planning stages of any undertaking.
(d) Cultural resource review requirements and compliance with section 106 of the National Historic Preservation Act shall be integrated with the other environmental considerations under the National Environmental Policy Act (NEPA) regulations and shall run concurrently, rather than consecutively. As such, primary and secondary impacts on cultural resources must be addressed in the environmental assessment for every Agency undertaking. In meeting these requirements, Agencies shall be guided by regulations implementing the procedural provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508) and Department of Agriculture regulations (7 CFR Part 3100, Subpart B).
(e) Each Agency is required to work closely with the appropriate State Historic Preservation Officer(s) in the preparation of State plans, determination of inventory needs, and collection of data relevant to general plans or specific undertakings in carrying out mutual cultural resource responsibilities.
§ 3102.5 Responsibilities.
(a) Within the Department, the responsibility for cultural resources is assigned to the Office of Environmental Quality (OEQ). The Office is responsible for reviewing the development and implementation of Agency procedures and insuring Departmental commitment to cultural resource goals.
(b) The Director of the OEQ is the Secretary’s Designee to the ACHP. In order to carry out cultural resource responsibilities, there will be professional expertise within the OEQ to advise Agencies, aid the Department in meeting its cultural resource management goals, and to insure that all Departmental and Agency undertakings comply with applicable cultural resource protection legislation and regulations.
(c) The OEQ will be involved in compliance only where resolution cannot be reached at the Agency level. Prior to an Agency decision to refer the matter to the full Council of the ACHP, the OEQ will review the case and make recommendations to the Secretary regarding the position of the Department. The Agency also will consult with the OEQ before reaching a final decision in response to the Council’s comments. Copies of all correspondence relevant to compliance with section 106 shall be made available to OEQ.
Part III

Department of Energy

Economic Regulatory Administration

Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities
SUMMARY: The Department of Energy (DOE) hereby issues a rule for the establishment and administration of two programs to provide financial assistance to State utility regulatory commissions and nonregulated electric utilities. The first program, the PURPA Grant Program, provides financial assistance through grants for carrying out duties and responsibilities under Titles I and III, and section 210, of the Public Utility Regulatory Policies Act of 1978 (PURPA). The second program, the Innovative Rates Program, provides financial assistance through cooperative agreements for electric utility regulatory rate reform initiatives relating to innovative rate structures under Title II of the Energy Conservation and Production Act (ECPA), as amended by PURPA.

To establish these financial assistance programs, DOE is amending Chapter II of Title 10 of the Code of Federal Regulations, to establish a Part 461, entitled “Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities.” Part 461 contains eligibility and application requirements for financial assistance, the manner in which applicants are selected for awards of financial assistance, and the manner in which financial assistance is administered.

DATES: Effective: July 9, 1979.

Applications under the PURPA Grant Program and proposals under the Innovative Rates Program must be received by DOE by 5:30 p.m., e.d.t., on the August 15 preceding the fiscal year for which financial assistance is sought, unless DOE establishes a different deadline by a notice published in the Federal Register.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

I. Background.

II. Discussion of Comments and DOE Response:

A. The PURPA Grant Program.

B. The Innovative Rates Program.

C. General.

IV. Other Matters.

I. Background.

On March 21, 1979, the Department of Energy (DOE) issued proposed regulations for two programs providing financial assistance to State utility regulatory commissions and nonregulated electric utilities. The first program, the PURPA Grant Program, provides financial assistance through grants for carrying out duties and responsibilities under Titles I and III, and section 210, of the Public Utility Regulatory Policies Act of 1978 (PURPA). The second program, the Innovative Rates Program, provides financial assistance through cooperative agreements for electric utility regulatory rate reform initiatives relating to innovative rate structures under Title II of the Energy Conservation and Production Act (ECPA), as amended by PURPA.

To establish these financial assistance programs, DOE is amending Chapter II of Title 10 of the Code of Federal Regulations, to establish a Part 461, entitled “Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities.” Part 461 contains eligibility and application requirements for financial assistance, the manner in which applicants are selected for awards of financial assistance, and the manner in which financial assistance is administered.

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I. Background.

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C. General.

IV. Other Matters.
would broaden unnecessarily the scope of duties and responsibilities to be funded under this program. In any event, DOE would not expect an applicant to apply for funds specifically for this purpose since these considerations cannot be anticipated at the time of a grant application.


The proposed rule placed a 49 percent ceiling on the combined expenses of personnel salaries and related costs, including personnel training. Nearly half of the commenters responding to the proposed rule urged that this ceiling be raised or eliminated. Despite the concerns of respondents, DOE continues to believe that the limitation on personnel expenditures is necessary to comply with the express Congressional intent that the PURPA financial assistance “not be used primarily for personnel salaries and related costs” (House Report No. 75-1750, p. 88).

Consequently, DOE has decided to retain the ceiling on those expenditures at 49 percent of the grant award. A number of commenters urged that, if DOE retained a ceiling on personnel expenditures, then training costs and consultant fees should not be included in personnel salaries and related costs. In response to these comments, the definition of personnel and related costs has been limited to salaries, wages, and fringe benefits of permanent personnel only. Temporary employees and consultants are excluded from the 49 percent ceiling. In addition, the 49 percent does not include training expenses associated with tuition and registration fees for technical or professional seminars or conferences, or costs associated with sponsoring or attending in-house training courses.

DOE believes that this limitation on personnel expenditures allows grantees flexibility in carrying out PURPA duties and responsibilities while still complying with Congressional intent.

Proposed § 461.14 disallowed the use of grant funds for the acquisition of data processing equipment, but allowed the costs of data processing services utilized in performing grant activities. Several commenters objected to this limitation, pointing out the inappropriateness of not allowing grantees to acquire data processing equipment and, thus, data handling capabilities, while allowing them to pay for data processing services. DOE considers this to be a valid criticism of the proposed provision. The regulations, as adopted, therefore, allow the use of grant funds for the lease of data processing hardware and for the lease or purchase of data processing software, including data management packages.

In addition, DOE is not including as an allowable expenditure the purchase or lease of non-office equipment. Despite a suggestion that the purchase cost of equipment for metering and billing be considered an allowable expenditure, DOE believes that PURPA financial assistance is intended for activities to carry out the duties and responsibilities under PURPA, and the use of Federal funds for purchasing equipment to be used (or usable) for providing utility service to customers would not directly serve that purpose.

The proposed rule did not provide that a commission or eligible nonprofit electric utility would be allowed to receive, as part of a grant award, reimbursement for PURPA-related work performed prior to the grant award. A few commenters suggested that such reimbursement be an allowable expense. DOE has determined that grants under section 207 of EPCA are for the purpose of carrying out duties and responsibilities under Titles I and III, and section 210 of PURPA, and not for the purpose of reimbursement for PURPA-related work already carried out. In addition, reimbursement may be contrary to the statutory provision against substitution of funds made available from other governmental sources.

Two commenters urged DOE to require State utility regulatory commissions to make subgrants to other entities, such as publicly-owned (not investor owned) electric utilities, over which they exercise ratemaking authority, in order to provide assistance to such entities in carrying out PURPA duties and responsibilities. DOE notes that nothing in the law or regulations would prevent such an arrangement, although it should be included as part of the commission’s description of activities in its grant application. However, DOE is not requiring commissions to make subgrants to any entity. Additionally, one commenter suggested that DOE allow applicants the option of hiring consumer groups as consultants. Again, this practice is not prohibited by the regulations.

DOE received a suggestion that applicants be required to certify that grant funds will not be used to duplicate existing regulatory rate design investigations. DOE has decided not to require such a certification, since certain applicants may have to replicate or verify previously performed analyses in order to carry out the duties and responsibilities of PURPA. However, DOE does not intend to fund unnecessarily duplicative work.

A. Apportionment of Funds—§ 461.16.

Proposed § 461.16(c) established a formula using the number of customers served by covered electric utilities as the basis for allocating funds within a State between State utility regulatory commissions and covered nonregulated electric utilities as a group. It further provided that the covered nonregulated electric utilities in the State were entitled, as a group, to at least 25 percent of those funds.

DOE received a substantial number of comments on these allocation provisions. Several comments were basically supportive of the basis for the proposed formula, although some of these would have preferred that the commissions be entitled to a larger percentage of total grant funds available to a State. Others suggested that the formula be based, not on number of customers, but on either kVh sales figures or the number of covered utilities. The remaining comments were critical of the proposed allocation formula. The concerns expressed were:

1. The formula did not take into consideration the burden PURPA places on State utility regulatory commissions and covered nonregulated electric utilities alike; (2) the covered nonregulated electric utilities have an additional responsibility to respond to PURPA section 133, which the allocation formula did not take into consideration; and (3) in meeting the duties and responsibilities of PURPA there may well be an inverse relationship between the amount of financial assistance required and the number of customers served. Moreover, some commenters urged DOE to entitle all applicants in a State to an equal share of the available grant funds.

DOE is persuaded by the comments that the proposed allocation provisions should be revised. After careful consideration of the concerns and suggestions expressed in the comments, DOE has decided to base the allocation of funds available within a State upon the number of covered electric utilities under the ratemaking authority of an applicant, rather than upon the number of customers served. This change is based on DOE’s belief that the number of covered electric utilities under the ratemaking authority of an applicant more accurately reflects the PURPA workload of each applicant than the number of customers served by the covered utilities. Each applicant must perform the PURPA duties and responsibilities for each covered electric utility for which it has ratemaking
authority, regardless of the number of customers those utilities serve.

Total grant funds within a State shall, therefore, be allocated between State utility regulatory commissions and covered nonregulated electric utilities, as a group, according to the ratio of the number of covered electric utilities under the ratemaking authority of applicants from each of these two entities to the total number of covered electric utilities in the State, except that an applying State utility regulatory commission shall be allocated a minimum of 50 percent of the amount of funds available to a State. This allocation formula also allows the covered nonregulated electric utilities, as a group, the possibility of receiving up to 50 percent of the available grant funds in some States.

It was brought to DOE's attention through public comments that anomalous situations which need to be addressed. In Texas, for example, there are two utility regulatory commissions, with one having ratemaking authority over electric service and the other over natural gas service. In such a case, DOE has determined that, if both commissions apply for financial assistance, the commission regulating natural gas may receive no more than 20 percent of the total amount of grant funds allocated to the State regulatory authority. This percentage reflects the number and, more importantly, the complexity of the PURPA standards each commission must address per covered electric or gas utility. In the case where a city council or other State political subdivision exercises ratemaking authority over a covered regulated electric utility or portion thereof, the regulation now specifies that such an entity, for the purposes of allocation of funds, shall be deemed to be a covered nonregulated electric utility.

5. Selection—§ 461.17: The proposed rule sets forth three criteria by which all applications will be evaluated for funding: Program Plan, Administrative Management, and Financial Management. An applicant receiving a score of 26 points or more which meets all other requirements will receive a grant award in an amount determined by DOE, based upon evaluation of the application, use of the apportionment and allocation formulas, and the amount of available financial assistance.

Several commenters urged DOE to add a fourth evaluation criterion, measuring the financial and institutional needs of an applicant. DOE has seriously considered the arguments presented for adding such a criterion, but has decided not to do so. This is because all applicants need financial assistance, since all must carry out the PURPA duties and responsibilities. The inclusion of an evaluation criterion relating to need would require DOE to set priorities for carrying out the various PURPA requirements, and this would be too subjective and complex to accomplish in a meaningful manner. The regulations governing grant applications, specifically §§ 461.15(b)(1), (2), and (3), allow applicants the opportunity to discuss their institutional needs in terms of the manner in which they propose to utilize the PURPA financial assistance. A few commenters suggested that DOE give preference to those applicants planning to utilize the services of the National Regulatory Research Institute (NRRI) as a consultant, rather than other consulting firms. DOE has determined that preference in any way regarding the use of a particular contractor or consultant would be inappropriate in this program.

One commenter suggested that: (1) § 461.17(b)(2)(iii), the evaluation criterion pertaining to the qualifications of the applicant's staff, favored entities with developed expertise, and (2) § 461.17(b)(2)(v), the evaluation criterion pertaining to prudent use of consultants, implied that the hiring of consultants is required under the program. In response to the first observation, DOE has worded this evaluation criterion to include proposed staff. DOE has also modified slightly the proposed wording of § 461.17(b)(2)(v) to remove any implication that the use of consultants by grantees is encouraged or required.

One commenter urged DOE to eliminate the 26-point minimum for an acceptable application. DOE has decided not to do so, since a minimum quality threshold is necessary for DOE to ensure that Federal funds will be expended in a prudent and effective manner. A suggestion was made that the regulations include provisions for applicants to resubmit grant applications initially denied funding by DOE. A resubmission would not be possible given the limited amount of time in which the applications must be evaluated and grants awarded.

6. Other Comments: DOE received some requests for clarification on the assurance required in § 461.15 that grant funds be used by an applicant in addition to, and not in substitution for, funds made available to the applicant from other governmental sources. As stated in the preamble to the proposed rule, the assurance that grants funds be used in addition to, and not in substitution for, funds received from other governmental sources—including among other things, the commission's general funding—is pursuant to the specific requirements of PURPA.

Concern was voiced by virtually all commenters that financial assistance under this program would not be available to help applicants meet the duties and responsibilities of PURPA in a timely manner. DOE recognizes this as a legitimate concern, but believes that the grants awarded to applicants will, nevertheless, better enable them to carry out effectively their PURPA duties and responsibilities.

B. The Innovative Rates Program

1. Eligibility Requirements—§ 461.31. Several comments were received arguing that eligibility to receive funding under the Innovative Rates Program not be restricted to large nonregulated utilities. DOE does intend to make all nonregulated electric utilities eligible for funding under this program. The regulations, accordingly, provide that nonregulated electric utilities are eligible for funding, regardless of size.

One commenter suggested that a joint proposal submitted by several nonregulated electric utilities and/or an association of nonregulated electric utilities be considered eligible for financial assistance under the Innovative Rates Program. The regulations do not preclude this approach. Eligible applicants may be considered for funding for a joint effort if they submit a proposal in conformance with § 461.33.

One commenter suggested that DOE make regulated electric utilities eligible for funding under this program. DOE has determined that, since the purpose of this program is to plan and carry out regulatory rate reform initiatives relating to innovative rate structures, funding should be limited to those initiatives which will change, or are likely to change, regulatory ratemaking policies or practices. Regulated electric utilities do not themselves have ratemaking authority and cannot make rate changes without obtaining the approval of their regulatory authority. Accordingly, DOE has concluded that the purposes of this program would be most effectively served by limiting eligibility to State utility regulatory commissions, nonregulated electric utilities and Tennessee Valley Authority.

A question was raised as to whether a two year time limit was appropriate for completion of the tasks. DOE realizes that some rate reform tasks may take more than two years to complete. However, DOE anticipates that most
tasks can be substantially completed within two years and has decided to retain this limit as proposed.

Another commenter criticized the proposed 15 percent limitation on the amount of an award to one recipient, noting that such a limitation may penalize worthy proposals in favor of less worthy ones. DOE agrees with this view and the rule, as adopted, contains no limitation on the amount a recipient may receive.

2. Tasks Eligible for Funding—§ 461.32. DOE received some comments suggesting that the task for Establishing Procedures for Intervenor Compensation be eliminated from the program since it could result in duplicate activities under PURPA. DOE has determined that since intervenors' activities, assisted by compensation, are likely to lead to innovative rate structuring, it is appropriate to keep the task as part of the program.

Two commenters suggested additional tasks for funding relating to interruptible rates, conservation rates, and wheeling and interconnection charges. DOE believes that § 461.32(f) of the rule allows sufficient latitude for the proposal of alternative tasks. With respect to the scope of individual eligible tasks, one commenter suggested that data collection and analysis be made an integral part of all tasks performed. DOE anticipates some data collection and analysis activities to be carried out in performing the tasks outlined in § 461.32. However, the Innovative Rates Program is intended to provide assistance for developing and adopting practical regulatory rate reforms, and not for funding theoretical, research-oriented activities. Consequently, DOE has not revised the proposed rule to emphasize research and analysis activities.

A suggestion was made that funding for "Other Tasks," as described in § 461.32(f), not be limited to those tasks that "will or are likely to, result in the adoption by the proposer of a reform in its ratemaking policies." The commenter noted that a project, which may demonstrate that a proposed rate reform is not desirable, may be worthy of funding if the proposer demonstrates that it will contribute to general rate reform and is consistent with the purposes of the program. DOE has determined that the proposed rule does not preclude this type of task from being proposed and, possibly, funded.

3. Evaluation Criteria—§ 461.34. One commenter noted that the use of the criterion under § 461.34(a)(2), which involves the need to demonstrate that accomplishments of the task will be applicable and usable by other State utility regulatory commissions and nonregulated electric utilities, favors large commissions and should be deleted. DOE does not consider this criterion to favor large commissions, and notes that the size of a regulatory authority or size of the jurisdiction in which a rate reform is to be implemented is not the sole or principal indicator of "applicability."

4. Selection Process—§ 461.33. One commenter noted that, to prevent duplication of effort, similar tasks should not be funded in adjacent jurisdictions. DOE does not regard the fact that jurisdictions are adjacent as indicative that duplicative work would be performed. DOE intends to select proposed tasks in accordance with the provisions of §§ 461.34 and 461.35 of the regulations, regardless of their locale. It was suggested that tasks be evaluated on the basis of their potential for contributing to such results as increasing conservation, supplying more energy to more people at lower prices, stabilizing revenue flow between consumers and the utility company, and explaining rates to the general public. DOE agrees that the objectives noted above are important, and has recognized this importance by considering these objectives in the choice of the tasks eligible for funding.

DOE received other suggestions regarding the selection process: (1) That tasks be ranked on the basis of rate reform potential, and (2) that the point system be replaced with a general evaluation of what is proposed to be achieved by each task. DOE has chosen not to weigh or rank individual tasks in the Innovative Rates Program because each of the tasks has the potential to achieve rate reform. In addition, proposers should have flexibility in devising rate reforms proposals in order to maximize the effectiveness of the program. To ensure awards of cooperative agreements likely to result in significant accomplishments, DOE has established evaluation criteria, with a point system, designed to allow selection of individual proposed tasks on the basis of merit and quality. DOE has determined that the point system clearly sets forth for the proposer those aspects of a task on which DOE will focus its evaluation.

5. Allowable Expenditures—§ 461.35. Two commenters suggested that costs of certain equipment, if necessary to the performance of a task, specifically be allowed under this program. Section 461.36 has been added to the proposed rule in order to set forth the requirements on expenditures for this program. Allowable expenditures include the costs of leasing data processing hardware and leasing or purchasing data processing software, including data management packages. However, DOE has determined that the costs of purchasing data processing hardware and purchasing or leasing non-office equipment, such as meters, will not be allowed. The type of tasks to be funded under this program are aimed at the development and adoption of regulatory reforms, not the demonstration of such reforms. A further suggestion was made that funding be allowed to reimburse a proposer's revenue losses incurred while participating in the cooperative agreement. DOE has determined that funding under this program is limited to the direct costs of carrying out activities in performance of identified tasks, which precludes reimbursement for revenue losses.

6. Other Comments. One comment noted that monies for the Innovative Rates Program should be related to those for the PURPA Grant Program in order to avoid costly duplication. The PURPA Grant Program and the Innovative Rates Program were established as separate programs pursuant to statutory provisions. DOE will manage these programs in order to maximize their effectiveness and prevent unnecessary duplication.

It was suggested that the term "innovative rate structure" be defined in the regulation. DOE believes that the description of tasks eligible for funding set forth in § 461.32 clearly illustrates the types of regulatory reform which relate to innovative rate structure and, that an actual definition is unnecessary.

III. The Final Regulations

A. The PURPA Grant Program

The PURPA Grant Program established today is pursuant to section 207 of ECPA, as amended by section 141 of PURPA, which authorizes DOE to provide financial assistance to State utility regulatory commissions and nonregulated electric utilities of greater than specified minimum size to carry out duties and responsibilities under Titles I and III, and section 210, of PURPA. These duties and responsibilities relate to the consideration of and public hearings on certain Federal standards for electric and gas utilities and the preparation of determinations regarding the standards, holding evidentiary hearings on "lifelines" rates, provision of access to information for intervenors, submission of annual reports to DOE on progress under PURPA, collection and
The proposal is to contain a separate task work plan outlining specific activities to be undertaken for each proposed task. In addressing the requirements for each task, DOE expects the proposer to perform the types of activities specified for the individual tasks in § 461.32. However, the activities listed are not intended to be exhaustive.

DOE will evaluate each proposal using the criteria in § 461.34. These evaluation criteria focus on determining the quality and feasibility of the proposed approach to performing the task. Each proposed task will be evaluated separately and may receive a maximum of 100 points. However, any proposed task receiving an evaluation score of less than 46 points will not be considered for a cooperative agreement.

DOE will utilize the evaluation scores for the proposed tasks as a means of selecting, on a competitive basis, those tasks to be funded. Given the level of funding available, DOE anticipates making only a few awards for any given task. Each proposal may request at one time financial assistance for no more than a single fiscal year, although the task proposed to be funded may extend for up to 2 years. Financial assistance for the second fiscal year of a task may be sought by the submission of a proposal by the August 15 preceding that fiscal year.

It is anticipated that funding for the first year of each task could range from $100,000 to $250,000 and that first year funding for up to three tasks could be for as much as $500,000.

DOE plans to consider whether the final rule on the Innovative Rates Program should be revised for the second year of the program to determine the number of points to be awarded to recipients in evaluating their activities during the first year of this program and to determine whether the tasks eligible for funding should, in light of activities undertaken during the first year of this program, be revised. DOE will also be considering, in light of its experience gained from the initial operation of this program, other revisions to the program.

C. General

The regulations are adopted as proposed except for the modifications described above, and minor clarifying and conforming modifications. In addition, it should be noted that “DOE Assistance Regulations” (10 CFR Part 600) have been issued on March 1, 1979 (44 FR 12920, March 8, 1979), and these generic regulations, and any amendments thereto, apply to both programs except where the program regulations otherwise provide.

IV. Other Matters

DOE has determined that this rulemaking is significant as that term is used in Executive Order 12044 and DOE Order 2030, but is not likely to have a major impact as defined in these two documents. The rule is considered significant since it would provide funds to carry out national energy legislation. The rule is not considered likely to have a major impact as defined by Executive Order 12044 and as amplified in DOE Order 2030. Accordingly, no regulatory analysis has been performed.

In accordance with section 404 of the Department of Energy Organization Act (DOE Act) (Pub. L. 89–59–1, 42 U.S.C. 7101 et seq.), the Federal Energy Regulatory Commission received a copy of the proposed rule. As of June 28, 1979, the date by which FERC determination under section 404(a) was to have been made, FERC had not determined that the proposed regulations would significantly affect any function within its jurisdiction under sections 402 (a)(1), (b) and (c)(1) of the DOE Act.


In consideration of the need to make financial assistance available for the implementation of PURPA and to ensure sufficient time for the preparation and submission of grant applications, good cause exists to make this regulation effective July 9, 1979, rather than 30 days thereafter, as would otherwise be required by the Administrative Procedures Act. Accordingly, these amendments shall be effective July 9, 1979.

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 461 as set forth below.


Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 461 as follows:

PART 461—FINANCIAL ASSISTANCE PROGRAMS FOR STATE UTILITIES, REGULATORY COMMISSIONS AND ELIGIBLE NONREGULATED ELECTRIC UTILITIES

Subpart A—General

Sec.
461.1 Purpose and scope.
461.2 General requirements.
461.3 Definitions.
Subpart B—PURPA Grant Program

§ 461.10 Purpose and scope.

§ 461.11 PURPA standards.

§ 461.12 Eligibility requirements.

§ 461.13 Duties and responsibilities eligible for funding.

§ 461.14 Allowable expenditures.

§ 461.15 Grant application.

§ 461.16 Apportionment of funds.

§ 461.17 Selection.

Subpart C—Innovative Rates Program

§ 461.30 Purpose and scope.

§ 461.31 Eligibility requirements.

§ 461.32 Tasks eligible for funding.

§ 461.33 Proposal requirements.

§ 461.34 Evaluation criteria.

§ 461.35 Selection process.

§ 461.36 Allowable expenditures.


Subpart A—General

§ 461.1 Purpose and scope.

(a) This part establishes two programs to provide financial assistance to State utility regulatory commissions and certain nonregulated electric utilities.

(b) The first program, the PURPA Grant Program, provides for financial assistance through grants for carrying out duties and responsibilities under Titles I and III, and section 210, of the Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 et seq. These duties and responsibilities relate to the consideration of certain Federal standards for electric and gas utilities and the preparation of determinations regarding the standards, provision of access to information for intervenors, submission of reports to DOE, collection and filing of data required by the Federal Energy Regulatory Commission, and implementation of FERC rules on cogeneration facilities and small power production.

The second program, the Innovative Rates Program, provides for financial assistance for electric utility regulatory rate reform initiatives relating to innovative rate structures under Title II of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq. (42 U.S.C. 6801 et seq.) as amended by PURPA. Funds will be awarded to a limited number of proposals that encourage the development and implementation of regulatory policies and practices which carry out the purposes of Title II of PURPA.

§ 461.2 General requirements.

Except where this part provides otherwise, the award and administration of financial assistance under this part will be governed by:

(a) Federal Management Circular 74-4, entitled “Cost Principles Applicable to Grants and Contracts with State and Local Governments;”

(b) Office of Management and Budget Circular A-97, entitled “Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;”

(c) Office of Management and Budget Circular A-102, entitled “Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;”

(d) Office of Management and Budget Circular A-110, entitled “Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations;”

(e) Treasury Circular 1075, entitled “Regulations Governing Withdrawals of Cash from the Treasury for Advance Under Federal Grants and Other Programs;” and

(f) 10 CFR Part 600, entitled “DOE Assistance Regulations.”

§ 461.3 Definitions.

As used in this part—

“Class” means, with respect to electric and gas consumers, any group of such consumers who have similar characteristics of electric or gas energy use, respectively.

“Consultant” means a person who contracts to provide services for a State utility regulatory commission or nonregulated electric utility, and includes an attorney, accountant, economist or other expert.

“Cogeneration facility” means a facility which produces electric energy and other forms of useful energy (such as steam or heat) which is, or will be, used for industrial, commercial, or space heating purposes.

“Covered electric utilities” and “covered nonregulated electric utilities” are those electric utilities whose total sales of electric energy for purposes other than resale exceeded $2 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

“Covered gas utilities” are those gas utilities whose total sales of natural gas for purposes other than resale exceeded 1 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

“Data processing hardware” means any basic computer unit and any mechanical, magnetic, electrical and electronic devices by which a computer is modified or utilized.

“DOE” means the Department of Energy.


“Electric consumer” means any person, State agency or Federal agency, to which electric energy is sold other than for purposes of resale.

“Electric utility” means any person, State agency or Federal agency which sells electric energy.

“Evidentiary hearing” means

(a) In the case of a State agency, a proceeding which (1) is open to the public; (2) includes notice to participants and an opportunity for such participants to present direct and rebuttal evidence and to cross-examine witnesses; (3) includes a written decision, based upon evidence appearing in a written record of the proceeding, and (4) is subject to judicial review;

(b) In the case of a Federal agency, a proceeding conducted as provided in sections 554, 556 and 557 of Title 5, United States Code; and

(c) In the case of a proceeding conducted by any entity other than a State or Federal agency, a proceeding which conforms to the extent appropriate, with the requirements of paragraph (a).

“Federal agency” means an executive agency (as defined in section 105 of Title 5 of the United States Code).

“Federal standards” means the six electric rate design standards, five electric regulatory policy standards, and two natural gas regulatory policy standards established by sections 111, 113, and 303 of PURPA.

“FERC” means the Federal Energy Regulatory Commission.

“Fiscal year” means the twelve-month period beginning October 1.

“Gas consumer” means any person, State agency or Federal agency to which natural gas is sold other than for purposes of resale.

“Gas utility” means any person, State agency or Federal agency engaged in the local distribution of natural gas, and the sale of natural gas to any ultimate consumer of natural gas.

“Grantee” means the State or other entity named in DOE’s Notification of Grant Award as the awardee of the grant.
"Kilowatt-hour (kwh)" means a unit of measuring electricity usage which represents a unit of work or energy equal to that expended by one kilowatt in one hour.

"Lifetime rate" means a rate for essential needs of residential electric consumers which is lower than a cost of service rate as defined in section 112(d)(1) of PURPA.

"Nonregulated electric utility" means any electric utility with respect to which no State regulatory authority has ratemaking authority.

"Nonregulated gas utility" means any gas utility with respect to which no State regulatory authority has ratemaking authority.

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"Ratemaking authority" means any State agency which has ratemaking authority with respect to the sale of electric energy by an electric utility, or the sale of natural gas by any gas utility, other than by such State agency, and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority.

"State utility regulatory commission" or "commission" means any State agency which has ratemaking authority with respect to the sale of natural gas or electric energy by any natural gas utility or electric utility (other than by such State agency).

Subpart B—PURPA Grant Program

§ 461.10 Purpose and scope.

This subpart establishes a program of grants to State utility regulatory commissions and certain nonregulated electric utilities to assist them in carrying out their duties and responsibilities under Titles I and III, and section 210, of PURPA.

§ 461.11 PURPA standards.

PURPA Titles I and III, among other things, require each State regulatory authority with ratemaking authority for a covered State regulated electric or gas utility, as well as each covered nonregulated electric and gas utility, to consider certain Federal standards for each such utility and to prepare determinations about whether it is appropriate to implement each of these standards.

(a) Title I of PURPA establishes six electric rate design standards. They are:

(1) Cost of Service—Rates charged by any electric utility for providing electric service to each class of electric consumers shall be designed, to the maximum extent practicable, to reflect the costs of providing electric service to such class, as determined under PURPA section 115(a).

(2) Declining Block Rates—The energy component of a rate, or the amount attributable to the energy component in a rate, charged by any electric utility for providing electric service during any period to any class of electric consumers may not decrease as kilowatt-hour consumption by such class increases during such period except to the extent that such utility demonstrates that the costs to such utility of providing electric service to such class, which costs are attributable to such energy component, decrease as such consumption increases during such period.

(3) Time-of-Day Rates—The rates charged by any electric utility for providing electric service to each class of electric consumers shall be on a time-of-day basis which reflects the costs of providing electric service to such class of electric consumers at different times of the day unless such rates are not cost-effective with respect to such class, as determined under PURPA section 115(b).

(4) Seasonal Rates—The rates charged by an electric utility for providing electric service to each class of electric consumers shall be on a seasonal basis which reflects the costs of providing service to such class of consumers at different seasons of the year to the extent that such costs vary seasonally for such utility.

(5) Interruptible Rates—Each electric utility shall offer each industrial and commercial electric consumer of interruptible rate which reflects the costs of providing interruptible service to the class of which such consumer is a member.

(6) Load Management Techniques—Each electric utility shall offer to its electric consumers such load management techniques as the State regulatory authority (or the nonregulated electric utility) has determined will be practicable and cost-effective, as determined under PURPA section 115(c): be reliable and provide useful energy or capacity management advantages to the electric utility.

(b) Title I of PURPA establishes five electric regulatory policy standards. They are:

(1) Master Metering—To the extent determined appropriate under PURPA section 115(d), master metering of electric service in the case of new buildings shall be prohibited or restricted to the extent necessary to carry out the purposes of Title I of PURPA.

(2) Automatic Adjustment Clauses—No electric utility may increase any rate pursuant to an automatic adjustment clause unless such clause meets the requirements of PURPA section 115(e).

(3) Information to Consumers—Each electric utility shall transmit to each of its electric consumers information regarding rate schedules in accordance with the requirements of PURPA section 115(f) and information on such consumer’s annual consumption upon request.

(4) Procedures for Termination of Electric Service—No electric utility may terminate electric service to any electric consumer except pursuant to procedures described in PURPA section 115(g).

(5) Advertising—No electric utility may recover from any person other than the shareholders (or other owners) of such utility any direct or indirect expenditure by such utility for...
promotional or political advertising as defined in PURPA section 115(b).

(c) Title III of PURPA establishes two natural gas regulatory policy standards. They are:

(1) Procedures for Termination of Natural Gas Services—No gas utility may terminate natural gas service to any gas consumer except pursuant to procedures described in PURPA section 304(a).

(2) Advertising—No gas utility may recover from any person other than the shareholders (or other owners) of such utility any direct or indirect expenditure by such utility for promotional or political advertising as defined in PURPA section 304(b).

§ 461.12 Eligibility requirements.

(a) Grants under this subpart may be made only to State utility regulatory commissions which have rate-making authority over covered electric or covered gas utilities, and to covered nonregulated electric utilities, except for Federal agencies.

(b) Each applicant must certify that it meets the eligibility requirements of paragraph (a) of this section.

§ 461.13 Duties and responsibilities eligible for funding.

(a) DOE will award financial assistance under this subpart for activities which carry out the duties and responsibilities of applicants under Titles I and III, and section 210 of PURPA.

(b) The duties and responsibilities set forth in Titles I and III, and section 210 of PURPA, include:

(1) The consideration, after public notice and hearing, of the Federal standards, and the preparation of written determinations about the propriateness of implementing each standard.

(2) A determination, after an evidentiary hearing, by the State regulatory authority or a nonregulated electric utility, as to whether a State regulated electric utility or the nonregulated electric utility not having a lifetime rate should implement such a rate.

(3) Consideration of other concepts which contribute to the achievement of any of the three purposes of Title I of PURPA when raised by the Secretary, any affected electric utility, or any electric consumer of an affected electric utility in any rate-making proceeding or other appropriate regulatory proceeding relating to electric rates or rate design conducted by a State regulatory authority or by a nonregulated electric utility.

(4) Provision to intervenors or participants of access to information available to parties to an electric rate-making proceeding described in section 121(b) of PURPA, if the information is relevant to the issues to which his or her intervention or participation in such a proceeding relates.

(5) Submission, not later than November 9, 1979, and annually thereafter for ten years, of reports to DOE respecting consideration of the Federal standards. The reports must include a summary of the determinations made and actions taken with respect to each standard on a utility-by-utility basis.

(6) The gathering and filing by electric utilities of information determined by FERC to be necessary to determine costs associated with providing electric service.

(7) Implementation, after notice of and opportunity for public hearing, of rules prescribed by FERC to encourage cogeneration and small power production.

(c) The activities referred to in paragraph (a) of this section may include, among other things:

(1) Recruiting, hiring, training, and compensating staff to perform analytical, technical, legal, and administrative work;

(2) Soliciting and engaging consultants to perform appropriate assignments;

(3) Identifying and removing any policy, organizational, management, or other barriers to effective accomplishment of the duties and responsibilities;

(4) Conducting hearings;

(5) Establishing the format for and collecting information and data necessary to the effective and efficient consideration and determination of the Federal standards and necessary to the development of rates based on a utility’s costs of service;

(6) Collecting cost of service data as required by FERC and submitting these data to FERC;

(7) Developing or refining data handling techniques or procedures, including computer programs and other technical resources;

(8) Developing new, or revising existing, procedural requirements to improve the quality of the regulatory process or to obtain a more complete record upon which to consider and determine immediate and future ratemaking or policy issues;

(9) Developing and implementing methods of effectively communicating useful information to electric consumers on issues relevant to rates or rate designs; and

(10) Developing procedures by which to secure, format, and update data for inclusion in the annual reports to DOE.

§ 461.14 Allowable expenditures.

(a) Grant funds provided under this subpart may be used only to carry out duties and responsibilities under Titles I and III, and section 210, of PURPA.

(b) Expenditures of grant funds are subject to the following limitations:

(1) Not more than 49 percent of the grant funds awarded in any year may be used for the compensation of permanent personnel for their activities in carrying out PURPA duties and responsibilities. Compensation includes wages, salaries, and supplementary compensation and benefits.

(2) No grant funds may be used for the purchase of data processing hardware.

(3) No grant funds may be used for the purchase or lease of non-office equipment.

(4) No grant funds may be substituted for funds made available to the grantee from other governmental sources.

(5) Other limitations imposed by DOE pursuant to applicable statutes or regulations, in order to ensure effective performance by the grantee under the grant.

§ 461.15 Grant application.

(a) To be eligible to receive a grant under this subpart, an applicant shall submit an application in conformity with paragraph (b) of this section on a form to be provided by DOE, which shall be received by DOE on or before 5:30 p.m. e.d.t. on the August 15th preceding the fiscal year for which financial assistance is sought or such other date as DOE may establish by notice published in the Federal Register.

(b) Each application must include—

(1) A brief overview statement of the objectives to be accomplished with the financial assistance received by the grantee, and an explanation of how these objectives relate to the applicant's ongoing work.

(2) A statement of which duties and responsibilities set forth in Titles I and III, and section 210, of PURPA are proposed to be carried out by the applicant with financial assistance received under this subpart.

(3) A detailed description of the activities proposed to be undertaken by the applicant with financial assistance received under this subpart, and of how the activities are related to the duties and responsibilities proposed to be carried out.
(4) A timetable, by calendar quarter, for implementing the activities for the fiscal year for which financial assistance is sought.

(5) A description of the organizational structure of the applicant, including an identification of which organizational units will expend the financial assistance.

(6) A description of the responsibilities, experience and qualifications of key personnel proposed to be used to expend and to administer the financial assistance received under this subpart.

(7) A certification of eligibility as provided in §461.12(b).

(8) An assurance that funds made available under this program will be in addition to, and not in substitution for funds made available to the applicant from other governmental sources. Other governmental sources, for this purpose, include any funds received from any Federal, State, or local government entity.

(9) The amount of funds requested.

§461.16 Apportionment of funds.

(a) DOE may, subject to funds authorized, appropriated, and available, provide financial assistance upon annual application submitted as provided in §461.15.

(b) DOE shall apportion funds among the States by dividing the total fiscal year funds available for grants under this subpart equally among the States from which applications eligible for funds are received.

(c) If a State utility regulatory commission and one or more covered nonregulated electric utilities in that State apply for grants from funds available for a fiscal year, the total funds apportioned to that State for that fiscal year will be allocated between the State utility regulatory commission and the covered nonregulated electric utilities as a group. Subject to compliance with the other terms and provisions of this part, the State utility regulatory commission shall have an allocation equal to that percentage of the total funds so available determined by dividing (1) the number of covered electric utilities over which the commission has ratemaking authority by (2) the number of covered electric utilities in the State over which all eligible applicants have ratemaking authority, but not less than 30 percent. The covered nonregulated electric utilities, as a group, shall have an allocation equal to the balance of funds apportioned to the State. If a State has a State utility regulatory commission with ratemaking authority only over covered gas utilities, this commission will be allocated no more than 20 percent of the funds allocated to the State utility regulatory commission which has ratemaking authority over covered electric utilities. Any political subdivision of a State, or instrumentality thereof, which is a State utility regulatory commission as defined in §461.2, shall be included in the group of nonregulated electric utilities for the purposes of determining allocation under this paragraph. The allocation of funds within a State does not, however, insure that a commission or nonregulated electric utility within the State will receive a grant equal to its allocation. In the event that DOE does not award grants under this subpart to either the commission or the nonregulated electric utilities in a State in the amount of their full allocation, the balance of the allocation shall be available for grant to the commission or to the covered nonregulated electric utilities in that State, as the case may be.

§461.17 Selection.

(a) No application will be considered unless it meets the requirements of this subpart and applicable law.

(b) Applications which meet the requirements of §461.17(a) will be evaluated by DOE using the following criteria, which provide for a total of 100 possible points. These criteria are designed to assure that grant funds are expended in a prudent and effective manner.

(1) Program Plan. 30 points maximum.

(i) The extent to which the objectives of the requested financial assistance are clearly stated and logically related to the applicant's PURPA duties and responsibilities;

(ii) The extent to which the proposed activities are clearly described and logically related to the PURPA duties and responsibilities proposed to be carried out with financial assistance received under this subpart;

(iii) The extent to which the applicant's timetable realistically relates the proposed activities to one another and to accomplishing the duties and responsibilities proposed to be carried out with financial assistance received under this subpart;

(2) Administrative Management. 40 points maximum.

(i) The extent to which the applicant has evaluated or proposes to evaluate its current management, organization, and staff capabilities in order to increase its effectiveness;

(ii) The extent to which the applicant establishes clear organizational responsibilities for the proposed activities;

(iii) The extent to which the applicant's existing and proposed staff and other personnel resources are qualified to carry out the proposed activities;

(iv) The extent to which the proposed activities are likely to augment the capabilities of the applicant to carry out effectively its duties and responsibilities under PURPA;

(v) The extent to which the applicant demonstrates the capability and procedures for prudent and effective management of contractors or consultants, should any be utilized; and

(vi) The extent to which the applicant proposes to use, rather than duplicate the development of, published materials.

(3) Financial Management. 30 points maximum.

(i) The extent to which the applicant demonstrates that the proposed activities will be carried out efficiently;

(ii) The extent to which the proportion of contractor and consultant costs is reasonable in relation to total project budget of the applicant.

(c) Any applicant that scores 25 points or less shall not receive a grant. An applicant that scores 25 points or more shall receive a grant in an amount determined by DOE based upon the evaluation of the applicant's proposal, considering the foregoing criteria and the funds available to it pursuant to the provisions of §461.16(b) and (c).

Subpart C—Innovative Rates Program

§461.30 Purpose and scope.

This subpart establishes a program of financial assistance through cooperative agreements with State utility regulatory commissions, nonregulated electric utilities and the Tennessee Valley Authority (TVA), pursuant to section 204(1)(B) of ECFA. The purpose of this program is to provide financial assistance to these entities for planning and carrying out electric utility regulatory rate reform initiatives relating to innovative rate structures that encourage conservation of energy, electric utility efficiency and reduced costs and equitable rates to consumers.

§461.31 Eligibility requirements.

(a) Cooperative agreements awarded under this subpart may be awarded only to State utility regulatory commissions, nonregulated electric utilities and TVA.

(b) A cooperative agreement may be only for an initiative which will be completed within 2 years.
§ 451.32 Tasks eligible for funding.

DOE may award cooperative agreements under this subpart for initiatives which carry out the purpose of the program as expressed in § 451.30 and which perform up to three of the following ten ratemaking tasks.

(a) Cost-of-service Information System. Activities undertaken in performance of this task could include:

(1) Identifying the data collection, reporting and filing requirements for a cost-of-service information system to assist the proposer in setting electric utility rates and in implementing both embedded and marginal cost approaches to cost-of-service determinations;

(2) Identifying, evaluating, and selecting methodological approaches that might be used by the proposer to analyze rate, financial and load management data;

(3) Developing data files, input procedures, software programs, and documentation procedures that will result in an operating information system that can be implemented on generally available computer facilities;

(4) Adopting guidelines for cost-of-service filing requirements and development procedures and organizational resources necessary to insure public access to and release of cost-of-service data and data handling programs; and

(5) Identifying the need for DOE assistance in investigating and determining the costs of electricity production and transmission within the service area(s) covered by the proposer, as authorized by section 206(b) of the Federal Power Act, as amended.

(b) Estimating Consumer Class Load Characteristics. Activities undertaken in performance of this task could include:

(1) Identifying and assessing existing approaches and methods in the public and private sectors that might be used within the proposer's service area(s) for determining electric load characteristics by consumer class;

(2) Developing and testing, without extensive data collection efforts or load research studies, innovative methods of estimating consumer class load characteristics;

(3) Adopting, as a standard, one or more such methods for estimating electric load characteristics, by consumer class, for electric ratemaking purposes;

(4) Developing, as necessary, a model rate provision which allows a residual charge or credit to compensate for inaccurate estimation of load;

(5) Identifying and documenting procedures that can be used to conduct electric load research studies; and

(6) Adopting appropriate guidelines for the design, operation, analysis, documentation and reporting of utility load research studies.

(c) Metering for Innovative Electric Rates. Activities undertaken in performance of this task could include:

(1) Assessing electric metering alternatives currently available to the proposer, in terms of function, reliability, life cycle cost, security, accuracy and clarity of any digital display feedback to electric consumers;

(2) Performing cost/benefit analyses, in terms of consumer and/or utility impacts, of different metering technologies under a number of rate and load management/conservation scenarios;

(3) Conducting public hearings to consider offering a combination of digital display metering and innovative rates to electric consumers, with full consideration of the eligibility of such metering for a Federal income tax credit.

(d) Rate Information for Consumers. Activities undertaken in performance of this task could include:

(1) Reviewing and analyzing recent utility related communications to electric consumers within the proposer's service area(s) regarding rates and associated load management/conservation techniques to determine the effectiveness of such communications in changing consumers' electricity usage patterns;

(2) Documenting and assessing current practices and resources within the proposer's service area(s) for monitoring and evaluating rate-related communications to electric consumers; and

(3) Developing, testing, and implementing innovative regulatory approaches with respect to rate-related communications in order to improve consumer acceptance and use of rate reforms in effect in the proposer's service area.

(e) Assistance to Low Income Electric Consumers. Activities undertaken in performance of this task could include:

(1) Identifying and assessing current regulatory policies and practices, including but not limited to rate design, which are applied to low income electric consumers in the proposer's service area(s);

(2) Identifying and assessing alternative policies and programs which address the impact of rising electric utility rates on these low income electric consumers; and

(3) Developing and adopting a ratemaking policy or other regulatory initiative with respect to low income electric consumers.

(f) Procedures for Intervenor Compensation. Activities undertaken in performance of this task could include:

(1) Establishing criteria by which the proposer will determine whether an intervenor would not otherwise be adequately represented in an electric ratemaking proceeding and whether such representation is necessary for a fair determination in the proceeding;

(2) Establishing criteria for determining whether the intervenor has substantially contributed to the proposer's determination regarding any rate reform policy; and

(3) Identifying allowable expenses and payment recordkeeping procedures.

(g) Solar Rate Initiative. Activities undertaken in performance of this task could include:

(1) Developing a solar electric rate study to help design a rate structure for residential electric consumers in the proposer's service area(s) who use supplementary solar systems on existing electric appliances and/or heating and cooling systems;

(2) Collecting and analyzing appropriate data including weather, demographic, household and load characteristics to assess possible solar rate structures, including traditional and time-of-use electric rate structures; and

(3) Developing guidelines for establishing rates for electric consumers who use supplementary solar systems on electric appliances and/or heating and cooling systems.

(h) Allocation of Conservation Service Costs. Activities undertaken in performance of this task could include:

(1) Identifying and evaluating, for possible adoption by the proposer, current procedures for allocating the costs incurred by electric utilities in providing end-use conservation services to consumers;

(2) Developing the proposer's own alternative procedures, as required, for allocating the costs of end-use conservation services for electric ratemaking purposes;

(3) Assessing the impact of the cost of end-use conservation services on the electric utility's cost-of-service, taking into account the short- and long-run effects of demand (Kilowatt-hour and/or Kilowatt) reduction; and

(4) Incorporating and adopting, through a public hearing, conversation cost allocation procedures as ratemaking guidelines.
§ 461.33 Proposal requirements.

(a) To be eligible to receive a cooperative agreement under this subpart, a proposer must submit to DOE a proposal on a form to be provided by DOE in conformity with paragraph (b) of this section. This proposal must be received by DOE on or before 5:30 p.m. e.d.t., on the August 5 preceding the fiscal year for which financial assistance is sought, or such other date as may be established by DOE and published in the Federal Register. Proposed tasks may require up to 2 years to complete, although funds must be requested and will be awarded on an annual basis.

(b) Each proposal must include—

(1) A brief overview, including a summary of each of the tasks proposed to be carried out with the financial assistance requested by the proposer.

(2) A separate Task Work Plan for each proposed task to be carried out by the proposer. Each Task Work Plan shall not exceed 25 pages in length and shall include—

(i) A brief statement of the specific objectives of the task and an identification of how the objectives relate to the proposer’s ongoing work and needs;

(ii) A detailed Scope of Work describing the activities to be undertaken to complete the task within the anticipated period of time for the proposed task, not to exceed 2 years, including—

(A) A discussion of how the activities will accomplish the objectives of the task;

(B) A detailed description of each activity;

(C) A statement of anticipated problems associated with carrying out the activities;

(D) An identification of methodological issues associated with the activities; and

(E) An identification of data requirements, sources, and availability associated with the activities.

(iii) A timetable by calendar month showing the activities to be performed;

(iv) A description of task management and administration, which identifies the responsibilities of key personnel and the organizational units assigned to undertake the task;

(v) A description of the experience of key personnel, including an identification of the percent of time each will devote to the task;

(vi) A cost estimate by activity for each task;

(vii) A budget by cost category for each task, including the amount requested of DOE, and the total amount estimated for each task for the period of time to complete the proposed task;

(viii) The amount, if any, of cost sharing or funds from other sources relating to paragraph (b)(vi) and (vii) of this section.

(3) An assurance that funds received by the proposer under this subpart will be used in addition to, and not in substitution for, funds made available to the proposer from other governmental sources.

(4) A commitment to submit a Management Plan 60 days after receipt of any cooperative agreement under this subpart. The Management Plan will set forth in detail the organizational, budgetary, technical, and scheduling requirements necessary for successful completion of each task covered in the cooperative agreement. The Management Plan must be submitted for DOE review and approval, and the recipient may not proceed with the subsequent task(s) until the Management Plan is approved.

(5) Identification of the person responsible for coordination and management of the cooperative agreement, including the person’s name, title, address, and telephone number.

(6) Referenced appendices, including any pertinent legislation and regulatory orders which are cited in the proposal.

§ 461.34 Evaluation criteria.

The following criteria will be used to evaluate each proposed task.

(a) Task Objectives. 10 points maximum.

(1) The extent to which the proposed task describes specific objectives; and

(2) The extent to which the proposed task demonstrates that accomplishments of the task will be applicable and usable by other State utility regulatory commissions and/or nonregulated electric utilities.

(b) Task Work Plan. 40 points maximum.

(1) The extent to which the activities and objectives, in the Task Work Plan evidence innovative, effective, and practical approaches to utility rate regulation;

(2) The extent to which the activities described in the Task Work Plan are clearly related to, and show promise of attaining, the objectives;

(3) The extent to which activities in the Task Work Plan are integrated into a realistic timetable;

(4) The extent to which the anticipated results, accomplishments and associated products (including studies, procedures, guidelines and policy directives), are identified;

(5) The extent to which the Task Work Plan evidences that the proposer plans to use, rather than duplicate the development of, available published materials;

(6) The extent to which potential problems and alternative courses of action to resolve the problems are identified and addressed.

(c) Analytical and Methodological Approaches for Task. 20 points maximum.

(1) The extent to which the evaluation procedures to be used by the proposer in selecting the methodologies and policy alternatives to be employed in the task are clearly described and are workable;

(2) The extent to which the issues associated with data requirements, sources, availability, costs, and validity are clearly and adequately addressed.

(d) Task Management. 10 points maximum.

(1) The extent to which the staffing plan:

(i) Evidences an evaluation of the proposer’s current organization with respect to its capability to carry out the task; and

(ii) Establishes clear organizational responsibilities for carrying out the task;

(2) The extent to which the proposer’s staff are qualified to perform their functions and will be involved with the work performed by any consultants; and
(3) The extent to which the Task Work Plan includes provisions for making maximum use of present staff and/or provide for training of staff in order to increase the proposer's effectiveness in carrying out the task.

(e) Budget for Task. 20 points maximum.

(1) The extent to which the proposed Task Work Plan contains evidence that the amount of funds requested is realistically related to the activities, especially in terms of achieving the stated objectives; and

(2) The extent to which costs for consultant services are reasonable, related directly to the activities, and will assist in accomplishing the objectives of the task.

§ 461.35 Selection process.

The following evaluation and selection process will be used to award cooperative agreements to proposers.

(a) DOE shall evaluate each proposed task in accordance with the criteria specified in § 461.34, and shall give each a point score according to these criteria.

(b) Any proposed task receiving a point score of 45 points or less will not be considered for a cooperative agreement.

(c) Any proposal that does not include items required in § 461.33(b)(1) through § 461.33(b)(6) will not be considered for a cooperative agreement.

(d) DOE shall rank the proposed tasks taking into account—

(1) the proposed tasks' evaluation score; and

(2) the proposer's past performance under a previous cooperative agreement, if any, under this program;

(e) DOE shall fund the proposed tasks in their order of ranking, as determined in accordance with paragraph (d) of this section, until available funds for award are utilized;

(f) When determined to be necessary and appropriate by DOE, DOE may negotiate with the proposer on Task Work Plans and budgets, prior to the award of a cooperative agreement.

§ 461.36 Allowable expenditures.

Expenditures of funds provided under this subpart are subject to the following limitations:

(a) Funds may not be used for the purchase or lease of non-office equipment.

(b) Funds may not be used for the purchase of data processing hardware.

(c) Funds may not be substituted for funds made available to the recipient from other governmental sources.

(d) Other limitations imposed by DOE pursuant to applicable statutes or regulations, in order to ensure effective performance by the recipient under the cooperative agreement.
Reader Aids

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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. This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

(Monday/Thursday or Tuesday/Friday)

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today’s List of Public Laws.

Last Listing July 5, 1979

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service—
33051 6-8-79 / Avian pox vaccine safety test; revision

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of the Secretary—
27618 5-10-79 / Cost-effective energy conservation standards
Office of Assistant Secretary for Community Planning and Development—
27627 5-10-79 / Rehabilitation Loan Program

INTERIOR DEPARTMENT
Fish and Wildlife Service—
33073 6-8-79 / Participation of local governments in Revenue from areas administered by the Fish and Wildlife Service

INTERSTATE COMMERCE COMMISSION
33071 6-8-79 / Detention of motor vehicles—shipments of uncrated new furniture, fixtures, and appliances

NUCLEAR REGULATORY COMMISSION
1722 1-6-79 / Human uses of byproduct material, calibration of teletherapy units
11749 3-2-79 / Recordkeeping requirements for calibrated teletherapy units