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federal register

Thursday
July 12, 1979

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40629 **National Energy Supply Shortage** Presidential proclamation

40627 **Energy Emergency—Florida** Presidential determination extension under the Clean Air Act

40638 **Granting Emergency Exemptions** CPSC affirms Commission policy for companies which inadvertently produce products that are nonconforming with regulations; effective 5-1-79

40724 **Fuel Economy** EPA solicits comments for report to Congress on the degree to which EPA fuel economy estimates reflect realistic fuel in-use; comments by 8-27-79

40784 **Motor Vehicles** EPA proposes to establish more stringent hydrocarbon and carbon monoxide emission standards for light duty truck class for 1983 and later model years; comments by 10-10-79 (Part III of this issue)

40868 **Housing** HUD/FHC sets forth requirements for Fiscal Year 1979 college housing program; effective 8-13-79 (Part VI of this issue)

40860 **Housing** HUD promulgates environmental criteria and standards; effective 8-13-79 (Part V of this issue)

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Highlights

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Presidential Documents

Title 3—

The President

Memorandum of July 6, 1979

Extension of Determination Under Section 110(f) of the Clean Air Act—Florida

Memorandum for the Administrator of the Environmental Protection Agency

Based on a request submitted to me by the Governor of the State of Florida to extend my June 12, 1979 determination that a regional energy emergency continues to exist in the State of Florida of such severity that a temporary suspension of certain air pollution control regulations which apply to fossil-fuel fired electric generating plants under the Florida Air Quality Implementation Plan may be necessary, and that other means of responding to the energy emergency may be inadequate, I hereby extend that determination from July 5, 1979, to and including October 15, 1979. This extension is limited by the same conditions as my original determination and is expanded to include any necessary temporary suspension of sulfur dioxide as well as opacity and particulate requirements.

If, during the extension, I find that a regional energy emergency no longer exists in Florida, I will direct that this extension be rescinded, and that all suspension orders issued by the Governor be terminated on the day of that rescission. Please continue to work with State officials to monitor carefully the residual oil supply in Florida and to inform me if the emergency should cease to exist. You will continue to retain full authority to disapprove temporary suspension of regulations in Florida and to exercise your emergency powers authority under Section 303 of the Clean Air Act, when and if necessary. It is important to keep suspensions to an absolute minimum since Section 110(f) of the Clean Air Act limits each suspension to a maximum duration of 120 days.

While my determination permits the temporary suspension of certain emission limiting requirements, it in no way permits the suspension of any national ambient primary or secondary air quality standard. Protection of these national health and welfare protective standards is consistent with Governor Graham's petition, and I commend him for his past restraint in using the authority to suspend some air pollution requirements. (This determination shall be published in the Federal Register.)

Jimmy Carter

THE WHITE HOUSE,
Washington, July 6, 1979.

[FR Doc. 79-21643
Filed 7-10-79; 2:39 pm]
Billing Code 3195-01-M

Presidential Documents

Proclamation 4667 of July 10, 1979

National Energy Supply Shortage

By the President of the United States of America

A Proclamation

The Secretary of Energy has advised me that the continued reduction in world crude oil production has resulted in a national energy supply shortage constituting a severe energy supply interruption as defined in Section 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8)). The Secretary based his conclusion on the fact that current and projected imports of crude oil and petroleum products, plus available stocks, are not adequate to meet normal demand and that shortages of essential fuels have begun to have a major adverse impact on the economy with the possibility of more severe impacts occurring in the future. Recent shortages of gasoline in some areas of the Nation and the current inadequate levels of heating oil stocks have underscored the seriousness of the situation and demonstrate that action must be taken now to conserve available supplies of petroleum.

On the basis of the Secretary's report, and other information available to me, I hereby find and determine, in accordance with Sections 201(b) and 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b), 6202(8)), the existence of a national energy supply shortage constituting a severe energy supply interruption, which:

(A) is of significant scope and duration and of an emergency nature;

(B) may cause major adverse impact on national safety or the national economy; and

(C) has resulted from an interruption in the supply of imported petroleum products.

I further find that implementation of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2, is required by the severe energy supply interruption. This Plan was transmitted by me to the Congress on March 1, 1979, and approved by a resolution of each House (S. Res. 122, 125 Cong. Rec. S 5135 (May 2, 1979); H. Res. 209, 125 Cong. Rec. H 3018 (May 10, 1979)), which resolutions have been transmitted to me by the Secretary of the Senate and the Clerk of the House. Those resolutions were received by me on May 4 and May 15, 1979, respectively.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 201(b) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b)), do hereby proclaim that:

Section 1. A severe energy supply interruption, as defined in Section 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8)) currently exists with respect to the supply of imported crude oil and petroleum products.

Sec. 2. This finding shall be immediately transmitted to the Congress.

Sec. 3. The provisions of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2 (44 FR 12911 of March 8, 1979), shall become effective as of July 16, 1979.

Sec. 4. In accordance with the provisions of the Plan, the Secretary of Energy is hereby authorized to issue regulations for the purpose of implementing the Energy Conservation Contingency Plan No. 2 and to administer the program in all respects.

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

Jimmy Carter

[FR Doc. 79-21755
Filed 7-10-79; 4:40 pm]
Billing Code 3195-01-M

Editorial Note: The text of the President's finding, which was transmitted to the Congress on July 10, 1979, is printed in the Weekly Compilation of Presidential Documents (vol. 15, no. 28).

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

(Marketing Agreements and Orders; Fruits, Vegetables, Nuts)

7 CFR Part 908

[Valencia Orange Regulation 620]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 13–19, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 13, 1979.

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

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

The committee met on July 10, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be very limited.

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

§ 908.920 Valencia Orange Regulation 620.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 13, 1979, through July 19, 1979, are established as follows:

(1) District 1: 234,000 cartons;

(2) District 2: 216,000 cartons;

(3) District 3: Unlimited.

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

An economic impact statement is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447–5975.

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

Dated: July 11, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21827 Filed 7-11-79; 11:36 am]
BILLING CODE 3410-02-M

7 CFR Part 946

Irish Potatoes Grown in Washington; Approval of Amendment No. 1 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment delays the effective date for larger size requirements for Russet Burbank variety of potatoes from July 1, 1979, to August 1, 1979. This will promote orderly marketing by providing the same requirements for all 1978 crop potatoes marketed.

EFFECTIVE DATE: July 6, 1979.

FOR FURTHER INFORMATION CONTACT: Peter G. Chapogas (202) 447–5432.

SUPPLEMENTARY INFORMATION: *Findings.* This amendment is issued under Marketing Agreement No. 113 and Order 946, both as amended, which regulate the handling of Irish potatoes grown in the State of Washington. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

In a telephone vote held July 3, 1979, the committee unanimously recommended delaying the effective date for 2⅛ inch size requirements for Russet Burbank potatoes from July 1 to August 1, 1979. In the past, potatoes produced in the previous season were always marketed before the following July. However, a record fall crop last year lengthened the marketing year and a significant quantity of those potatoes are still being marketed. This change is necessary to prevent 1978 crop potatoes from being required to meet 2⅛ inch minimum diameter size requirements intended for potatoes grown during the 1979–80 season instead of 2 inch minimum size requirements in effect during the 1978–79 season.

It is hereby found that the amendment which follows will tend to effectuate the

declared policy of the act. It is further found that since a significant quantity of potatoes are currently being shipped it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits from it, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Section 946.334 *Handling regulation* (44 FR 37902) is amended as follows:

§ 946.334 Handling regulation.

(a) *Minimum quality requirements.*

(1) * * *

(2) *Size:*

(i) * * *

(ii) *Long varieties*—* * * Other long varieties must be 2⅛ inches (54.0 mm) minimum diameter or 5 ounces minimum weight during August 1 through September 30 each year, and 2 inches (50.8 mm) or 4 ounces during the remainder of each season. * * *

* * * * *

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

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

Dated: July 6, 1979 to become effective July 6, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21520 Filed 7-11-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-WE-13-AD; Amdt. 39-3511]

Airworthiness Directives; Lockheed Model L-1011-385-1 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modification to the hydraulic system return filter modules on the Lockheed Model L-1011-385-1 series airplanes. The AD is prompted by a report wherein the improper reinstallation of a hydraulic system return filter bowl resulted in an uncontrolled hydraulic pressure increase in "A" hydraulic system return line and the subsequent failure of number 2 left spoiler to retract. A similar condition occurring in "B" or "C" hydraulic system can result in reduced flight control capability beyond that experienced in the reported incident.

DATES: Effective July 16 1979.

Compliance required within the next 350 flight hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from: Lockheed—California Company, Burbank, California 91520.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

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

SUPPLEMENTARY INFORMATION: There has been a report wherein the improper installation of a hydraulic system return filter bowl resulted in an uncontrolled hydraulic pressure increase in the "A" hydraulic system return line with the subsequent failure of number 2 left spoiler to retract. This resulted in a heavy left wing feeling during takeoff and a pronounced turning moment to the left. The captain effected a go-around, which required greater than normal control forces to change the flight path and landed safely. The FAA has determined that a similar condition occurring in "B" or "C" hydraulic system would effect 6 or 4 spoilers respectively and could result in a significant reduction of flight control capability. Although adequate maintenance information exists, the location and accessibility of the return filter bowls is such that a determination that the filter bowls are properly reinstalled is difficult. Proper reinstallation of the filter bowl is necessary to assure that the filter module shutoff valves will operate as designed. The removal of the filter module shutoff valve as required by this AD will not effect the function and operation of any hydraulic system component. The filter module shutoff valve was installed to provide an on ground maintenance convenience. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires removal of hydraulic system return filter modules inlet shutoff valve assemblies on Lockheed Model L-1011-385-1 series airplanes.

Adoption of the Amendment

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

Lockheed California

Applies to Lockheed L-1011-385-1 series airplanes certificated in all categories.

Compliance required within the next 350 hours time in service, unless already accomplished.

To prevent uncontrolled pressure buildup in the hydraulic system return lines and to maintain full flight control capability, accomplish the following:

(a) Remove the hydraulic system return filter module inlet shutoff valve assemblies from the hydraulic system return filter modules per Lockheed Service Bulletin 093-29-069, dated June 27, 1979.

(b) Equivalent modifications may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a base to perform the required modifications.

This amendment becomes effective July 16, 1979.

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

Issued in Los Angeles, California on July 2, 1979.

Leon C. Daugherty,

Director, FAA Western Region.

[FR Doc. 79-21332 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-AL-13]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of Five Finger, Alaska, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revoke the Five Finger, Alaska, transition area. The Five Finger special instrument approach procedure has been canceled. Therefore, need for a transition area no longer exists. Revocation of the transition area will cause a portion of airspace directly beneath B37 and A15 and between B37 and V317 to revert to uncontrolled airspace and will have no adverse effect on airspace users.

EFFECTIVE DATE: 0901 GMT, October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry M. Wylie, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271-5903.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71) is to revoke the Five Finger, Alaska, transition area. The Five Finger, Alaska, transition area was last described in § 71.181 of the Federal Aviation Regulations (44 FR 442) on January 2, 1979. The Five Finger transition area was designated to protect a special instrument approach procedure on the Five Finger NDB. The Five Finger special instrument approach procedure has been canceled. There is no anticipated need for an IFR procedure to Five Finger, Alaska, in the foreseeable future. Since this amendment will result only in a minor change in controlled airspace, and would reduce the constraints and impact on the public, I find that notice and public procedure thereon are unnecessary.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended by revoking the Five Finger, Alaska, transition area.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 1134, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, and anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Anchorage, Alaska, on June 27, 1979.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 79-21209 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-RM-16]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Watertown, South Dakota 1,200' transition area to provide controlled airspace for a terminal transition route from Watertown, South Dakota VORTAC to the Morris, Minnesota VOR. This action is necessary as a result of the Morris, Minnesota VOR Runway 32 standard instrument approach procedure being amended and an additional terminal transition route developed.

EFFECTIVE DATE: 0901 G.m.t., October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, May 14, 1979, the FAA published for comment, a proposal to alter the Watertown, South Dakota 1,200' transition area (44 FR 27998). The only comment received expressed no objection.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) alters the Watertown, South Dakota 1,200' transition area to provide controlled airspace for a terminal transition route from the Watertown, South Dakota VORTAC to the Morris, Minnesota VOR. This action is necessary as a result of the Morris, Minnesota VOR Runway 32 standard instrument approach procedure being amended and an additional terminal transition route developed.

Drafting Information

The principal authors of this document are Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective October 4, 1979, as follows:

By amending subpart G, § 71.181 (44 FR 442) to alter the following transition area to read:

Watertown, South Dakota

* * *; and that airspace extending upward from 1,200' above the surface within 9.5 miles east and 7 miles west of the 181° radial extending from the Watertown VORTAC to 31.5 miles south; and within a 26-mile radius of the Watertown VORTAC extending clockwise from a line 7 miles west of and parallel to the 181° radial to the 238° radial; and 5 miles each side of the 053° radial from the Watertown VORTAC within the State of South Dakota.

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

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

Issued in Aurora, Colorado on July 2, 1979.

M. M. Martin,

Director, Rocky Mountain Region.

[FR Doc. 79-21333 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 19312; Amdt. No. 1142]

Standard Instrument Approach Procedures for Operations at Certain Airports; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are

needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. For Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Lewis O. Ola, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION:

This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantage of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 970) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME STAPs identified as follows:

Effective October 4, 1979

Lambertville, MI—Wagon Wheel, VOR-A Amdt. 5

Effective September 6, 1979

Kalamazoo, MI—Kalamazoo Muni., VOR Rwy 17, Amdt. 11
Kalamazoo, MI—Kalamazoo Muni., VOR Rwy 23, Amdt. 12
Kalamazoo, MI—Kalamazoo Muni., VOR Rwy 35, Amdt. 10
Three Rivers, MI—Three Rivers Municipal Dr. Haines, VOR-A, Amdt. 4

Effective August 23, 1979

Georgetown, DE—Sussex County, VOR Rwy 4, Amdt. 2
Georgetown, DE—Sussex County, VOR Rwy 22, Amdt. 3
Macon, GA—Herbert Smart Downtown, VOR-A, Amdt. 2
Macon, GA—Herbert Smart Downtown, VOR/DME-B Amdt. 1
Toccoa, GA—Toccoa, VOR Rwy 20, Amdt. 8
Fort Wayne, IN—Fort Wayne Muni. (Baer Field), VOR Rwy 13, Amdt. 10
Fort Wayne, IN—Fort Wayne Muni. (Baer Field), VOR Rwy 22, (TAC), Amdt. 6
Marlette, MI—Marlette, VOR/DME-A Amdt. 2
Litchfield, MN—Litchfield Muni., VOR Rwy 33, Amdt. 3
Litchfield, MN—Litchfield Muni., VOR/DME or TACAN Rwy 15, Amdt. 2
Kaiser/Lake Ozark, MO—Lee C. Fine Memorial, VOR Rwy 3, Amdt. 1
Sidney, NE—Sidney Muni., VOR Rwy 12, Amdt. 4
Sidney, NE—Sidney Muni., VOR Rwy 30, Amdt. 3
Sidney, NE—Sidney Muni., VOR/DME 12, Original 4
Sidney, NE—Sidney Muni., VOR/DME 30, Original 4
Teterboro, NJ—Teterboro, VOR/DME-A, Orignial
Teterboro, NJ—Teterboro, VOR/DME-A, Amdt. 7. cancelled
Gallup, NM—Senator Clarke Field, Field VOR Rwy 6, Amdt. 5
Binghamton, NY—Broome County, VOR Rwy 10, Amdt. 3
Binghamton, NY—Broome County, VOR/DME Rwy 28, Amdt. 7
Oklahoma City, OK—Wiley Post, VOR Rwy 17L, Amdt. 7
Oklahoma City, OK—Wiley Post, VOR-C, Amdt. 2
Eugene, OR—Mahlon Sweet Field, VOR-A, Amdt. 5
Eugene, OR—Mahlon Sweet Field, VOR/DME Rwy 3 (TAC) Amdt. 1
Eugene, OR—Mahlon Sweet Field, VOR/DME Rwy 16 (TAC) Amdt. 1
Eugene, OR—Mahlon Sweet Field, VOR/DME Rwy 34 (TAC) Amdt. 1

St. Mary's, PA—St. Mary's Muni, VOR Rwy 28, Amdt. 3
Arlington, TX—Arlington Muni., VOR/DME Rwy 34, Amdt. 3
Port Isabel, TX—Port Isabel-Cameron County, VOR-A, Amdt. 2
Port Isabel, TX—Port Isabel-Cameron County, VOR/DME Rwy 17, Original
Oshkosh, WI—Wittman Field, VOR Rwy 9, Amdt. 6
Oshkosh, WI—Wittman Field, VOR Rwy 18, Amdt. 4
Oshkosh, WI—Wittman Field, VOR Rwy 27, Amdt. 2
Oshkosh, WI—Wittman Field, VOR Rwy 36, Amdt. 14
Pulaski, WI—Carter, VOR-A, Amdt. 2
West Bend, WI—West Bend Muni., VOR Rwy 13, Amdt. 3
West Bend, WI—West Bend Muni., VOR Rwy 31, Amdt. 6

Effective August 9, 1979

Park Rapids, MN—Park Rapids Municipal, VOR Rwy 31, Amdt. 9
Park Rapids, MN—Park Rapids Municipal, VOR/DME Rwy 13, Amdt. 3

2. By amending § 97.25 SDF-LDA SIAPs identified as follows:

Effective September 6, 1979

Kalamazoo, MI—Kalamazoo Muni., LOC BC Rwy 17, Amdt. 12
Kerrville, TX—Kerrville Muni (Louis Schreiner Field), LOC Rwy 30, Original

Effective August 23, 1979

Alexandria, LA—Esler Regional, LOC BC Rwy 8, Amdt. 6
Gallup, NM—Senator Clarke Field, LOC Rwy 6, Original
Oshkosh, WI—Wittman Field, LOC/DME BC Rwy 18, Amdt. 3

Effective August 9, 1979

Moline IL—Quad-City, LOC Rwy 27, Original
Moline IL—Quad-City, LOC BC Rwy 27, Amdt. 18, cancelled

Effective July 12, 1979

Merced, CA—Merced Muni., LOC BC Rwy 12, Amdt. 3

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

Effective October 4, 1979

Sault Ste. Marie, MI—Chippewa County International NDB Rwy 33, Original

Effective September 6, 1979

Dwight, IL—Dwight, NDB Rwy 27, Amdt. 1
Kalamazoo, MI—Kalamazoo Muni., NDB Rwy 35, Amdt. 12
Three Rivers, MI—Three Rivers Municipal Dr. Haines, NDB Rwy 27, Amdt. 2
Kerrville, TX—Kerrville Muni (Louis Schreiner Field), NDB Rwy 30, Original
Antigo, WI—Langlade County, NDB Rwy 16 Amdt. 2
Merrill, WI—Merrill Muni., NDB Rwy 16, Amdt. 3

Effective August 23, 1979

Seymour, IN—Freeman Muni., NDB Rwy 22, Amdt. 5
Seymour, IN—Freeman Muni., NDB Rwy 31, Amdt. 6
Asheville, NC—Asheville Muni., NDB Rwy 34, Amdt. 12
Hamilton, OH—Hamilton, NDB-A, Amdt. 9
Eugene, OR—Mahlon Sweet Field, NDB Rwy 34, Amdt. 26
Sweetwater, TX—Sweetwater Muni, NDB Rwy 16, Original
Oshkosh, WI—Wittman Field, NDB Rwy 36, Amdt. 3
West Bend, WI—West Bend Muni., NDB Rwy 31, Amdt. 7

Effective August 9, 1979

Park Rapids, MN—Park Rapids Municipal, NDB Rwy 31, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

Effective September 6, 1979

Kalamzoo, MI—Kalamazoo, Muni., ILS Rwy 35, Amdt. 14
Houston, TX—Houston Intercontinental, ILS Rwy 8, Amdt. 9
Houston, TX—Houston Intercontinental, ILS Rwy 26, Amdt. 5

Effective August 23, 1979

Alexandria, LA—Esler Regional, ILS Rwy 26, Amdt. 9
Asheville, NC—Asheville Muni., ILS Rwy 34, Amdt. 17
Cleveland, OH—Cleveland-Hopkins International, ILS Rwy 5R, Amdt. 7
Cleveland, OH—Cleveland-Hopkins International, ILS Rwy 23L, Amdt. 7
Oklahoma City, OK—Wiley Post, ILS Rwy 17L, Amdt. 5
Eugene, OR—Mahlon Sweet Field, ILS Rwy 16, Amdt. 20
State College, PA—University Park, ILS Rwy 24, Amdt. 1
Greer, SC—Greenville-Spartanburg, ILS Rwy 3, Amdt. 13
Roanoke, VA—Roanoke Muni/Woodrum, LDA Rwy 5, Amdt. 1
Oshkosh, WI—Wittman Field, ILS Rwy 36, Amdt. 4

Effective August 9, 1979

Park Rapids, MN—Park Rapids Municipal, MLS Rwy 31 (Interim), Original

Effective July 12, 1979

Merced, CA—Merced Muni., ILS Rwy 30, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

Effective September 6, 1979

Kalamazoo, MI—Kalamazoo Muni. RADAR-1, Amdt. 3

Effective August 23, 1979

Fernandina Beach, FL—Fernandina Beach Muni., RADAR-1, Original
Fort Wayne, IN—Fort Wayne Muni (Baer Field) RADAR-1, Amdt. 14
Asheville, NC—Asheville Muni., RADAR-1, Amdt. 1

6. By amending § 97.33 RNAV SIAPs identified as follows:

Effective October 4, 1979

Charlottesville, VA—Charlottesville-Albemarle, RNAV Rwy 3, Original

Effective August 23, 1979

Georgetown, DE—Sussex County, RNAV Rwy 22, Amdt. 2
Freeport, IL—The Albertus, RNAV Rwy 6, Amdt. 1
Sidney, NE—Sidney Muni., RNAV Rwy 30, Amdt. 1
Olean, NY—Olean Muni., RNAV Rwy 22, Original
Hamilton, OH—Hamilton RNAV Rwy 29, Amdt. 3
St. Mary's, PA—St. Mary's Muni., RNAV Rwy 10, Amdt. 1
St. Mary's, PA—St. Mary's Muni., RNAV Rwy 28, Amdt. 1
Arlington, TX—Arlington Muni., RNAV Rwy 13, Amdt. 3
West Bend, WI—West Bend Muni., RNAV Rwy 13, Amdt. 3

[Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3).]

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

Issued in Washington, D.C. on July 6, 1979.

James M. Vines,

Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 79-21400 Filed 7-11-79; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Parts 1, 2, 3 and 4

Compliance Proceedings; Petitions To Reopen and Modify Final Orders; and Ex Parte Communications in Adjudicative Proceedings

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: This concerns amendments to a variety of FTC procedural rules as follows: (1) rules governing compliance proceedings; (2) rules governing petitions to reopen and modify final orders; and (3) § 4.7 concerning *ex parte* communications in adjudicative proceedings. The amended compliance

rules are intended to make clearer than the previous rules that compliance proceedings are nonadjudicative. The amended rules governing petitions to reopen have the same purpose. Section 4.7 is amended to specify all categories of adjudicative proceedings to which the rule applies and the time at which the rule begins and ceases to apply to a particular proceeding and to clarify the rule in other minor respects.

EFFECTIVE DATE: July 12, 1979.

FOR FURTHER INFORMATION CONTACT: Jerome A. Tintle, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202-523-3487).

SUPPLEMENTARY INFORMATION:

Rules Governing Compliance Proceedings

Under the present structure of the Commission's Rules of Practice these rules have been located until now in Part 3 and have been designated as § 3.61, Subpart G. Their placement with the rules relating to adjudicative proceedings has caused needless confusion, however. For example, parties involved in compliance proceedings at times have claimed that the inclusion of the compliance rules among the adjudicative rules supports their contention that they are entitled to adjudicative rights at the compliance stage and that the Commission and its staff may not engage in *ex parte* discussions about matters in compliance. The adjudicatory provisions of the Administrative Procedure Act, however, are applicable only to agency proceedings "required by statute to be determined on the record after opportunity for an agency hearing." 5 U.S.C. 554(a). *Sisselman* v. *Smith*, 432 F.2d 750 (3rd Cir. 1970); *United States* v. *Walker*, 409 F.2d 477 (9th Cir. 1969); *Jorski Mill & Elevator Co.* v. *Farmers Elevator Mutual Insurance Co.*, 404 F.2d 143 (10th Cir. 1968); *Webster Groves Trust Co.* v. *Saxon*, 370 F.2d 381 (8th Cir. 1966); *La Rue* v. *Udall*, 324 F.2d 428 (D.C. Cir. 1963). No provision of the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*, requires formal hearings at the compliance stage. The Commission's rules, moreover, expressly provide that compliance proceedings are not adjudicative. 16 CFR 3.2. And the courts have upheld the Commission's position. *Robertson* v. *FTC*, 415 F.2d 49 (4th Cir. 1969); *see also Floersheim* v. *Engman*, 494 F.2d 949 (D.C. Cir. 1973); *Rettinger* v. *FTC*, 392 F.2d 454 (2d Cir. 1968); *Martin Marietta Corp.* v. *FTC*, 376 F.2d 430 (7th Cir. 1967) *cert. denied*, 389 U.S. 923 (1967); *United States* v. *Papercraft Corporation*, 393 F. Supp. 408 (W.D. Pa. 1975), *rev'd on other grounds*, 540 F.2d 131 (3rd Cir. 1976).

Accordingly, to eliminate misconceptions caused by the physical incorporation of compliance procedures in Part 3 of the Commission's Rules of Practice, the procedures are transferred to Part 2 (Nonadjudicative Procedures) and redesignated as § 2.41, Subpart D. In addition, § 3.2 is amended to make explicit that compliance procedures generally, including requests for extensions of time to comply with final orders, are excepted from Part 3 procedures and not just "hearings" as previous § 3.2 specified.

Rules Governing Petitions To Reopen and Modify Final Orders

These rules, like the compliance rules, have been located until now in Part 3 of the Commission's Rules of Practice. Specifically, they have been included among the provisions of § 3.72 governing formal reopening of proceedings. The latter proceedings are, of course, subject to the adjudicatory provisions of the APA since section 5(b) of the FTC Act, 15 U.S.C. § 45(b), provides that a final order issued under section 5 may be altered, modified, or set aside only "after notice and opportunity for hearing * * *." No provision of the FTC Act, however, requires notice and opportunity for hearing with respect to the Commission's predecisional deliberations on petitions to reopen; hence, the APA adjudicatory provisions are inapplicable to these deliberations. The mere filing of a petition to reopen, in other words, does not under the FTC Act automatically trigger the adjudicative process. That process begins only if the Commission after reviewing the petition issues an order pursuant to section 5(b) reopening the proceeding when in its opinion changed conditions of fact or law or the public interest require such reopening. If the Commission denies the petition, however, no adjudicative reopening occurs. *See Rettinger* v. *FTC, supra; Martin Marietta Corp.* v. *FTC, supra.*

The rules governing petitions to reopen are amended, therefore, to make clearer than the previous rules that the administrative deliberations involved in disposing of such petitions are nonadjudicative. The provisions previously designated as § 3.72(b)(2) are transferred from Part 3 of the Commission's Rules of Practice to Part 2, redesignated as § 2.51, Subpart E, and further amended. Additional amendments include substitution of the terms "request", "information" and "ruling" for the terms "petition", "evidence and argument", and "decision" respectively. They also include the deletion of the provision requiring that "[w]ithin thirty (30) days after service of such a petition, the Director of the appropriate bureau of the Commission shall file an answer." In making the last mentioned procedural change, the Commission has determined as a matter of policy that during predecisional deliberations on requests to reopen proceedings the public interest will best be served by the full and frank exchange of views between the Commission and its staff such as now takes place when the Commission is considering whether or not it should on its own initiative reopen proceedings pursuant to § 3.72(b)(1). The rules governing formal reopening are, of course, retained in Part 3 and amended solely to reflect the transfer of rules governing requests to reopen.

Section 4.7

Section 4.7(a) is amended by changing the phrase "*ex parte* communications" to read "*ex parte* communication."

Section 4.7(b)(2) is amended to include among the categories of persons subject to the rule "any employee who is * * * involved in the decisional process," a category inadvertently omitted from the previous rule.

Section 4.7(e) is amended to specify all categories of adjudicative proceedings to which the prohibitions of § 4.7(b) apply and the time at which such prohibitions begin and cease to apply to a particular proceeding. Previous § 4.7(e) specifically referred only to adjudicative proceedings commenced by issuance of complaint and adjudicative hearings on issues arising in rulemaking proceedings under the Fair Packaging and Labeling Act; and it specified when the prohibitions of the rule would begin to apply to such proceedings, but not when they would cease to apply. Amended § 4.7(e) corrects these deficiencies so that the provision reflects both the kinds of proceedings to which, and the time periods in such proceedings during which, the provisions of § 4.7(b) are in practice applied.

Several amendments of § 4.7(f) are made so as to conform the provision with other provisions of the rule. Thus, the exemptions listed in the first sentence of § 4.7(f) apply to communications involving the same persons as are specified in § 4.7(b) except the Administrative Law Judge and anyone assisting him on the case. The first sentence of § 4.7(f) is amended accordingly. The phrase "pending adjudicative proceeding" of the second sentence of § 4.7(f) is amended to read

"proceeding in adjudicative status" as appears in § 4.7(b). The third sentence of § 4.7(f) is amended by substituting the words "any member of the Commission, the Administrative Law Judge, or any other employee who is or who reasonably may be expected to be involved in the decisional process" for the words "Commissioners, the Administrative Law Judge, or any other employee who is involved in the decisional process." so as to conform that sentence to the language of § 4.7(b). Finally, words such as "communications," "employees," and "agents of the Commission" are amended to read in the singular form as they appear in other provisions of the rule.

The second sentence of § 4.7(f) is also amended to make clear that the requirement for placing material in the docket binder of a proceeding in adjudicative status does not apply to trade secrets or other confidential commercial or financial information.

Miscellaneous Conforming Amendments

References to § 3.61 appearing in §§ 1.2 and 4.9(b) (11) and (13) are amended to read "§ 2.41."

As rules of agency organization, practice and procedure, these amendments are not subject to the requirements of 5 U.S.C. 553 for notice of proposed rulemaking and opportunity for public comment and no such notice and opportunity for comment was given. Accordingly, 16 CFR Chapter 1, Subchapter A, is amended as set forth below.

PART 2—NONADJUDICATIVE PROCEDURES

Subpart D [Redesignated from Part 3, Subpart G]

(a) Subpart G of Part 3 is transferred to Part 2 and redesignated as Subpart D.

§ 3.61 Redesignated as § 2.41.

(b) Section 3.61 is transferred to Part 2 and redesignated as § 2.41 of newly designated Subpart D.

(c) A new Subpart is added to Part 2 and designated Subpart E—Requests to Reopen.

(d) Section 3.72(b)(2) is transferred to Part 2, redesignated § 2.51 of newly designated Subpart E, and is amended to read as follows:

Subpart E—Requests To Reopen

§ 2.51 Requests to reopen.

Whenever any person subject to a Commission decision containing a rule or order which has become effective, or an order to cease and desist which has become final, is of the opinion that changed conditions of fact or law require that said rule or order be altered, modified, or set aside, or that the public interest so requires, such person may file with the Secretary a request to reopen the proceeding for that purpose. The request shall state the changes desired, the grounds therefor, and shall include, when available, such supporting information as will assist the Commission in ruling upon the request.

Part 3—Rules of Practice for Adjudicative Proceedings

(a) The beginning of the third sentence of § 3.2 is amended to read as follows:

§ 3.2 Nature of Adjudicative proceedings.

* * * It does not include other proceedings such as negotiations for the entry of consent orders; investigational hearings as distinguished from proceedings after the issuance of a complaint; requests for extensions of time to comply with final orders or other proceedings involving compliance with final orders; proceedings for the promulgation of industry guides or trade regulation rules; proceedings for * * *.

Subpart G [Reserved]

(b) Subpart G is reserved.

(c) Section 3.71 is revised to read as follows:

§ 3.71 Authority.

Except while pending in a U.S. court of appeals on a petition for review (after the transcript of the record has been filed) or in the U.S. Supreme Court, a proceeding may be reopened by the Commission at any time in accordance with § 3.72. Any person subject to a Commission decision containing a rule or order which has become effective, or an order to cease and desist which has become final may file a request to reopen the proceeding in accordance with § 2.51.

§ 3.72 [Amended]

(d) Section 3.72 is amended as follows:

(i) Section 3.72(a) is unchanged.

(ii) Section 3.72(b)(1) is unchanged.

(iii) Section 3.72(b)(2) is transferred to Part 2, redesignated as § 2.51, and amended as previously noted.

(iv) Section 3.72(b)(3) is renumbered as § 3.72(b)(2) and amended to read as follows:

§ 3.72 Reopening.

* * * * *

(b) *After decision has become final.*

* * * * *

(2) Whenever an order to show cause is not opposed, or if opposed but the pleadings do not raise issues of fact to be resolved, the Commission, in its descretion, may decide the matter on the order to show cause and answer thereto, if any, or it may serve upon the parties (in the case of proceedings instituted under § 3.13, such service may be by publication in Federal Register) a notice of hearing, setting forth the date when the cause will be heard. In such a case, the hearing will be limited to the filing of briefs and may include oral argument when deemed necessary by the Commission. When the pleadings raise substantial factual issues, the Commission will direct such hearings as it deems appropriate, including hearings for the receipt of evidence by it or by an Administrative Law Judge. Unless otherwise ordered and insofar as practicable, hearings before an Administrative Law Judge to receive evidence shall be conducted in accordance with Subparts B,C, D, and E of Part 3 of this Chapter. Upon conclusion of hearings before an Administrative Law Judge, the record and the Administrative Law Judge's recommendations shall be certified to the Commission for final disposition of the matter.

(v) The designation "§ 3.72(b)(3)" is not reserved.

PART 4—MISCELLANEOUS RULES

Section 4.7 is amended by revising paragraphs (a), (b)(2), (e) and (f) to read as follows:

§ 4.7 Ex parte communications.

(a) *Definitions.* For purposes of this section, "*ex parte* communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding.

(b) *Prohibited ex parte communication.* * * * and (2) no member of the Commission, the Administrative Law Judge, or any other employee who is or who reasonably may be expected to be involved in the decisional process in the proceeding, shall make or knowingly cause to be made to any person not employed by the Commission, or to any employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, an *ex parte*

communication relevant to the merits of that or a factually related proceeding.

* * * * *

(e) The prohibitions of this section shall apply in an adjudicative proceeding from the time the Commission votes to issued a complaint pursuant to § 3.11, to conduct adjudicative hearings pursuant to § 3.13, or to issue an order to show cause pursuant to § 3.72(b), or from the time an order by a U.S. court of appeals remanding a Commission decision and order for further proceedings becomes effective, until the time the Commission votes to enter its decision in the proceeding. If a petition for reconsideration of a Commission decision is filed pursuant to § 3.55, the provisions of this section shall apply from the time the petition is filed until the time the Commission votes to enter an order disposing of the petition.

(f) The prohibitions of paragraph (b) of this section do not apply to a communication between a member of the Commission or an employee who is or who reasonable may be expected to be involved in the decisional process in the proceeding (other than the Administrative Law Judge and any employee assisting the Administrative Law Judge in the decisional process in the proceeding) and an employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, when such communication is occasioned by and concerns: (1) the initiation, conduct, or disposition of a separate investigation or adjudicative proceeding, whether or not it involves a party already in an adjudicative proceeding; (2) a proceeding outside the scope of § 3.2, including a matter in state or federal court or before another governmental agency; (3) a nonadjudicative function of the Commission, including but not limited to an obligation under § 4.11 or a communication with Congress; or (4) the disposition of a consent settlement under § 3.25 executed by some but not all respondents. *Provided, however,* that to the extent such communication relates to a fact in issue in a proceeding in adjudicative status, such portion will be placed in the docket binder of the proceeding to which it pertains except for trade secrets or other confidential commercial or financial information. A brief statement describing the general subject matter of an *ex parte* communication of trade secrets or other commerical or financial information will be placed in the docket binder. The prohibitions of paragraph (b) of this section also do not apply to a communication between any member of the Commission, the Administrative Law Judge, or any other employee who is or who reasonably may be expected to be involved in the decisional process, and any employee who has been directed by the Commission or requested by an indivudual Commissioner or Administrative Law Judge, to assist in the decision of an adjudicative proceeding. Such employee shall not, however, have performed an investigative or prosecuting function in that or a factually related proceeding.

Miscellaneous conformning amendments

PART 1 [AMENDED]

(a) The final sentence of § 1.2 is amended to read as follows:

§ 1.2 Procedure.

* * * If the request is for advice as to whether the proposed course of action may violate an outstanding order to cease and desist issued by the Commission, such request will be considered as provided for in § 2.41 of this chapter.

PART 4 [AMENDED]

(b) Sections 4.9(b) (11) and (13) are amended to read as follows:

§ 4.9 Public records.

* * * * *

(b) The public records of the Commission which are routinely available for inspection and coping include:

* * * * *

(11) Requests for advice concerning proposed mergers and applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials and communications with respect to such proposed transactions received by any member of the Commission and any employee involved in the decisional process, to the extent that such requests, applications, and materials are made public under §§ 1.4 (a) and (b) and 2.41 (d) and (f) of this chapter; objections or comments with respect thereto which are filed for the public record; and any advice or response given and made public under §§ 1.4 (a) or (b) and 2.41 (d) or (f) of this chapter, together with a statement of supporting reasons;

* * * * *

(13) Reports of compliance and supplemental materials filed in connection with Commission orders requiring divestitures or establishment of business enterprises or facilities, save those otherwise specifically dealt with in §§ 2.41(f) and 4.9(b)(11), are confidential until the last divestiture or establishment of a business enterprise or facility, as required by a particular order, has been finally approved by the Commission. At the time each such report is submitted the filing party may request continuing confidentiality in whole or in part and submit satisfactory reasons therfor, and the Commission with due regard for its statutory restrictions, its rules, and the public interest will pass upon such request;

* * * * *

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. Sec. 46(g))

By direction of the Commission, dated June 21, 1979.

Carol M. Thomas,

Secretary.

[FR Doc. 79-21579 Filed 7-11-79; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1009

Policy Regarding the Granting of Emergency Exemptions From Commission Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Confirmation of statement of policy.

SUMMARY: This document affirms the policy of the Commission regarding the granting of emergency exemptions to companies which inadvertently produce products that do not conform to Commission regulations. The policy statement, which was issued May 4, 1978, lists several criteria which the Commission considers in deciding whether to grant or deny an exemption request. The Commission has been operating under the policy for over a year and has found it to be useful in evaluating emergency exemption requests.

DATE: The policy became effective on May 4, 1978.

FOR FURTHER INFORMATION CONTACT: Carole Roth, Office of the General Counsel, Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207 (202-634-7770).

SUPPLEMENTARY INFORMATION: On May 4, 1978 the Commission published in the Federal Register (43 FR 19215; 16 CFR Part 1009.9) a statement of policy regarding Commission consideration of emergency exemption requests from

companies which inadvertently produce products that do not conform to Commission regulations issued under the five acts the Commission administers. Although the document is a general statement of policy exempt from the notice and public procedure provisions of the Administrative Procedure Act (5 U.S.C. 553), the Commission, nevertheless, solicited public comment on the policy because of a desire for public participation in the formulation of a final policy.

The Commission has not received any public comments on the policy. The Commission has, however, been operating under the published policy for over a year and has considered several emergency exemption requests under the criteria in the policy for deciding whether to grant or deny such requests. The Commission has found the policy to be useful in evaluating emergency exemption requests and has decided to affirm with no changes the policy that originally appeared in the Federal Register on May 4, 1978.

The Commission believes that the policy, in addition to assisting the Commission, has provided guidance to companies on the types of information to be submitted with an exemption request. The Commission notes in this regard that published Commission procedures regarding petitioning for amendments to regulations may also assist companies in determining what supporting data to submit with a request. (See, for example, existing Commission procedures at 16 CFR 1110, 16 CFR 1607.14, 16 CFR 1500.82, and 16 CFR 1500.201.)

The policy explains the factors the Commission considers in evaluating exemption requests. The requests themselves must be filed with the Office of the Secretary of the Commission.

Accordingly, under the provisions of the Consumer Product Safety Act (15 U.S.C. 2051), the Federal Hazardous Substances Act (15 U.S.C. 1261), the Flammable Fabrics Act (15 U.S.C. 1191), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471), and the Refrigerator Safety Act (15 U.S.C. 2111), the Commission in this document affirms the policy statement regarding the granting of emergency exemptions from Commission regulations that was issued May 4, 1978 at Title 16 of the Code of Federal Regulations, Chapter II, Part 1009, § 1009.9.

Although unchanged, the policy statement is reprinted in its entirety for information purposes below:

§ 1009.9 Policy regarding the granting of emergency exemptions from Commission regulations.

(a) This document states the Consumer Product Safety Commission's policy with respect to emergency requests for exemptions for companies which inadvertently produce products that do not conform to Commission regulations issued under the five acts the Commission administers. These acts are the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, the Poison Prevention Packaging Act of 1970 and the Refrigerator Safety Act. While the Commission is reluctant to grant such requests, it believes that the public should be apprised of the manner in which it rules on exemption requests and therefore is publishing the policy to provide guidance to industry and others making such requests. The publication of the policy will also serve to inform the public of the criteria that the Commission uses in ruling upon such requests. This policy is intended to cover emergency requests for exemptions and, while relevant, is not intended to limit the discretion of CPSC staff to close or not to open cases in the routine enforcement of CPSC regulations.

(b) The policy governs requests for exemption from any regulation under any act the Commission administers. The policy lists criteria the Commission considers in deciding whether to grant or deny an exemption request and therefore, should provide guidance to companies on the types of information to be submitted with requests. In additions, published Commission procedures regarding petitioning for amendments to regulations may assist companies in determining what supporting data to submit with a request. (See, for example, existing Commission procedures at 16 CFR 1110, 16 CFR 1607.14, 16 CFR 1500.82 and 16 CFR 1500.201). The exemption requests themselves should be filed with the Office of the Secretary of the Commission.

(c) It is the general policy of the Commission that when a particular exemption request is made and granted, all similarly-situated persons are accorded the same relief as the person who requested the exemption. Therefore, when any amendment to a Commission regulation is proposed or a statement of enforcement policy is issued, the document to the extent practicable will be phrased in objective terms so that all similarly-situated persons will be able to determine whether their products would fall within the relief.

(d) In deciding whether to grant or deny an exemption request, the Commission considers the following general criteria:

(1) *The degree to which the exemption if granted would expose consumers to an increased risk of injury:* The Commission does not believe it should exempt products which would present a significantly greater risk to consumers than complying products. Therefore, the Commission will not grant exemption requests in such cases.

(2) *The cost to the Commission of granting emergency requests:* Granting emergency exemption requests will in most cases require drafting a proposed and a final amendment or a statement of enforcement policy for publication in the Federal Register. Such action may also require the Commission to monitor the sale or distribution of the products. These activities consume scarce Commission resources. In some instances, the costs to the Commission may exceed the benefit to be derived by a company and similarly situated companies. If so, the Commission may deny the request on this ground.

(3) *The precedential effect of exempting some products:* The Commission recognizes that decisions to exempt some products set precedents in at least two ways. First, they indicate to companies that the CPSC will permit deviations to a given regulation. Second, they indicate to companies that the CPSC will permit deviations to regulations in general. Both precedents, if set carelessly by the CPSC, could result in many requests for exemption and could undermine the stability and integrity of the Commission's regulations.

(e) In deciding whether to grant or deny an exemption request, the Commission also considers the following factors which relate specifically to the company making the request: (If the request is granted, all similarly-situated companies, however, will be accorded the same relief).

(1) *The nature of the emergency exemption request:* The Commission will not reward bad quality control or faulty design work by permitting companies to market their mistakes. Although it is difficult to detail specific instances, the Commission is sympathetic to companies that produced noncomplying products due to factors beyond their immediate control or despite their best efforts.

(2) *The economic loss which a company will suffer if its emergency request is denied:* The greater the loss a

company may suffer the more likely the Commission will favorably consider an exemption. However, the Commission does not believe economic loss alone should be determinative of an emergency exemption request.

(3) *The fairness to competitors:* The Commission is reluctant to grant relief if it could place the company at an unfair competitive advantage over other companies which have successfully complied with the same regulation. Therefore, the Commission will afford the same relief to similarly-situated companies, and will decline to grant a request where unfair competitive advantage may result.

Dated: July 9, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-21519 Filed 7-11-79; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-32]

Interpretative Releases Relating to Accounting Matters; Staff Accounting Bulletin No. 32

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This interpretation presents the staff's view that if accounting changes which are required to be retroactively applied are not applied by restating prior years due to immateriality, the cumulative effect of such change should be included in the determination of income for the period in which the change is made.

EFFECTIVE DATE: July 5, 1979.

FOR FURTHER INFORMATION CONTACT: Howard P. Hodges, Jr. (202-755-1744), Division of Corporation Finance, or Rita J. Gunter (202-755-0222), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

July 5, 1979.

Staff Accounting Bulletin No. 32

The staff hereby adds Section N to Topic 5 which sets forth the staff's view that if accounting changes which are required to be retroactively applied are not applied by restating prior periods due to immateriality, the cumulative effect of such change should be included in the determination of income (loss) before extraordinary items and cumulative effect of a change in accounting principle for the period in which the change is made.

Topic 5: Miscellaneous Accounting

* * * * *

N. Accounting changes not retroactively applied due to immateriality.

Facts: A registrant is required to adopt an accounting principle by means of restatement of prior periods' financial statements. However, the registrant determines that the accounting change does not have a material effect on prior periods' financial statements, and, accordingly, decides not to restate such financial statements.

Question: In these circumstances, is it acceptable to adjust the beginning balance of retained earnings of the period in which the change is made for the cumulative effect of the change on the financial statements of prior periods?

Interpretive Response: No. If prior periods are not restated, the cumulative effect of the change should be included in the statement of income for the period in which the change is made (not to be reported as a cumulative effect adjustment in the manner of APB Opinion No. 20). Even in cases where the total cumulative effect is not significant, the staff believes that the amount should be reflected in the results of operations for the period in which the change is made. However, if the cumulative effect is material to current operations or to the trend of the reported results of operations, then the individual income statements of the earlier years should be retroactively adjusted.

This position is consistent with the requirements of Statement of Financial Accounting Standards ("FAS") No. 5, "Accounting for Contingencies," FAS No. 8, "Accounting for the Translation of Foreign Currency Transactions and Foreign Currency Financial Statements," and FAS No. 13, "Accounting for Leases," which indicate that "the cumulative effect [of the change] on retained earnings at the beginning of the earliest period restated shall be included in determining net income of that period."

[FR Doc. 79-21516 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 211

[Release No. SAB-33]

Interpretative Releases Relating To Accounting Matters; Staff Accounting Bulletin No. 33

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This interpretation of the staff of the Commission amends SAB No. 25, which provided guidance to issuers in disclosing relationships with independent public accountants in proxy statements, to indicate that fees incurred by issuers for audit services to employee benefit plans should be considered as services provided in connection with the audit function.

EFFECTIVE DATE: July 5, 1979.

FOR FURTHER INFORMATION CONTACT: Clarence M. Staubs (202-755-0222), Office of the Chief Accountant, or Howard P. Hodges, Jr. (202-755-1744), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

July 5, 1979.

Staff Accounting Bulletin No. 33

The following interpretation provides the staff's view on a question concerning the requirements of 17 CFR 240.14a-101 adopted in Accounting Series Release No. 250 [43 FR 29110].

Topic 6: Interpretations of Accounting Series Releases

* * * * *

L. ASR No. 250—Disclosure of Relationships with Independent Public Accountants.

Amendment of Staff Accounting Bulletin No. 25

In Staff Accounting Bulletin No. 25, the staff included the following question and interpretive response:

Question: Should services, including audits, to employee benefit plans where the issuer engages the accountant be included in the disclosures of non-audit services?

Interpretive Response: Yes.

The above question and interpretive response are amended to read:

Question: Should audit services provided to the employee benefit plans of an issuer be included in the disclosures of non-audit services where the issuer engages the independent accountant for such services?

Interpretive Response: No. The general audit services provided to employee benefit plans are typically interrelated to the examination of the issuer's financial statements and may be considered services provided in connection with the audit functions. Specific non-audit services provided to employee benefit plans, however, must be included in the issuer's non-audit services disclosures.

[FR Doc. 79-21517 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Part 515

International Visitor Grantees: Designated City Supplemental Payments

Correction

In FR Doc. 79-20375 appearing at page 37907 in the issue of June 29, 1979, in the first column, in the "Summary" paragraph, 9 lines from the bottom, "must" should read "most".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. No. 79-12]

Administrators and Assistant Secretary for Administration; Delegation of Authority To Waive Claims for Erroneous Payment of Pay and Allowances

AGENCY: Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This admendment delegates to all administrators and to the Assistant Secretary for Administration additional authority that the U.S. General Accounting Office is granting to heads of agencies or Secretaries with respect to standards for waiver of claims for erroneous payments of pay and allowances. It permits heads of agencies or Secretaries to deny requests from employees and members of the uniformed services for waiver of claims of the United States arising out of erroneous payments of pay and allowances regardless of the aggregate amount of the claim. Previously all requests for waiver involving claims of more than $500 were required to be settled by the Comptroller General of the United States.

EFFECTIVE DATE: This amendment is effective on July 12, 1979.

FOR FURTHER INFORMATION CONTACT: Daniel J. LeClair, U.S. Department of Transportation Office of Financial Systems (M-80) Room 9206 400 7th Street, S.W. Washington, D.C. 20590 (202) 426-1306

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental rules of organization, it is excepted from notice and public procedure requirements. It is made effective immediately because it is not a substantive rule.

Drafting Information

The principal persons involved in drafting this rule are Daniel J. LeClair, Systems Accountant, Office of Financial Systems, and Jack Lusk, Office of Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation.

Discussion of Delegation

Authority to waive or deny request for waiver of claims for erroneous payments of pay and allowances of $500 or less, as provided by 4 CFR, Parts 91, 92, and 93, was previously delegated by the Secretary to all administrators and to the Assistant Secretary for Administration of the Office of the Secretary. The authority is contained in Subtitle A, Part I, of Title 4 of the Code of Federal Regulations. The additional authority being delegated by this amendment will permit the denial of requests for waiver regardless of the aggregate amount of the claim. In so doing it will update the authority previously delegated by the Secretary. Accordingly, Part I of Title 49 of the Code of Federal Regulations is amended by (1) revising § 1.45(a)(8) and by (2) revising § 1.59(c)(6) to read as follows:

1. In § 1.45, paragraph (a)(8) is revised to read as follows:

§ 1.45 Delegations to all administrators.

* * * * *

(a) * * *

* * * * *

(8) Waive claims and make refunds in connection with claims of the United States for erroneous overpayment of pay and allowances in amounts aggregating not more than $500 without regard to any repayments, and deny requests for waiver of such claims regardless of the aggregate amount of the claim, as provided by 4 CFR, Parts 91, 92, and 93. Redelegation of this authority may be made only to the level of Regional Director or District Commander.

* * * * *

2. In § 1.59, paragraph (c)(6) is revised to read as follows:

§ 1.59 Delegations to Assistant Secretary for Administration.

* * * * *

(c) * * *

* * * * *

(6) Waive claims and make refunds in connection with claims for erroneous overpayment of pay and allowances to an employee of the Office of the Secretary in amounts aggregating not more than $500 without regard to any repayments, and deny requests for waiver of such claims regardless of the aggregate amount of the claim, as provided by 4 CFR, Parts 91, 92, and 93. This authority may be redelegated only to the Director of Administrative Operations.

(Section 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).

Issued in Washington, D.C. on June 29, 1979.

Brock Adams,

Secretary of Transportation.

[FR Doc. 79-21210 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-62-M

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the moving expense schedules for displaced persons.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: John Murnane, Relocation Assistance Division, Office of Right-of-Way (202-426-0156); or Reid Alsop, Office of the Chief Counsel (202-426-0300), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday-Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect

to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, 41 CFR Part 101-6, provide in 101-6.105-1 that the schedule shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the Federal Highway Administration to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semi-annually. The purpose of this amendment is to revise the current schedule, which was published on February 7, 1979 (44 FR 7700) to reflect changes in the moving expense schedules of the following States:

Table I—Personalty—Montana, Oklahoma, Pennsylvania, Texas, Virginia, and Wyoming.

Table II—Mobile Homes—Montana, Oklahoma, Texas, and Wyoming.

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. John Murnane of the program office at the address specified above.

(42 U.S.C. 4601 *et seq.*; 41 CFR 101-6.105-1; 49 CFR 25153)

Issued on: July 3, 1979.

John S. Hassell, Jr.,

Deputy Administrator.

BILLING CODE 4910-22-M

Appendix A

Title 49--Transportation
Table I--Personalty

3

State	Occupant provides furniture: Number of rooms of furniture 1	2	3	4	5	6	7	8	9	10	Occupant does not provide furniture: First room	Each additional room
Alabama[1]	70	110	150	190	230	270	300				(See end of table)	
Alaska	75	150	200	250	275	300					15	15
Arizona	50	100	150	200	250	300					25	15
Arkansas	70	110	150	190	230	270	300				40	20
California	75	100	150	200	250	300					25	15
Colorado	120	180	240	300							30	20
Connecticut	50	90	140	170	230	260	300				15	15
Delaware	60	100	140	180	220	260	300				25	15
District of Columbia	100	135	170	210	250	290	300				35	15
Florida	60	90	120	150	180	210	240	270	300		20	10
Georgia	55	95	130	170	200	260	300				30	10
Guam	48	85	120	168	205	240	300				10	10
Hawaii	65	100	135	175	215	255	295	300			45	30
Idaho	60	100	140	180	220	260	300				20	10
Illinois	50	100	150	200	250	300					25	15
Indiana	50	100	150	200	250	300					25	15
Iowa	75	140	195	240	275	300					30	12
Kansas	60	120	180	240	300						30	10
Kentucky	50	90	130	170	210	250	290	300			20	15
Louisiana	60	100	140	180	220	260	300				40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	80	110	145	185	230	275	300				20	10
Massachusetts	60	130	150	190	225	250	275	300			25	15
Michigan	65	130	180	240	300						50	10
Minnesota	75	125	175	225	250	275	300				30	15
Mississippi	75	100	160	210	260	300					40	20
Missouri	50	100	150	200	250	300					25	10
Montana	60	100	140	180	220	260	300				35	20
Nebraska	50	100	150	200	250	300					30	10
Nevada	50	100	150	200	250	300					25	15
New Hampshire	50	100	125	150	175	200	225	250	275	300	25	15
New Jersey	80	140	195	245	300						25	15
New Mexico[2]	105	155	205	255	300						(See end of table)	
New York	80	130	175	215	250	275	300				25	15
North Carolina	60	100	140	180	220	260	300				30	20
North Dakota	75	125	150	200	250	275	300				30	15
Ohio	50	100	150	200	250	300					30	10
Oklahoma	95	135	175	215	255	300					40	15
Oregon	60	120	180	240	300						20	20
Pennsylvania	60	115	170	230	285	300					25	25
Puerto Rico	75	105	135	165	195	225	250	275	300		25	25
Rhode Island	50	90	125	150	175	200	225	250	275	300	25	10
South Carolina	95	125	165	205	235	250	270	300			15	10
South Dakota	75	130	175	210	240	290	300				40	10
Tennessee	75	100	150	200	250	300					25	15
Texas	70	110	150	190	230	270	300				40	20
Utah	75	100	130	155	180	210	240	270	300		25	15
Vermont	50	90	125	150	175	200	225	250	275	300	25	10
Virginia	60	100	140	180	220	260	300				40	10
Virgin Islands	105	150	195	240	275	300					35	35
Washington[3]	70	120	150	180	210	240	270	300			20	10
West Virginia[4]	60	100	140	180	220	260	300				25	10
Wisconsin	60	120	170	220	260	300					30	15
Wyoming	60	120	180	240	260	300					40	20

[1] Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	Each additional Room
$25	$40	$60	$75	$90	$15

[2] Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	9 Rooms	10 Rooms
$45	$86	$107	$128	$149	$170	$191	$212	$233	$254

to a maximum of $300

[3] For mobile homes (whether or not occupant provides furniture):

First room	Each additional room
$50	$25

[4] Where occupant does not provide furniture, allowance for 2 rooms is $40

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

4

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Alabama			0 (0)	200 (18.6)			140
			200 (18.6)	400 (37.2)			190
			400 (37.2)	600 (55.8)			240
			600 (55.8)	800 (74.4)			280
			800 (74.4)				300
Alaska	All trailers						300
Arizona			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Arkansas					0 (0)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
California[1]					0 (0)	8 (2.4)	(see 1-end of table)
					8 (2.4)		
Colorado[2]							(see 2-end of table)
Connecticut[3]					0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
Delaware			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Florida			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	850 (79.1)			250
			850 (79.1)				300
Georgia			0 (0)	400 (37.2)			95
			400 (37.2)	500 (46.5)			125
			500 (46.5)	600 (55.8)			185
			600 (55.8)	850 (79.1)			245
			850 (79.1)				300
Guam			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Hawaii			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Idaho			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Illinois	0 (0)	24 (38.6)			0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
	24 (38.6)	50 (80.5)			0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	200
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

5

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7	180
					12 (3.7)		230
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky[4]					0 (0)	8 (2.4)	240
					8 (2.4)	10 (3)	285
					10 (3)	12 (3.7)	300
Louisiana					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
Maine					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	280
					12 (3.7)		300
Minnesota[4]	0 (0)	10 (16)			0 (0)	10 (3)	125
					10 (3)	12 (3.7)	135
					12 (3.7)	14 (4.3)	150
					14 (4.3)		175
	10 (16)	25 (40.2)			0 (0)	10 (3)	130
					10 (3)	12 (3.7)	140
					12 (3.7)	14 (4.3)	155
					14 (4.3)		185
	25 (40.2)	50 (80.5)			0 (0)	10 (3)	140
					10 (3)	12 (3.7)	150
					12 (3.7)	14 (4.3)	175
					14 (4.3)		200

See footnotes at end of table.

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Mississippi			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana[4]					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada			0 (0)	400 (37.2)			150
			400 (37.2)	500 (46.5)			200
			500 (46.5)	600 (55.8)			250
			600 (55.8)				300
New Hampshire	All Mobile Homes						300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico[4,5]	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	141
					8.5 (2.6)	10.5 (3.2)	181
					10.5 (3.2)	12.5 (3.8)	191
					12.5 (3.8)		231
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	161
					8.5 (2.6)	10.5 (3.2)	191
					10.5 (3.2)	12.5 (3.7)	206
					12.5 (3.7)		246
New York			0 (0)	300 (27.9)			150
			300 (27.9)	500 (46.5)			200
			500 (46.5)	700 (65.1)			250
			700 (65.1)				300
North Carolina[4,6]					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	200
					12 (3.7)		300
North Dakota			0 (0)	200 (18.6)			125
			200 (18.6)	400 (37.2)			175
			400 (37.2)	600 (55.8)			225
			600 (55.8)	800 (74.4)			275
			800 (74.4)				300

See footnotes at end of table.

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Ohio[4]	0 (0)	10 (16)	0 (0)	320 (29.8)	.....	.....	130
			320 (29.8)	500 (46.5)	.....	.....	150
			500 (46.5)	840 (78.1)	.....	.....	170
			840 (78.1)	1,120 (104.2)	.....	.....	205
			1,120 (104.2)	.....	.....	.....	250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)	.....	.....	135
			320 (29.8)	500 (46.5)	.....	.....	155
			500 (46.5)	840 (78.1)	.....	.....	190
			840 (78.1)	1,120 (104.2)	.....	.....	220
			1,120 (104.2)	.....	.....	.....	275
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)	.....	.....	145
			320 (29.8)	500 (46.5)	.....	.....	165
			500 (46.5)	840 (78.1)	.....	.....	200
			840 (78.1)	1,120 (104.2)	.....	.....	250
			1,120 (104.2)	.....	.....	.....	300
Oklahoma			.....	.....	0 (0)	10 (3)	250
			.....	.....	10 (3)		300
Oregon			0 (0)	200 (18.6)	.....	.....	100
			200 (18.6)	600 (55.8)	.....	.....	200
			600 (55.8)	.....	.....	.....	300
Pennsylvania			0 (0)	300 (27.9)	.....	.....	130
			300 (27.9)	500 (46.5)	.....	.....	225
			500 (46.5)	800 (74.4)	.....	.....	275
			800 (74.4)	.....	.....	.....	300
Rhode Island			.....	.....	0 (0)	8 (2.4)	225
			.....	.....	8 (2.4)	10 (3)	250
			.....	.....	10 (3)	12 (3.7)	275
			.....	.....	12 (3.7)	.....	300
South Carolina[4]			.....	.....	0 (0)	10 (3)	140
			.....	.....	10 (3)	12 (3.7)	150
South Dakota			.....	.....	0 (0)	10 (3)	230
			.....	.....	10 (3)	12 (3.7)	270
			.....	.....	12 (3.7)	.....	300
Tennessee[4]			.....	.....	0 (0)	10 (3)	100
			.....	.....	10 (3)	.....	150
Texas			.....	.....	0 (0)	8.5 (2.6)	165
			.....	.....	8.5 (2.6)	10.5 (3.2)	210
			.....	.....	10.5 (3.2)	12.5 (3.8)	260
			.....	.....	12.5 (3.8)		300
Utah[4]	0 (0)	10 (16)	.....	.....	0 (0)	8 (2.4)	140
			.....	.....	8 (2.4)	10 (3)	145
			.....	.....	10 (3)	12 (3.7)	165
			.....	.....	12 (3.7)	.....	200
	10 (0)	25 (40.2)	.....	.....	0 (0)	8 (2.4)	145
			.....	.....	8 (2.4)	10 (3)	155
			.....	.....	10 (3)	12 (3.7)	175
			.....	.....	12 (3.7)	.....	225

See footnotes at end of table.

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

8

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Utah--Continued	25 (40.2)	50 (80.5)	.....		0 (0)	8 (2.4)	150
			.....		8 (2.4)	10 (3)	160
			.....		10 (3)	12 (3.7)	190
			.....		12 (3.7)	.....	250
Vermont[7]			.....		0 (0)	8 (2.4)	155
			.....		8 (2.4)	10 (3)	185
			.....		10 (3)	12 (3.7)	215
			.....		12 (3.7)	.....	250
Virginia			0 (0)	200 (18.6)	.....		150
			200 (18.6)	400 (37.2)	.....		200
			400 (37.2)	600 (55.8)	.....		250
			600 (55.8)	800 (74.4)	.....		300
Washington[8]			0 (0)	200 (18.6)	.....		100
			200 (18.6)	400 (37.2)	.....		150
			400 (37.2)	600 (55.8)	.....		200
			600 (55.8)	800 (74.4)	.....		250
			800 (74.4)	.....			300
West Virginia			0 (0)	300 (27.9)	.....		100
			300 (27.9)	450 (41.9)	.....		150
			450 (41.9)	550 (51.2)	.....		225
			550 (51.2)	.....			300
Misconsin			.....		0 (0)	8 (2.4)	150
			.....		8 (2.4)	10 (3)	200
			.....		10 (3)	12 (3.7)	250
			.....		12 (3.7)	.....	300
Wyoming[4]			.....		0 (0)	8.5 (2.6)	135
			.....		8.5 (2.6)	10.5 (3.2)	165
			.....		10.5 (3.2)	12.5 (3.8)	210
			.....		12.5 (3.8)	.....	300

[1]Width to 8' (2.4 m) Length 40' (12.2 m).....$200
Length 40' (12.2 m).....$300
Width over 8' (2.4 m) Length 40' (12.2 m).....$300
Length 40'+ (12.2 m).....$300

[2]Under 8' (2.4 m) x 40' (12.2 m) - Unskirted $150
Over 8' (2.4 m) x 40' (12.2 m) - $300

[3]Plus $50 for expandable trailer.

[4]$300 for double trailer.

[5]Escort fee included.

[6]Personalty Only

Width	Under 10 feet (3 m)	10 feet (3 m)	12 feet (3.7 m) and over	Doubles
	$50	$60	$80	$150

[7]$50 for extras.

[8]Personalty Only
First room.....$50
Each additional room.....$25

[FR Doc. 79-21378 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-22-C

Proposed Rules

Federal Register
Vol. 44, No. 135
Thursday, July 12, 1979

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 76-SW-19]

Airworthiness Directives; Bell Models 204B and 205A-1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD 76-12-07) applicable to Bell Models 204B and 205A-1 helicopters by decreasing the inspection interval of the pitch control chain from 25 hours' time in service to 10 hours' time in service for Model 205A-1 helicopters only. The amendment is needed because several tail rotor pitch control chain failures have occurred in flight and several reports of cracked chain links on Model 205A-1 helicopters have been received indicating a reduction in the inspection interval is necessary. Failure of the tail rotor pitch control chain would result in loss of helicopter directional control.

The AD would be amended to also require installation of the tail rotor push-pull control system in conjunction with the installation of the Model 212 type of tail rotor, within 100 hours' time in service after the effective date of the amendment for certain Bell Model 205A-1 helicopters only.

DATES: Comments must be received on or before: August 10, 1979. Proposed effective date of the AD Amendment will be September 26, 1979.

ADDRESSES: Send comments of this proposal in triplicate to: Regional Counsel, Attn. Docket 76-SW-19, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. Bell service information may be obtained from Product Support Dept., Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, or from the Chief, Engineering and Manufacturing Branch, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the development of the final rule by submitting such written or oral comments as they desire. Written communications should identify the regulatory Docket Number and be submitted in triplicate to the address specified above. All comments will be recorded and considered by the Director before taking final action, and the proposal may be changed as a result of the comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76101.

Amendment 39-2640 (41 FR 23939), AD 76-12-07, requires, at 25-hour intervals, repetitive inspections of the Bell Models 204B and 205A-1 helicopter tail rotor control chain, P/N 204-001-739-3. The FAA recently received a report of an in-flight failure of the tail rotor control chain, P/N 204-001-739-3, on a Model 205A-1 at 35 hours' total time in service. Other reports of possible chain failures at 9 and approximately 24 hours' total time in service on Model 205A-1 helicopters have also been received.

Reports of cracked or failed links at 19, 20, 25, 26, 27, 29, 31, and 48 hours' total time in service have also been received. These reports may be associated with the installation of the Bell 212 type of tail rotor blade, P/N 212-010-750, and with individual Model 205A-1 helicopter vibration characteristics.

Bell received FAA approval of a push-pull control system replacing the chain and cable system for Bell Model 205A-1 helicopters equipped with the Bell 212 type of tail rotor. Bell Service Bulletin No. 205-78-5 pertains to installation of the push-pull control system before July 1, 1979. Bell Operations Safety Notice No. OSN-205-79-1 also pertains to cracked chains and incorporation of this service bulletin.

The agency believes it is now necessary to require compliance with Bell Service Bulletin No. 205-78-5 for installation of the push-pull control system in conjunction with installation of the Model 212 type of tail rotor. Compliance with Bell Service Bulletin No. 205-78-5 would be required within 100 hours' time in service after the effective date of the amended AD. This would eliminate the necessity to conduct the repetitive inspection of the chain.

The FAA has not received reports of cracked chain links or failed chains on Model 204B helicopters equipped with chains, P/N 204-001-739-3.

Based on the reports of cracked links or failed chains, the FAA proposes to amend AD 76-12-07, Amendment 39-2640 (41 FR 23939) by requiring repetitive inspections of the Bell Model 205A-1 tail rotor pitch control chains at 10-hour intervals in place of the previous 25-hour intervals and by requiring installation of the Model 212 type of tail rotor and the push-pull tail rotor control system, within 100 hours' time in service after the effective date of the amendment to Amendment 39-2640, AD 76-12-07. The AD would be revised to provide for approval of equivalent means of modification and would allow for ferrying aircraft for modification.

The Model 204B inspection interval would not be changed. The Model 204B is not approved to use the tail rotor push-pull control system.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) by amending Amendment 39-2640 (41 FR 23939), AD 76-12-07,

1. By revising the applicability statement to read as follows:

Applies to tail rotor pitch control chains, P/N 204-001-739-3, installed on all Bell Model 204B helicopters and to Bell Model 205A-1 helicopters, S/N 30001 through 30228, certificated in all categories (Airworthiness Docket No. 76-SW-19).

2. And by revising the compliance statement to read as follows:

Compliance required for Model 204B helicopters within 25 hours' time in

service after July 19, 1976, and thereafter, at intervals not to exceed 25 hours' time in service from the last inspection.

Compliance required for Model 205A-1 helicopters within 10 hours' time in service after September 26, 1979 and thereafter, at intervals not to exceed 10 hours' time in service from the last inspection, until Bell Service Bulletin 205-78-5 dated May 16, 1978, or later, approved revision is incorporated per paragraph (f) of this AD.

3. By revising paragraph (f) to read as follows:

(f) Within 100 hours' time in service after September 26, 1979, modify Bell Model 205A-1 aircraft in accordance with Bell Service Bulletin 205-78-5 dated May 16, 1978, or later approved revision, as appropriate.

4. After paragraph (f), add new paragraphs (g) and (h) as follows:

(g) Aircraft may be flown in accordance with FAR 21.197 to a location where modification required by paragraph (f) of this AD may be accomplished.

(h) Equivalent means of compliance with paragraph (f) of this AD may be approved by Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, Fort Worth, Texas.

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

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

Issued in Fort Worth, Texas, on June 25, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-21208 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 39]

[Docket No. 79-NW-19 AD]

Airworthiness Directives; Boeing 707-100, 707-100B, 707-200, 720, 720B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: It is proposed to issue an Airworthiness Directive (AD) which would require a repetitive inspection of the upper rear spar chord of the horizontal stabilizer center section on 707-100, 707-100B, 707-200, 720 and 720B series airplanes. This inspection is required since, if a rear spar failure should occur, the front spar can carry failsafe loads for only approximately 500 additional landings. If the front spar fails in addition, the horizontal stabilizer will separate from the airplane.

DATES: Comments must be received on or before August 21, 1979.

ADDRESSES: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 79-NW-19-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Harold N. Wantiez, P. E., Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 79-NW-19 AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion of the Proposed Rule

The horizontal stabilizer front spar of 707-100, 707-100B, 707-720 and 720B series airplanes will carry the failsafe loads if the rear spar should fail. A damage tolerance analysis by the manufacturer indicates that, for the upper rear spar center section chord, the time from crack initiation to failure is short; furthermore, the analysis indicates that the front spar is capable of carrying the stabilizer loads for approximately 500 additional landings. If the front spar fails, the airplane will be lost. To date service experience has been very good for the rear spar center section. However, should a crack occur in the upper rear spar chord for whatever reason, the time interval from crack initiation to stabilizer failure does not accommodate routine maintenance intervals. For this reason, mandatory action is considered necessary. Boeing Service Bulletin 3332, Rev. 1, was released in October of 1978, and provides instructions for a visual inspection of the center section spar upper chord. These inspections are proposed to be accomplished at intervals not to exceed 250 landings. Terminating action will be considered by a later amendment to the AD.

Boeing: Applies to all Boeing 707-100, 707-100B, 707-200, 720, 720B series airplanes.

Within the next 125 landings, unless accomplished within the last 125 landings, and at intervals thereafter not to exceed 250 landings, visually inspect the horizontal stabilizer center section rear spar upper chord in accordance with page 9, paragraph IIIb, Boeing Service Bulletin 3332, Rev. 1, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If cracks are found, repair prior to further flight in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemeted by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on June 28, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79-21210 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-RM-19]

Alteration of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to amend the 700' and 1,200' transition areas at Milford, Utah to provide controlled airspace for aircraft executing the new VOR-A standard instrument approach procedure and the new departure and holding procedures developed for the Milford Municipal Airport, Milford, Utah.

DATES: Comments must be received on or before August 1, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500 Federal Aviation Administration 10455 East 25th Avenue Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the 700' and 1,200' transition areas at Milford, Utah. This proposal is necessary to provide controlled airspace for aircraft executing the new VOR-A standard instrument approach procedure and the new departure and holding procedures developed for the Milford Municipal Airport. Accordingly, the Federal Aviation Administration proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending subpart G, § 71.181 by designating the following transition areas:

Milford, Utah

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (latitude 38°25'35"N., longitude 113°00'40"W.) and within 2 miles either side of the Milford VORTAC (latitude 38°21'37"N., longitude 113°00'45"W.) 360° radial extending from the 5-mile radius area to 14 miles north of the VORTAC and within 2 miles southeast and 5 miles northwest of the Milford VORTAC 210° radial extending from the 5-mile radius area to 5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Milford VORTAC 210° radial extending to 18 miles southwest of the VORTAC; and within 8 miles southeast and 14 miles northwest of the Milford VORTAC 210° and 030° radials extending from 10 miles southwest to 23 miles northeast of the VORTAC.

Drafting Information

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado on July 2, 1979.

M. M. Martin,

Director, Rocky Mountain Region.

[FR Doc. 79-21324 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-23]

Transition Area; Proposed Alteration: Lufkin, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Lufkin, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Lufkin Angelina County Airport. The circumstance which created the need for the action is the proposed establishment of a nonfederal partial instrument landing system (ILSP) to Runway 07.

DATES: Comments must be received by August 13, 1979.

ADDRESSES: Send comments on the proposal to:

Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location:

Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

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

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O.

Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

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

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 13, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Lufkin, Tex. The FAA believes this action will enhance IFR operations at the Lufkin Angelina County Airport by providing additional controlled airspace for aircraft executing proposed instrument approach procedures using the proposed ILSP to Runway 07. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

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

Lufkin, Tex.

That airspace extending upward from 700 feet above the surface within 8.5 miles of the Angelina County Airport (Latitude 31°14'05" N., Longitude 94°45'00" W.) and within 8 miles east and 5 miles west of the Lufkin VOR 157° radial extending from the VOR to 12 miles southeast and within 3.5 miles either side of the 255° bearing from the LOM (Latitude 31°13'08.92" N., Longitude 94°49'31.52" W.), extending 11.5 miles west of the LOM.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on June 29, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-21330 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-24]

Proposed Designation of Transition Area: Socorro, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Socorro, N. Mex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Socorro Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) 5 miles north of the airport. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by August 13, 1979.

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

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

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

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

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

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 13, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available,

both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Socorro, N. Mex. The FAA believes this action will enhance IFR operations at the Socorro Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB Located 5 miles north of the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

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

Socorro, N. Mex.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center of the Socorro Municipal Airport (latitude 34°01'17.7" N., longitude 106°53'58.7" W.), excluding airspace west of longitude 107°00'00" W.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on June 29, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-21331 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 9]

[Docket No. R-79-682]

Part-Time Career Employment Program

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

PART 9—PART-TIME CAREER EMPLOYMENT PROGRAM

This proposed rule would revise Title 24 of the CFR by adding a new Part 9, Part-Time Career Employment Program. The new Part sets forth HUD's policies for part-time employment as required by the Part-Time Career Employment Act of 1978.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978).

Issued at Washington, D.C. July 5, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-21474 Filed 7-11-79; 8:45 am]

BILLING CODE 4210-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

[36 CFR Part 805]

National Environmental Policy Act Implementation Procedures

AGENCY: Advisory Council on Historic Preservation.

ACTION: Proposed procedures.

SUMMARY: The Advisory Council on Historic Preservation proposed procedures to implement Council's responsibilities under the National Envrionmental Policy Act and regulations the Council on Environmental Quality.

DATE: August 13, 1979.

ADDRESS: Comments should be sent to the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John M. Fowler, General Counsel, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005, (202) 254–3967.

SUPPLEMENTARY INFORMATION: The Council was established by the National Historic Preservation Act of 1966, as amended, (16 U.S.C. Section 470) and consists of the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of Commerce, the Administrator of the General Services Administration, the Secretary of the Treasury, the Attorney General, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of State, the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Chairman of the Council on Evironmental Quality, the Chairman of the Federal Council on the Arts and Humanities, the Architect of the Capitol, the Secretary of the Smithosonian Institution, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, and twelve appointed by the President from outside the Federal Government. The Act generally charges the Council with advising the President and the Congress on historic preservation matters. More specifically it directs the Council to recommend measures to coordinate acuvities of Federal, State, and local

agencies and private institutions and individuals relating to historic preservation and advise on the dissemination of information pertaining to such activities; encourage public interest and participation in historic preservation; recommend the conduct of studies in such areas as the adequacy of State and local historic preservation statutes and regulations and the effects of tax policies on historic preservation; advise as to guidelines for the assistance of State and local governments in drafting historic preservation legislation; and encourage training and education in the field of historic preservation.

Pursuant to Section 106 of the Act, the Council comments upon Federal, federally-assisted and federally-licensed undertakings that affect properties on or eligible for the National Register of Historic Places. Under the Public Buildings Cooperative Use Act (P.L. 94-541) the Council makes recommendations on the use of historic buildings by the General Services Administration for Federal office space. The Council has similar advisory roles under several other statutes. In virtually all of these situations, the Council makes recommendations or provides advice to assist another Federal agency in reaching a final decision on an action or activity. In those cases, the Federal agency carrying out the action or activity undertakes the required compliance with the National Envrionmental Policy Act (NEPA). These proposed NEPA procedures have been drafted in recognition of the secondary, advisory role played by the Council in the bulk of its activities regarding Federal actions that may significantly affect the human environment. Primary emphasis for Council compliance with NEPA requirements has therefore been placed on those Council activities that do not involve other agencies with primary NEPA responsibilities.

Part 805 is added to read as set forth below:

PART 805—PROCEDURES FOR IMPLEMENTATION OF NATIONAL ENVRIONMENTAL POLICY ACT

Sec.

805.1 Background
805.2 Purpose
805.3 Applicability
805.4 Ensuring Environmental Documents Are Actually Considered in Council Decisionmaking
805.5 Typical Classes of Action
805.6 Interagency Cooperation
805.7 Environmental Information

Authority: Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978); E.O. 11593, 3 CFR 1971 Comp., p. 154; President's Memorandum on Environmental Quality and Water Resources Management, July 12, 1978.

§ 805.1 Background.

(a) The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) establishes national policies and goals for the proetction of the environment. Section 102(2) of NEPA contains certain procedural requirements directed toward the attainment of such goals. In particular, all Federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decisionmaking and to prepare detailed environmental statements on recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) Executive Order 11991 of May 24, 1977, directed the Council on Environmental Quality (CEQ) to issue regulations to implement the procedural provisions of NEPA. Accordingly, CEQ issued final NEPA regulations (40 CFR Part 1500-1508) on November 29, 1978, which are binding on all Federal agencies as of July 30, 1979. These regulations provide that each Federal agency shall as necessary adopt implementing procedures to supplement the regulations. Section 1507.3(b) of the NEPA regulations identifies those sections of the regulations which must be addressed in agency procedures.

§ 805.2 Purpose.

The purpose of this Part is to establish Council procedures that supplement the NEPA regulations and provide for the implementation of those provisions identified in § 1507.3(b) of the regulations.

§ 805.3 Applicability.

(a) These procedures apply to actions of the full Council and the Council staff acting on behalf of the full Council.

(b) The following actions are covered by these procedures:

(1) Recommendations for legislation.

(2) Regulations implementing Section 106 of the National Historic Preservation Act (NHPA).

(3) Procedures implementing other authorities.

(4) Policy recommendations that do not require implementation by another Federal agency.

(c) In accordance with § 1508.4 of the NEPA regulations, Council comments on Federal, federally-assisted and federally-licensed undertakings provided pursuant to Section 106 of the NHPA and 36 CFR Part 800 are categorically excluded from these procedures. This exclusion is justified because Federal agencies seeking the Council's comments under Section 106 have the responsibility for complying with NEPA on the action they propose. The Council's role is advisory and its comments are to be considered in the agency decisionmaking process. Coordination between the Section 106 and the NEPA processes is set forth in 36 CFR 800.9

§ 805.4 Ensuring Environmental Documents Are Actually Considered in Council Decisionmaking.

(a) Section 1505.1 of the NEPA regulations contains requirements to ensure adequate consideration of environmental documents in agency decisionmaking. To implement these requirements the Council shall:

(1) Consider all relevant environmental documents in evaluating proposals for action;

(2) Ensure that all relevant environmental documents, comments, and responses accompany the proposal through internal Council review processes;

(3) Consider only those alternatives emcompassed by the range of alternatives discussed in the relevant environmental documents when evaluating proposals for the Council action; and,

(4) Where an EIS has been prepared consider the specific alternative analyzed in the EIS when evaluating the proposal which is the subject of the EIS.

(b) For each of the Council's principal activities covered by NEPA, the following chart identifies the point at which the NEPA process begins, the point at which it ends, and the key officials required to consider environmental documents in their decisionmaking.

Activity	Start of NEPA process	Completion of NEPA process	Key officials required to consider environmental documents
Recommendations for legislation	During staff formulation of proposal	Prior to submission to Congress or OMB.	Executive Director and full Council, as appropriate.
Regulations and procedures	Prior to publication of draft regulations in FEDERAL REGISTER.	Prior to publication of final regulations in FEDERAL REGISTER.	Executive Director and full Council, as appropriate.
Policy Recommendations	During staff formulation of proposal	Prior to adoption by full Council or Executive Director.	Executive Director and full Council, as appropriate.

§ 805.5 Typical classes of action.

Section 1507.3(c)(2) in conjunction with § 1508.4 requires agencies to established three typical classes of action for similar treatment under NEPA: actions normally requiring EIS; actions normally requiring assessments but not necessarily EISs; and actions normally not requiring assessments or EISs. Each of the covered categories of Council actions generally falls within the second category, normally requiring an assessment but not necessarily an EIS. The Council shall independently determine whether an EIS or an environmental assessment is required where:

(a) A proposal for Council action is not covered by one of the typical classes of action above; or

(b) For actions which are covered, the presence of extraordinary circumstances indicates that some other level of environmental review may be appropriate.

§ 805.6 Interagency cooperation.

The Council shall consult with appropriate Federal and non-Federal agencies and with interested private persons and organizations when it is considering actions involving such parties and requiring environmental assessments. Where other Federal agencies are involved in the proposed action, the Council shall cooperate in the required environmental assessment and the preparation of necessary environmental documents. Where appropriate as determined by the nature and extent of Council involvement in the proposed action, the Council shall assume the status of lead agency.

§ 805.7 Environmental Information.

Interested persons may contact the Executive Director for information regarding the Council's compliance with NEPA.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 79-21450 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-10-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FLR 1270-7]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule: Proposed Approval of Revision.

SUMMARY: U.S. EPA proposes to approve a Final Order issued by the Michigan Air Pollution Control Commission. The Final Order was the result of the Stipulation and Consent Order entered into by the Detroit Edison Company and the Air Quality Division of the Michigan Department of Natural Resources. The Order extends the date that the Company is required to bring sulfur dioxide emissions from coal-fired boilers at its Monroe County Generating Station, located in the City of Monroe, Monroe County, Michigan into compliance with certain regulations contained in the federally approved Michigan State Implementation Plan (SIP). The Order extends the date for compliance from January 1, 1980 to January 1, 1985. Because the order has been issued to a major source and extends the SIP compliance date for meeting the sulfur dioxide limitations, it must be approved by U.S. EPA before it becomes effective as a SIP revision under the Clean Air Act. 42 U.S.C. § 7410. If approved by U.S. EPA, the extension will constitute a revision to the SIP. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order.

DATE: Written comments must be received by August 13, 1979.

ADDRESSES: Send comments to: Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) during normal business hours at:

Michigan Department of Natural Resources, Air Quality Division, State Secondary Complex, General Office Building, 7150 Harris Drive, P.O. Box 30028, Lansing, Michigan 48909.

U.S. Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Joel Morbito, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2205.

SUPPLEMENTARY INFORMATION: The Detroit Edison Company (Edison) operates a coal-fired steam-powered electric generating station in Monroe County, Michigan. The plant is commonly known as the Monroe Power Plant.

On April 20, 1976, Edison made application to the Michigan Department of Natural Resources Air Pollution Control Commission for an extension of the date that the Monroe Power Plant had to be in compliance with the sulfur dioxide emission limits specified in Tables 3 and 4 of Rule 336.49 of the State of Michigan Air Pollution Control Commission's Rules and Regulations for Air Pollution.

The Michigan air Pollution Control Commission's rule 336.49 sets sulfur dioxide emission limitations according to Tables 3 and 4 of the Rule for all plants in the State of Michigan. Rule 336.49(1) allows for deferred compliance if the power plant emissions do not create or contribute to an ambient level of sulfur dioxide in excess of the applicable air quality standards. Rule 336.49(2) prohibits exceptions to the limitation of Table 3 beyond January 1, 1980 unless authorization is granted by the Commission. Edison entered into Performance Contract No. 873 which provided for compliance with the emission limitation specified in Table 4 of Rule 336.49 by January 1, 1980.

In April, 1976, pursuant to Rules 336.141, 336.142 and 336.143, Edison made application for an extension of the January 1, 1980 compliance date for sulfur dioxide emissions. In its application, Edison provided information and made demonstrations which were required by the Commission's Guidelines.

On November 8, 1976, the Company revised its request and requested that the commission establish a sulfur dioxide emission limit for the Monroe Plant which is equivalent to burning coal with a sulfur content of 3.0% at full load for the period beginning 6 months after entry of an Order (July 7, 1977) and ending on December 31, 1979 and for 2.3% on a maximum 24 hour basis from January 1, 1980 to January 1, 1985.

A public hearing was held in this matter on April 18, 1977, in conformity with a notice of hearing requirement set forth in 40 CFR, section 51.4. Four individuals testified at the hearing. Some testified that substantial deterioration of the air quality would be allowed; that sulfates should be regulated; that the scheduled ambient monitoring program was inadequate; and that lake breeze fumigation should be considered. The Commission's response was that the limit establish in the Consent Order was tighter than the limit in the agreement under which the plant was operating at that time; that the sulfate cycle is not understood at this time and that regulation is premature; that the scheduled monitoring system was sufficient for the monitoring of the ambient air; and that a limited study was conducted of the lake breeze fumigation.

There was testimony that the Order was too restrictive in that the Commission should allow a second excursion before requiring a corrective program; should eliminate a fixed compliance date; and should retain some flexibility as to review. The Commission's answer was that a first excursion requires a corrective program to eliminate the potential for violation; that firm end date is required; and that review mechanisms are provided in the Order.

After considering the comments; and the information and demonstrations required by the Commission's guidelines, the Commission determined that compliance with the 1.0% sulfur limitation was not feasible by January 1, 1980 using scrubbers or coal blending, as the equipment necessary for such operations could not be installed by that time. Therfore, the Commission concluded that an extension of some length was necessary. The Commission also concluded that if Edison complied with the terms of the proposed Order, the operation of the Monroe Plant would not likely cause the air quality standards to be exceeded in Monroe County nor be a significant factor if further high levels of sulfur dioxide occurred in Wayne County.

After the public hearing, the Commission ordered that the proposed consent Order be entered in the record of the Commission as a Final Order.

The Final Order extends the compliance date for sulfur dioxide emissions past January 1, 1980 to January 1, 1985 with incremental steps of progress so that by January 1, 1985 Edison will meet the sulfur dioxide emission limits specified in Table 3, R 336.49 of the Michigan SIP. The Order requires (1) intalling monitors, (2) demonstrating the adequacy of the in-stack sulfur dioxide monitor, (3) measuring and recording the fuel firing rate at each boiler, and (4) submitting the data from the above to the Michigan Department of Natural Resources. The Order imposes certain conditions which must be contained in a subsequent Consent Order should an ambient sulfur dioxide excursion occur. It also contains provisions which provide for the modification or revocation of the Order.

The Commission signed the Final Order of July 7, 1977 and on December 12, 1977 formally submitted it to U.S. EPA as a revision of the Michigan State Implementation Plan. Pursuant to § 110 of the Clean Air Act, the Administrator of the United States Environmental Protection Agency must approve the Final Order of the Michigan Air Pollution Control Commission as a revision to the Michigan SIP before it may become effective. 42 U.S.C. 7410. Today's action proposes approval of that Final Order. In proposing approval of the Final Order as a Michigan SIP revision the Administrator finds that it meets the requirements of sections 110(a)(2)(B), 110(a)(3)(A) and 123(a)(1) and (2) in that the Monroe County Plant stacks were constructed prior to the enactment of the Clean Air Act Amendments of 1970, thus allowing Edison credit for such stacks in its modeling demonstrations.

All interested persons are invited to submit written comments on the proposed SIP revision. Written comments received by the date specified above will be considered in determining whether EPA will approve the revision. After the public comment period, the Administrator of EPA will publish in the Federal Register the Agency's final action on the Order.

(42 U.S.C. 7413, 7601.)

Dated: July 5, 1979.

John McGuire,

Regional Administrator, Region V.

[FR Doc. 79-21560 Filed 7-11-79; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 44, No. 135
Thursday, July 12, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COMMITTEE ON FEDERAL PAY

Proposed Adjustment in Federal Pay for October 1979; Meeting

The Advisory Committee on Federal Pay announces that public discussions of the proposed adjustment in Federal pay for October 1979 have been scheduled for Monday, August 6, in Room 2010, New Executive Office Building, 726 Jackson Place. They will start at 11 a.m.

These discussions are intended to give organizations representing Federal employees or any interested government officials an opportunity to express their views regarding the Pay Agent's proposals. Those wishing to discuss the Agent's proposals with the Committee orally should notify the Committee by Tuesday, July 31. Our telephone number is 653-6193. Written comments should reach the Committee by August 6—Suite 205, 1730 K Street, N.W., Washington, D.C. 20006. Both written submissions and requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay, established as an independent establishment by Section 5306 of Title 5, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act), is charged with assisting the President in carrying out the policies of Section 5301 of Title 5, United States Code. The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal Pay. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the Government of the United States, and such experts as the Committee may consult.

Jerome M. Rosow,
Chairman, Advisory Committee on Federal Pay.

[FR Doc. 79-21452 Filed 7-11-79; 8:45 am]
BILLING CODE 6820-43-M

CIVIL AERONAUTICS BOARD

[Docket 33712]

Tiger International-Seaboard World Airlines, Inc., Acquisition Case; Postponement of Hearing and Date for Submission of Rebuttal Exhibits

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter previously scheduled to begin on July 9, 1979 (44 FR 38613, July 2, 1979), will now be held beginning on July 16, 1979, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, 1875 Connecticut Avenue, NW., Washington, D.C. 20428.

The date for submission of rebuttal exhibits is also extended until July 16, 1979, and such rebuttal exhibits are to be served on the undersigned and the parties just prior to the opening of hearings at 10:00 a.m. on that date.

Witness lists, including the order of presentation, shall be served on the undersigned and all parties on July 12, 1979, and such lists shall identify the exhibits each witness will sponsor.

It is requested that all amendments to exhibits be served as early as possible, prior to the time sponsoring witnesses are called to testify.

Dated at Washington, D.C., July 6, 1979.

John J. Mathias,
Administrative Law Judge.

[FR Doc. 79-21521 Filed 7-11-79; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Georgia advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Georgia Advisory Committee (SAC) of the Commission will covene at 2:00 pm and will end at 5:00 pm on August 3, 1979, at the Marriott Hotel, Courtland and and International Blvd., Twelve Oaks Room, Atlanta, Georgia 30303.

Persons wishing to attend this open meeting should contact the Committee chairpersons or the Southern Regional Office of the Commission, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia 30303.

The purpose of this meeting is a progress report on "Equal Employment in Georgia State Government", an Advisory Committee study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 9, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79-21467 Filed 7-11-79; 8:45 am]
BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7:00 pm and will end at 10:00 pm, on August 13, 1979, at the Indianapolis Hilton, 31 West Ohio Street, Indianapolis, Indiana 46204.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is staff will review SAC requirements to MWRO; staff will also bring committee members up to date on projects for fiscal year '78 and '79; there will also be an election of vice president and secretary along with subcommittee chairpersons.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 9, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79-21468 Filed 7-11-79; 8:45 am]
BILLING CODE 6335-01-M

Kentucky Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) of the Commission will convene at 12 noon and will end at 4:30 p.m., on August 1, 1979, at the Hyatt Regency Hotel, 400 West Vine Street, Mary Todd Lincoln Room, Lexington, Kentucky 40507.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to review updated police employment statistics, plan for press conference in September, discuss format of summary report of statistics and discuss plans for next fiscal year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 9, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-21464 Filed 7-11-79; 8.45 am]

BILLING CODE 6334-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Estimates of the voting age population for 1978

In accordance with the requirements of the Federal Election Campaign Act Amendments of 1976, title 2 U.S.C. 441a(e), notice is hereby given that the estimate of the voting age population (18 years of age and over) for July 1, 1978, for each State, congressional district, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the Virgin Islands are as shown in the following table. These estimates have been certified to the Federal Election Commission.

Juanita M. Kreps,

Secretary of Commerce.

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Areas: July 1, 1978

[In thousands]

State and Congresssional District	Population 18 and over
United States	154,682
Alabama	2,602
1	369
2	368
3	380
4	405
5	357
6	367
7	355
Alaska	258
Arizona	1,618
1	387
2	408
3	425
4	397
Arkansas	1,533
1	357
2	399
3	435
4	343
California	16,049
1	425
2	422
3	388
4	369
5	373
6	339
7	365
8	357
9	366
10	361
11	373
12	362
13	369
14	407
15	381
16	432
17	380
18	354
19	390
20	384
21	336
22	346
23	385
24	389
25	316
26	324
27	374
28	347
29	291
30	308
31	294
32	334
33	354
34	352
35	369
36	344
37	417
38	331
39	392
40	550
41	397
42	369
43	534
Colorado	1,883
1	325
2	404
3	349
4	420
5	385
Connecticut	2,257
1	368
2	389
3	376
4	358
5	384
6	382
Delaware	413
District of Columbia	497
Florida	6,383
1	358
2	383
3	315
4	455
5	529
6	460
7	386
8	467
9	348
10	537
11	530
12	437
13	383
14	402
15	395
Georgia	3,506
1	332
2	335
3	324
4	353
5	293
6	396
7	382
8	332
9	412
10	347
Hawaii	622
1	290
2	327
Idaho	591
1	302
2	290
Illinois	7,938
1	276
2	304
3	331
4	349
5	290
6	326
7	259
8	272
9	384
10	322
11	318
12	367
13	351
14	365
15	339
16	315
17	357
18	343
19	333
20	343
21	356
22	351
23	311
24	370
Indiana	3,751
1	294
2	384
3	335
4	338
5	345
6	343
7	362
8	342
9	356
10	339
11	313
Iowa	2,055
1	351
2	334
3	338
4	351
5	351
6	330
Kansas	1,693
1	333
2	352
3	340
4	324
5	344
Kentucky	2,447
1	370
2	352
3	290
4	340
5	370
6	363
7	362
Louisiana	2,665
1	330
2	338
3	341
4	330
5	328
6	356
7	334

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Areas: July 1, 1978—Continued

[In thousands]

State and Congresssional District	Population 18 and over
8	311
Maine	767
1	391
2	377
Maryland	2,960
1	406
2	372
3	330
4	392
5	342
6	439
7	295
8	384
Massachusetts	4,206
1	351
2	342
3	339
4	339
5	340
6	332
7	334
8	370
9	332
10	364
11	353
12	410
Michigan	6,389
1	283
2	353
3	347
4	346
5	341
6	368
7	313
8	337
9	351
10	389
11	382
12	355
13	237
14	315
15	341
16	298
17	325
18	341
19	368
Minnesota	2,823
1	370
2	371
3	336
4	323
5	313
6	367
7	368
8	373
Mississippi	1,594
1	316
2	293
3	319
4	319
5	347
Missouri	3,488
1	268
2	327
3	314
4	368
5	306
6	364
7	406
8	388
9	380
10	368
Montana	545
1	280
2	265
Nebraska	1,109
1	375
2	270
3	365
Nevada	462
New Hampshire	616
1	313
2	86
New Jersey	5,272
1	363
2	429
3	365

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Areas: July 1, 1978—Continued

[In thousands]

State and Congresssional District	Population 18 and over
4	348
5	339
6	332
7	331
8	349
9	343
10	282
11	350
12	327
13	383
14	327
15	339
New Mexico	807
1	412
2	395
New York	12,859
1	389
2	327
3	313
4	306
5	327
6	339
7	342
8	373
9	355
10	342
11	324
12	235
13	355
14	276
15	324
16	326
17	363
18	339
19	297
20	356
21	170
22	374
23	329
24	325
25	353
26	356
27	360
28	335
29	305
30	339
31	302
32	342
33	319
34	314
35	360
36	323
37	280
38	350
39	328
North Carolina	3,938
1	347
2	342
3	355
4	391
5	359
6	343
7	363
8	350
9	347
10	363
11	373
North Dakota	454
Ohio	7,509
1	315
2	312
3	310
4	331
5	340
6	356
7	327
8	354
9	319
10	302
11	345
12	355
13	339
14	313
15	351
16	338
17	337
18	346

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Areas: July 1, 1978—Continued

[In thousands]

State and Congresssional District	Population 18 and over
19	330
20	296
21	249
22	327
23	336
Oklahoma	2,057
1	327
2	355
3	351
4	359
5	308
6	357
Oregon	1,755
1	458
2	451
3	391
4	455
Pennsylvania	8,558
1	314
2	316
3	291
4	349
5	366
6	359
7	321
8	358
9	349
10	372
11	360
12	362
13	331
14	305
15	366
16	363
17	355
18	327
19	363
20	312
21	340
22	362
23	354
24	342
25	344
Rhode Island	860
1	327
2	358
South Carolina	1,969
1	343
2	365
3	368
4	329
5	323
6	301
South Dakota	480
1	243
2	237
Tennessee	3,089
1	398
2	406
3	383
4	413
5	364
6	420
7	385
8	321
Texas	8,972
1	372
2	418
3	439
4	368
5	329
6	363
7	522
8	365
9	363
10	434
11	413
12	326
13	346
14	328
15	355
16	360
17	349
18	306
19	335
20	306
21	417

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Areas: July 1, 1978—Continued

[In thousands]

State and Congresssional District	Population 18 and over
22	396
23	360
24	347
Utah	823
1	414
2	410
Vermont	342
Virginia	3,679
1	363
2	360
3	353
4	349
5	364
6	357
7	413
8	364
9	385
10	371
Washington	2,694
1	363
2	387
3	430
4	402
5	398
6	376
7	339
West Virginia	1,321
1	320
2	351
3	322
4	328
Wisconsin	3,301
1	357
2	379
3	386
4	347
5	329
6	364
7	379
8	371
9	390
Wyoming	292
Outlying Areas	
Puerto Rico	2,086
Guam	53
Virgin Islands	67

[FR Doc. 79-21370 Filed 7-11-79; 8:45 am]

BILLING CODE 3510-07-M

Office of the Secretary

[Dept. Organization Order 35-2B]

Bureau of the Census, Statement of Organization, Function, and Delegation of Authority

This order effective June 21, 1979 supersedes the materials appearing at 43 FR 12356 of March 24, 1978 and 44 FR 24617 of April 26, 1979.

Section 1. Purpose

.01 This order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 This revision covers the following changes in organization and assignment of functions within the Bureau: the Assistant Director for Demographic Censuses will also serve as Chief, Decennial Census Division (paragraph 5.02); the position of Associate Director for Administration and Field Operations is abolished, and reestablished separately as the Associate Director for Administration (Section 4.), and the Associate Director for Field Operations (Section 9.); the Data User Services Division has been reassigned to the Office of the Director (subparagraph 3.03a.), and the functional statement of the Statistical Research division (paragraph 7.b.) has been revised to reflect the transfer of the Center for Applied User Research to the Data User Services Division; the position of EEO Officer has been reassigned to the Associate Director for Administration (paragraph 4.g.); the Geography Division has been reassigned to the Associate Director for Field Operations (paragraph 9.d.); the title of the Office of the Associate Director for Electronic Data Processing has been changed to the Office of the Associate Director for Information Technology (Section 8.); the title of the Engineering Division has been changed to the Technical Services Division (subparagraph 8.01a.), and its functions have been changed; the title of the EDP Planning and Management Division has been changed to the System Development Division (subparagraph 8.01b.); the title of Assistant Director for EDP Operations has been changed to the Assistant Director for Computer Services (paragraph 8.02), and related functions have been changed; the title of the Computer Services Division has been changed to the Computer Operations Division (subparagraph 8.02a.), and related functions have been changed; and the Systems Software Division is abolished, and reestablished as the Systems Support Division (subparagraph 8.02b.).

Section 2. Organization Structure

The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Director

.01 The *Director* determines policies and directs the programs of the Bureau, taking into account applicable legislative requirements and the needs of users of statistical information. The Director is responsible for the conduct of the activities of the Bureau and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Federal Statistical Policy and Standards of the Department of Commerce and by the Office of Management and Budget.

.02 The *Deputy Director* assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 *Staff Elements.*—a. The *Data User Services Division,* shall plan, coordinate, and administer a comprehensive data dissemination and user services program to help users identify, acquire, understand, and use Bureau products and services; conduct seminars, workshops, and conferences; prepare user aids and reference materials; promote Bureau products and services; prepare statistical compendia such as the *Statistical Abstract of the United States* and its supplements; design and develop special tabulations and distributable computer programs; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, and maps; research users' needs for statistical products; coordinate the Bureau's regional user services program; and carry out cooperative data dissemination and user services programs with State and local governments and other organizations.

b. The *Program and Policy Development Office* shall assist in the overall planning, review, and evaluation of Bureau programs. The Office shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long-range policy and resource planning for the Bureau as a whole. It shall advise on all Congressional matters related to the Bureau's activities and serve as the primary point of coordination for maintaining liaison on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

c. The *Public Information Office* shall, under the policy guidance of the Director of the Bureau and in liaison with the Departmental Office of Public Affairs (as provided by DOO 15-3), develop public information programs and coordinate and review for clearance the release and distribution of information disseminated by the Bureau.

d. The *1980 Census Promotional Office* shall plan, develop, coordinate, and administer a comprehensive national informational and educational program to encourage and foster support of the 1980 Decennial Census of Population and Housing by the public, private interests and government

entities; prepare and disseminate informational and instructional materials for use by public information and communications media; plan and carry out programs to obtain the support of national and local organizations and associations, especially those representing selected minorities and women; and coordinate a program of promotional support to draw the public's attention to the importance of the census.

Section 4. Office of the Associate Director for Administration

The *Associate Director for Administration* shall provide administrative management services to all components of the Bureau; advise the Director in these fields; and shall have and direct the following units:

a. The *Administrative Services Division* shall provide administrative services, to include physical security, property, space and facilities management, procurement control, library, communications, records disposition, files, mail and forms management and related administrative operations; provide emergency planning support to the Bureau and shall assist and advise the Associate Director in these matters.

b. The *Budget Division* shall perform budget functions, which shall include preparation of official budget estimates and justifications and allocation and control of all funds.

c. The *Finance Division* shall perform financial analyses, maintain financial accounts, coordinate payroll and leave audits, and prepare financial reports.

d. The *Organization and Management Systems Division* shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management system; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; prepare special analytical reports on management matters; develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of adminstrative and management data; and support management in planning and controlling its programs and projects.

e. The *Personnel Division* shall provide personnel management services, which shall include position classification and pay administration, recruitment, and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

f. The *Publications Services Division* shall provide publication, printing, and graphic art services, including publications design and distribution planning and control.

g. The *Equal Employment Opportunity Officer*, designate under the provisions of subparagraph 3.02b. of Department Organization Order 10-5, "Assistant Secretary for Administration," shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters; shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202-713, "Equal Employment Opportunity"; and shall participate in the planning and direction of the Equal Employment Opportunity program.

Section 5. Office of the Associate Director for Demographic Fields

.01 The *Associate Director for Demographic Fields* shall plan and direct the social and demographic statistical programs and advise the Director in these fields; and shall have and direct the following units:

a. The *Demographic Surveys Division* shall plan and develop sepcifications, survey design and methodology for, and provide technical direction over, the development of statistical data collection in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform nonmechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

b. The *Foreign Demographic Analysis Division* shall conduct specialized studies of population, labor force, economics, and social systems of foreign countries, involving the compilation and evaluation of relevant data; prepare estimates and projections; and prepare special analytical and interpretative reports and monographs.

c. The *Housing Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; and conduct research for and prepare analytical reports, monographs, and special studies.

d. The *International Statistical Programs Center* shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical actvities; conduct research on international statistical programs of methodology and content and coordinate other research of similar nature in the Bureau; assemble, through foreign publications, exchange data for use by the Government and the public; and provide statistical information to foreign governments and international organizations.

e. The *Center for Demographic Studies* shall plan and develop analyses of and publish social and socioeconomic data; prepare articles, position papers, and detailed analytic reports related to current policy issues; develop measures of social well-being and publish social indicator reports; develop and publish a quarterly journal on social, socioeconomic, and demographic trends; conduct research on possible data gaps and develop recommendations to fill these needs; and conduct research on new analytic techniques.

f. The *Population Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; conduct special studies and publish analytical reports and monographs; and prepare analytical studies of information available for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

g. The *Statistical Methods Division* shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.02 The *Assistant Director for Demographic Censuses* shall assist the Associate Director for Demographic Fields; shall direct and provide planning and coordination for the demographic censuses; head the Decennial Census Division and shall have and direct the following units:

a. The *Decennial Census Division* shall provide overall direction for program planning of the 1980 decennial census; develop overall budget requirements and time schedules;

maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing specifications, instructions and controls, and computer programming; and organize and conduct pretest research programs.

b. The *Mid-decade Census Staff* shall provide for research on population and housing data needs of the Federal, State and local governments and other public and private agencies; develop and review methodological alternatives; and develop overall plans required for an effective and efficient mid-decade census including the impact the mid-decade census shall have on demographic data collection activities otherwise planned for the 1980's, and how the demographic census data needs for the decade should be distributed between the decennial and mid-decade censuses.

Section 6. Office of the Associate Director for Economic Fields

.01 The *Associate Director for Economic Fields* shall plan and direct the economic statistical programs and advise the Director in these fields; and shall have and direct the following units:

a. The *Business Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

b. The *Construction Statistics Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

c. The *Foreign Trade Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform nonmechanical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare reports, monographs, and special studies.

d. The *Governments Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare analytical reports, monographs, and special studies.

e. The *Industry Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

.02 The *Assistant Director for Economic and Agriculture Censuses* shall assist the Associate Director for Economic fields; and shall direct and provide planning and coordination for the following units:

a. The *Agriculture Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

b. The *Economic Census Staff* shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop censuses methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

c. The *Economic Surveys Division* shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of the industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to the transportation industry.

Section 7. Office of the Associate Director for Statistical Standards and Methodolgy

The *Associate Director for Statistical Standards and Methodology* shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques, and programs for enhancing the availability and utility of data to meet State and local government needs; conduct programs of geographic services, and advise the Director in these fields; and shall have and direct the following units:

a. The *Research Center for Measurement Methods* shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

b. The *Statistical Research Division* shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; and provide guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other

organizations on all aspects of mathematical, statistical, and research problems.

c. The *Center for Human Factors Research* shall provide the Bureau with research and consulting facility oriented specifically to human factors which affect respondent cooperation, the quality of data obtained, and the efficiency of Bureau data collection activities.

Section 8. Office of the Associate Director for Information Technology

.01 The *Associate Director for Information Technology* shall plan and direct programs for communicating and processing information, and advise the Director in these matters. The Associate Director shall have and direct the following units:

a. The *Technical Services Division* shall plan and perform engineering services, including research, development and maintenance, to provide and support electromechanical and electronic equipment required for automated document handling and data capture; and provide for a developmental program for devising solutions to data communications problems.

b. The *Systems Development Division* shall plan for and develop general purpose applications of new technology to the solution of Bureau problems; research new programming languages and techniques; and conduct research and development concerned with requirements for new technology and future systems designs for the various programs of the Bureau.

.02 The *Assistant Director for Computer Services* shall assist the Associate Director for Information Technology; shall direct and provide planning and coordination for the computer services area; and shall have and direct the following units:

a. The *Computer Operations Division* shall operate and manage the electronic digital computers and related ancillary equipment of the Bureau; plan and perform associated coordination for data keying, scheduling of computer processing, staging, and tape library services; and provide user services such as ADP training, documentation, source program optimization, programming methodologies and standards to facilitate the use of the Bureau's ADP resources.

b. The *Systems Support Division* shall plan for and provide the activities required to maintain the Bureau's computers, communication facilities, and ancillary hardware at required levels of operating effectiveness; and develop, modify and maintain operational support software at performance levels necessary to meet mission objectives.

Section 9. Office of the Associate Director for Field Operations

The *Associate Director for Field Operations* shall direct programs of field data collection and precomputer processing operations, and advise the Director in these fields; and shall have and direct the following units:

a. The *Data Preparation Division* located in Jeffersonville, Indiana, shall carry out precomputer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as is specifically delegated; and administer through its Pittsburg, Kansas branch, a personal census service to furnish information about individuals as reflected by census records, as provided by law.

b. The *Decennial Processing Staff* shall plan, organize, coordinate, and direct the decentralized processing of the 1980 Decennial Census of Population and Housing; plan, develop, implement, and coordinate, with the Decennial Census Division, manual and precomputer processing procedures, schedules and control systems; and coordinate with administrative divisions in the development and implementation of procedures/systems to meet administrative requirements.

c. The *Field Division* shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the regional offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

d. The *Geography Division* shall plan, coordinate, and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods, and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

Section 10. The Regional Offices

.01 The principal field structure of the Bureau shall consist of twelve regional offices, each headed by a Regional Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Field Operations. The location and geographic area covered by each regional office shall be as shown in Exhibit 2 of this Order. A copy of Exhibit 2 is on file with the original of this document in the Office of the Federal Register.

.02 Each regional office shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

.03 As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the regional offices.

.04 The Seattle Regional Office shall have an area office in San Francisco, California which shall carry out assigned field data collection programs.

Guy W. Chamberlin, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 79-21403 Filed 7-11-79; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 10-11; Amdt. 1]

Deputy Under Secretary, Statement of Organization, Function, and Delegation of Authority

This order effective June 1, 1979 amends the material appearing at 44 FR 2411 of January 1, 1979.

Department Organization Order 10-11, dated December 6, 1978, is hereby amended as shown below. The purpose of this amendment is to delete functions related to the Under Secretaries Group on Regional Operations, which was abolished by the President, and add certain new functions, as directed by the President.

Section 4. Functions. Paragraph .07 is revised to read as follows:

".07 Provide assistance to Secretarial Representatives who serve as chairpersons of Federal Regional Councils and advise the Department of Commerce member of the Interagency Coordinating Council about

Departmentwide support of Federal Regional Council activity."

Guy W. Chamberlin, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 79-21462 Filed 7-11-79; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Defense Advisory Committee on Women in the Services (DACOWITS) Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m., 13 August 1979 in Rm. 3D318 and from 9:30 a.m. to approximately 1:00 p.m., 14 August 1979 in Room 1E801, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review responses to earlier recommendations made by the Committee, discuss current issues relevant to women in the Services, and plan the itinerary/program for the next semiannual meeting scheduled for 21-25 October 1979 in Columbia, South Carolina.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Captain Mary J. Mayer, Acting Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Rm. 3D322, The Pentagon, Washington, D.C. 20301, telephone 202-697-5655 no later than 2 August 1979.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

July 9, 1979.

[FR Doc. 79-21496 Filed 7-11-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of June, 1979. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding penalties and interest.

For further information regarding these Consent Orders, please contact Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, CA 94111, telephone number, 415-556-7200.

Firm name and address	Refund amount	Product	Period covered	Recipients of refund
Parton Oil Co., Inc., P.O. Box 4190, Lancaster, CA 93534	$99,997	Gas Oil, Diesel	11-73 to 06-74	NA
Harris Enterprises, Inc., 1717 S.W. Madison St., Portland, Oregon 97205.	250,079	Diesel, Stove Oil, Gas Oil.	11-73 to 06-74	NA
Kelly Oil Company, Yakima and Toppenish, Washington	60,370	Furnace Oil, Stove Oil.	01-74 to 04-74	NA

Issued in San Francisco, CA, on the 29th day of June 1979.

Jack L. Wood,

District Manager of Enforcement.

[FR Doc. 79-21573 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

Saveway Service Stations, Inc., and Auto Flite Co., Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Saveway Service Stations, Inc. and Auto Flite Company, Inc. (Saveway) 2424 So. Highland, Las Vegas, Nevada 89102. This proposed Remedial Order charges Saveway with pricing violations in the amount of $999,791, connected with the resale of motor gasoline and diesel products during the time period of November 1, 1973 through May 31, 1975, in the State of Nevada.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, California 94111, Phone (415) 556-7200. On or before July 27, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in San Francisco, California, on the 2nd day of July 1979.

Jack L. Wood,

District Manager of Enforcement, Western District.

[FR Doc. 79-21572 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Advisory Committee on Revision of Rules of Practice and Procedure, Subcommittee on Review of Filing Requirements and Substantive Regulatory Requirements; Meeting

July 9, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Subcommittee on Review of Filing Requirements and Substantive Regulatory Requirements of the Advisory Committee on Revision of Rules of Practice and Procedure will meet Tuesday, July 24, 1979 from 1:30 p.m. to 4:30 p.m., at the Federal Energy Regulatory Commission, North Building, 941 North Capitol St., N.E., Room 3200, Washington, D.C.

The purpose of the meeting is to present and discuss the work which has been undertaken by individual members of the Subcommittee on the work they have been doing since the last meeting.

The meeting is open to the public. A transcript of the meeting will be available for public review and copying at FERC's Division of Public Information, Room 1000, 825 N. Capitol St., N.E., between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday except Federal Holidays. In addition, any person may purchase a copy of the transcript from the reporter.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21476 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

Determinations By Jurisdictional Agencies Under The Natural Gas Policy Act of 1978

July 3, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s).

1. 79-09309
2. 16-193-50022
3. 108
4. J W Kinzer
5. Montgomery Coal Block 12 Well #2
6. Montgomery Coal Field
7. Perry, KY
8. 15.4 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09310
2. 16-119-50021
3. 108
4. J W Kinzer
5. Montgomery Coal—Red Oak
6. Red Oak Field
7. Knott, KY
8. 7.8 million cubic feet
9. June 19, 1979
10. Inland Gas Company Inc

1. 79-09311
2. 16-193-50020
3. 108
4. J W Kinzer
5. Montgomery Coal Block 9 Well #2
6. Montgomery Coal Field
7. Perry, KY
8. 15.4 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09312
2. 16-195-50019
3. 108
4. J W Kinzer
5. Fannie J Runyon No 1
6. Pond Creek Field
7. Pike, KY
8. 5.2 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09313
2. 16-119-50018
3. 108
4. J W Kinzer
5. Beckham Combs Well #1
6. Ball Creek Field
7. Knott, KY
8. 2.0 million cubic feet
9. June 19, 1979
10. Inland Gas Company Inc

1. 79-09314
2. 16-195-50017
3. 108
4. J W Kinzer
5. Ford Motor #53 A GW 1699
6. Pond Creek
7. Pike, KY
8. 4.9 million cubic feet
9. June 19, 1979
10. Kinhag Development Company

1. 79-09315
2. 16-195-50016
3. 108
4. J W Kinzer
5. Hopkins Well #1
6. Pond Creek Field
7. Pike, KY
8. 1.8 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09316
2. 16-195-50015
3. 108
4. J W Kinzer
5. Varney Heirs No 1 well
6. Pond Creek Field
7. Pike, KY
8. 14.7 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09317
2. 16-193-50014
3. 108
4. J W Kinzer
5. Montgomery Coal Block 7 Well #1
6. Montgomery Coal Field
7. Perry, KY
8. 15.4 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09318
2. 16-193-50193
3. 108
4. J W Kinzer
5. Montgomery Coal Block 6 Well #2
6. Montgomery Coal Field
7. Perry, KY
8. 15.4 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09319
2. 16-133-50012
3. 108
4. J W Kinzer
5. John M Lyttle Well #2
6. Turkey Creek
7. Letcher, KY
8. 9.2 million cubic feet
9. June 19, 1979
10. Kentucky-West Virginia Gas Inc

1. 79-09320
2. 16-195-50011
3. 108
4. J W Kinzer
5. Nancy Jane Varney
6. Pond Creek Field
7. Pike, KY
8. 14.7 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09321
2. 16-195-50010
3. 108
4. J W Kinzer
5. Ford Motor Well #48
6. Pond Creek
7. Pike, KY
8. .4 million cubic feet
9. June 19, 1979
10. Kinhag Development Company

1. 79-09322
2. 16-195-50009
3. 108
4. J W Kinzer
5. Varney Heirs No 3 well
6. Pond Creek Field
7. Pike, KY
8. 14.7 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09323
2. 16-195-50008
3. 108
4. J W Kinzer
5. Varney Heirs No 2 well
6. Pond Creek Field
7. Pike, KY
8. 14.7 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09324
2. 16-195-50007
3. 108
4. J W Kinzer
5. Tierney #19
6. Pond Creek Field
7. Pike, KY
8. 3.4 million cubic feet
9. June 19, 1979
10. Kinhag Development Company

1. 79-09325
2. 16-133-50006
3. 108
4. J W Kinzer
5. Montgomery Coal Block 9 Well #1
6. Montgomery Coal Field
7. Letcher, KY
8. 18.6 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09326
2. 16-195-50005
3. 108
4. J W Kinzer
5. Tierney #1
6. Pond Creek Field
7. Pike, KY
8. 3.8 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09327
2. 16-193-50004
3. 108
4. J W Kinzer
5. Montgomery Coal Block 10 Well #1
6. Montgomery Coal Field
7. Perry, KY
8. 15.4 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09328
2. 16-133-50003
3. 108
4. J W Kinzer
5. Montgomery Coal Block 12 Well #1

6. Montgomery Creek Field
7. Letcher, KY
8. 9.8 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09329
2. 16-193-50002
3. 108
4. J W Kinzer
5. Montgomery Coal Block 6 Well #1
6. Montgomery Coal Field
7. Perry, KY
8. 15.4 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

1. 79-09330
2. 16-133-50001
3. 108
4. J W Kinzer
5. Montgomery Coal Well #1 Block 14
6. Montgomery Coal Field
7. Letcher, KY
8. 16.8 million cubic feet
9. June 19, 1979
10. Columbia Gas Transmission Corp

Montana Board of Oil and Gas Conservation

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79-09096
2. 25-005-21413
3. 108
4. Tricentrol United States Inc
5. Vercruyssen 19-2-31-18
6. Tiger Ridge
7. Blaine MT
8. 17.5 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Company

1. 79-09127
2. 25-005-21945
3. 103
4. Tricentrol United States Inc
5. Russ 1-15-30-17
6. Tiger Ridge
7. Blaine MT
8. 164.0 million cubic feet
9. June 18, 1979
10. Northern Natural Gas Company

1. 79-09128
2. 25-041-21141
3. 108
4. Tricentrol United States Inc
5. Wiley 7-17-31-17
6. Tiger Ridge
7. Hill MT
8. 13.2 million cubic feet
9. June 18, 1979
10. Northern Natural Gas Company

1. 79-09129
2. 25-015-21312
3. 108
4. Tricentrol United States Inc
5. Dumas 2-31-27-16
6. Bullwacker
7. Chouteau MT
8. 6.0 million cubic feet
9. June 18, 1979
10. Northern Natural Gas Company

1. 79-09130
2. 25-025-21137
3. 103
4. Shell Oil Company
5. Pennel 13X-29B
6. Pennel
7. Fallon MT
8. 38.0 million cubic feet
9. June 18, 1979
10. Shell Oil Company

New Mexico Department of Energy and Minerals Oil Conservation Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79-09104
2. 30-025-00000
3. 103
4. Adobe Oil & Gas Corporation
5. Hannah #1
6. Austin (Mississippian)
7. Lea NM
8. 650.0 million cubic feet
9. June 15, 1979
10. El Paso Natural Gas Co

1. 79-09105
2. 30-015-10813
3. 108
4. Tenneco Oil Company
5. GJ West Coop Unit #59
6. Grayburg Jackson
7. Eddy NM
8. .0 million cubic feet
9. June 15, 1979
10. Phillips Petroleum Company

1. 79-09106
2. 30-025-01931
3. 102
4. Elk Oil Company
5. Northeast Kemnitz #2
6. Kemnitz Morrow
7. Lea NM
8. 150.0 million cubic feet
9. June 15, 1979
10. Northern Natural Gas Company

1. 79-09107
2. 30-025-01911
3. 102
4. Elk Oil Company
5. Northeast Kemnitz #1
6. Kemnitz Morrow
7. Lea NM
8. 600.0 million cubic feet
9. June 15, 1979
10. Northern Natural Gas Company

1. 79-09108
2. 30-025-25486
3. 103
4. Marathon Oil Company
5. Mark Owen Well No. 8
6. Wantz Granite Wash
7. Lea NM
8. 22.0 million cubic feet
9. June 15, 1979
10. Getty Oil Company

1. 79-09109
2. 30-025-25486
3. 103
4. Marathon Oil Company
5. Mark Owen Well No. 8
6. Wantz ABO
7. Lea NM
8. 71.0 million cubic feet
9. June 15, 1979
10. Getty Oil Company

1. 79-09110
2. 30-025-25846
3. 103
4. Marathon Oil Company
5. Walter Lynch Well No. 7
6. Wantz Granite Wash
7. Lea NM
8. 68.0 million cubic feet
9. June 15, 1979
10. Getty Oil Company

1. 79-09111
2. 30-025-25486
3. 103
4. Marathon Oil Company
5. Walter Lynch Well No. 7
6. Drinkard
7. Lea NM
8. 174.0 million cubic feet
9. June 15, 1979
10. Getty Oil Company

1. 79-09112
2. 30-015-22186
3. 103
4. Monsanto Company
5. Mayer Com #1
6. Cemetary Morrow
7. Eddy NM
8. 80.0 million cubic feet
9. June 15, 1979
10. Natural Gas Pipeline Co of America

1. 79-09113
2. 30-045-07937
3. 108
4. Southland Royalty Co
5. Dalabetta #1
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 10.0 million cubic feet
9. June 15, 1979
10. Southern Union Gathering Co

1. 79-09114
2. 30-045-20459
3. 108
4. Southland Royalty Co
5. Reid A #A3
6. Aztec Pictured Cliffs
7. San Juan NM
8. 14.0 million cubic feet
9. June 15, 1979
10. El Paso Natural Gas Co

1. 79-09115
2. 30-045-08709
3. 108
4. Southland Royalty Co
5. McGrath #3
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 3.0 million cubic feet
9. June 15, 1979
10. Southern Union Gathering Co

1. 79-09116

2. 30-045-00000
3. 108
4. Southland Royalty Co
5. McDaniel #1
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 3.0 million cubic feet
9. June 15, 1979
10. Southern Union Gathering Co

1. 79-09117
2. 30-045-07810
3. 108
4. Southland Royalty Co
5. Mangum #3
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 2.0 million cubic feet
9. June 15, 1979
10. Southern Union Gathering Co

1. 79-09118
2. 30-045-07806
3. 108
4. Southland Royalty Co
5. Mangum #2
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 6.0 million cubic feet
9. June 15, 1979
10. Southern Union Gathering Co

1. 79-09119
2. 30-045-00000
3. 108
4. Southland Royalty Co
5. Mangum #1
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 12.0 million cubic feet
9. June 15, 1979
10. Southern Union Gathering Co

1. 79-09120
2. 30-025-23726
3. 108
4. Tahoe Oil & Cattle Co
5. Schwalbe #1
6. West Sawyer San Andres
7. Lea NM
8. 5.8 million cubic feet
9. June 15, 1979
10. Cities Service Company

1. 79-09121
2. 30-025-11375
3. 108
4. Tahoe Oil & Cattle Co
5. Ramsey State #2
6. Langlie-Mattix 7-Rivers Queen
7. Lea NM
8. 1.4 million cubic feet
9. June 15, 1979
10. El Paso Natural Gas Co

1. 79-09122
2. 30-025-20324
3. 108
4. Tahoe Oil & Cattle Co
5. Ramsey State #2
6. Langlie-Mattix 7-Rivers Queen
7. Lea NM
8. 1.6 million cubic feet
9. June 15, 1979
10. El Paso Natural Gas Co

1. 79-09123
2. 30-025-11372
3. 108
4. Tahoe Oil & Cattle Co
5. Ramsey State #2
6. Langlie-Mattix 7-Rivers Queen
7. Lee NM
8. 1.1 million cubic feet
9. June 15, 1979
10. El Paso Natural Gas Co

1. 79-09124
2. 30-025-26155
3. 108
4. Burleson & Huff
5. Lanehart #4
6. Langlie-Mattix
7. Lee NM
8. 2.4 million cubic feet
9. June 15, 1979
10. El Paso Natural Gas Co

1. 79-09125
2. 30-025-00000
3. 103
4. W A Moncrief Jr
5. Phillips State 1-Y
6. Hume Gas
7. Lea NM
8. 300.0 million cubic feet
9. June 15, 1979
10. Northern Natural Gas Co

1. 79-09126
2. 30-015-22028
3. 108
4. Coquina Oil Corporation
5. Bass State No 1
6. North Burton (Penn)
7. Eddy County NM
8. 70.0 million cubic feet
9. June 15, 1979
10. El Paso Natural Gas Company

North Dakota Geological Survey

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-09097
2. 33-007-00300
3. 102
4. Gulf Oil Corporation
5. Agnes Burian 1-15-3A
6. Little Knife
7. Billings ND
8. 100.0 million cubic feet
9. June 15, 1979
10. Montana Dakota Utilities

1. 79-09098
2. 33-007-00276
3. 102
4. Gulf Oil Corporation
5. L Burian Etux 1-22-3A
6. Little Knife
7. Billings ND
8. 32.0 million cubic feet
9. June 15, 1979
10. Montana Dakota Utilities

1. 79-09099
2. 33-007-00277
3. 102
4. Gulf Oil Corporation
5. Kulish 1-14-1A
6. Little Knife
7. Billings ND
8. 20.0 million cubic feet
9. June 15, 1979
10. Montana Dakota Utilities

1. 79-09100
2. 33-007-00227
3. 102
4. Gulf Oil Corporation
5. State 1-16-2B
6. Little Knife
7. Billings ND
8. 100.0 million cubic feet
9. June 15, 1979
10. Montana Dakota Utilities

1. 79-09101
2. 33-007-00278
3. 102
4. Gulf Oil Corporation
5. State #3-16-3B
6. Little Knife
7. Billings ND
8. 162.0 million cubic feet
9. June 15, 1979
10. Montana Dakota Utilities

1. 79-099102
2. 33-007-00289
3. 102
4. Gulf Oil Corporation
5. Alma Iachenko 1-15-4A
6. Little Knife
7. Billings ND
8. 100.0 million cubic feet
9. June 15, 1979
10. Montana Dakota Utilities

1. 79-09308
2. 33-053-00707
3. 102
4. Shell Oil Company
5. USA 34-3-2
6. Mondak Field
7. McKenzie ND
8. 28.8 million cubic feet
9. June 19, 1979
10. Montana Dakota Utilities Co

Virginia Department of Labor and Industry, Division of Mines and Quarries

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-09233
2. 45-027-19910-0003
3. 108
4. P & S Oil and Gas Corporation
5. Curtis 1-A
6. Grundy
7. Buchanan VA
8. 11.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corporation

1. 79-09234
2. 45-027-19909-0003
3. 108
4. P & S Oil and Gas Corporation
5. Curtis 2-A
6. Grundy
7. Buchanan VA
8. 11.8 million cubic feet

9. June 18, 1979
10. Consolidated Gas Supply Corporation
1. 79-09235
2. 45-027-19912-0003
3. 108
4. P & S Oil and Gas Corporation
5. R J Carlson
6. Grundy
7. Buchanan VA
8. 4.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corporation
1. 79-09236
2. 45-027-19913-0003
3. 108
4. P & S Oil and Gas Corporation
5. A L Powers
6. Grundy Field
7. Buchanan VA
8. 5.9 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corporation
1. 79-09237
2. 45-027-19914-0003
3. 108
4. P & S Oil and Gas Corporation
5. Belcher 1-A
6. Grundy Field
7. Buchanan VA
8. 5.7 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corporation
1. 79-09238
2. 45-027-19885-0003
3. 108
4. P & S Oil and Gas Corporation
5. Belcher 2-A
6. Grundy Field
7. Buchanan VA
8. 5.7 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corporation
1. 79-09239
2. 45-185-20003-0003
3. 108
4. Ray Resources
5. Consol-Ray #7
6. Greasy Creek
7. Tazewell VA
8. 9.0 million cubic feet
9. June 18, 1979
10. Columbia Gas Transmission
1. 79-09241
2. 45-185-20005-0003
3. 108
4. Ray Resources Div of Flying Diamond
5. Consol-Ray #9
6. Greasy Creek
7. Tazewell VA
8. 15.7 million cubic feet
9. June 18, 1979
10. Columbia Gas Transmission
1. 79-09242
2. 45-185-20010-0003
3. 108
4. Ray Resources Div of Flying Diamond
5. Consol-Ray #11
6. Greasy Creek
7. Tazewell VA
8. 1.1 million cubic feet
9. June 18, 1979
10. Columbia Gas Transmission
1. 79-09243
2. 45-185-20011-0003
3. 108
4. Ray Resources Div of Flying Diamond
5. Consol-Ray #12
6. Greasy Creek
7. Tazewell VA
8. 8.9 million cubic feet
9. June 18, 1979
10. Columbia Gas Transmission
1. 79-09244
2. 45-185-20023-0003
3. 108
4. Ray Resources Div of Flying Diamond
5. Youngstown Mine #1
6. Greasy Creek
7. Tazewell VA
8. 5.5 million cubic feet
9. June 18, 1979
10. Columbia Gas Transmission
1. 79-09245
2. 45-185-20028-0003
3. 108
4. Ray Resources Div of Flying Diamond
5. Consol-Ray #13
6. Greasy Creek
7. Tazewell VA
8. 2.8 million cubic feet
9. June 18, 1979
10. Columbia Gas Transmission
1. 79-09246
2. 45-051-20233-0003
3. 103
4. Philadelphia Oil Company
5. P-52 the Brown Trust
6. Nora
7. Dickenson VA
8. 16.9 million cubic feet
9. June 18, 1979
10. Kentucky West Va Gas Company
1. 79-09247
2. 45-051-20237-0003
3. 103
4. Philadelphia Oil Company
5. P-55 Thomas Bise
6. Nora
7. Dickenson VA
8. 114.6 million cubic feet
9. June 18, 1979
10. Kentucky West Va Gas Company
1. 79-09248
2. 45-051-20255-0003
3. 103
4. Philadelphia Oil Company
5. P-56 Thomas Bise
6. Nora
7. Dickenson VA
8. 79.0 million cubic feet
9. June 18, 1979
10. Kentucky West Va Gas Company
1. 79-09249
2. 45-051-20264-0003
3. 103
4. Philadelphia Oil Company
5. P-65 Samuel Hensley
6. Nora
7. Dickenson VA
8. 62.0 million cubic feet
9. June 18, 1979
10. Kentucky West Va Gas Company
1. 79-09250
2. 45-051-20266-0003
3. 103
4. Philadelphia Oil Company
5. P-66 Thomas Bise
6. Nora
7. Dickenson VA
8. 13.6 million cubic feet
9. June 18, 1979
10. Kentucky West Va Gas Company
1. 79-09251
2. 45-051-20273-0003
3. 103
4. Philadelphia Oil Company
5. P-67 Samuel Hensley
6. Nora
7. Dickenson VA
8. 11.5 million cubic feet
9. June 18, 1979
10. Kentucky West Va Gas Company
1. 79-09252
2. 45-051-20293-0003
3. 103
4. Philadelphia Oil Company
5. P-73 J W Wright
6. Nora
7. Dickenson VA
8. 17.4 million cubic feet
9. June 18, 1979
10. Kentucky West Va Gas Company
1. 79-09253
2. 45-051-20294-0003
3. 103
4. Philadelphia Oil Company
5. P-74 W F Stanley
6. Nora
7. Dickenson, Va.
8. 191.6 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09254
2. 45-051-20276-0003
3. 103
4. Philadelphia Oil Company
5. P-69 Noah Counts
6. Nora
7. Dickenson, Va.
8. 144.6 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Co.
1. 79-09255
2. 45-051-20281-0003
3. 103
4. Philadelphia Oil Company
5. P-70 W D Stanley
6. Nora
7. Dickenson, Va.
8. 81.6 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09256
2. 45-051-20284-0003
3. 103
4. Philadelphia Oil Company
5. P-71 J W Wright
6. Nora
7. Dickenson, Va.
8. 83.8 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Co.
1. 79-09257
2. 45-051-20289-0003
3. 103
4. Philadelphia Oil Company
5. P-72 Noah Counts
6. Nora
7. Dickenson, Va.
8. 125.8 million cubic feet
9. June 18, 1979

10. Kentucky West Va. Gas Co.
1. 79-09258
2. 45-051-20299-0003
3. 103
4. Philadelphia Oil Company
5. P-78 G W Branham Heirs
6. Nora
7. Dickenson, Va.
8. 22.0 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Co
1. 79-09259
2. 45-051-20302-1000-3
3. 103
4. Philadelphia Oil Company
5. P-80 J A Odle
6. Nora
7. Dickenson, Va.
8. 114.6 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Co
1. 79-09260
2. 45-051-20270-0003
3. 103
4. Philadelphia Oil Company
5. P-68 Letcher Mullins
6. Nora
7. Dickenson, Va.
8. 287.3 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09261
2. 45-051-20296-0003
3. 103
4. Philadelphia Oil Company
5. P-75 W G Baker et al
6. Nora
7. Dickenson, Va.
8. 17.4 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09262
2. 45-051-20295-0003
3. 103
4. Philadelphia Oil Company
5. P-76 Wm G Baker
6. Nora
7. Dickenson, Va.
8. 41.5 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09263
2. 45-051-20303-0003
3. 103
4. Philadelphia Oil Company
5. P-81 Samuel Hensley
6. Nora
7. Dickenson, Va.
8. 151.1 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09264
2. 45-051-20304-0003
3. 103
4. Philadelphia Oil Company
5. P-86 Samuel Hensley
6. Nora
7. Dickenson, Va.
8. 96.4 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09265
2. 45-051-20134-0003
3. 108
4. Philadelphia Oil Company
5. P-6 David Colley
6. Nora
7. Dickenson, Va.
8. 14.7 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09266
2. 45-051-20136-0003
3. 108
4. Philadelphia Oil Company
5. P-8 Rainwater Ramsey
6. Nora
7. Dickenson, Va.
8. 9.1 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09267
2. 45-051-20158-0003
3. 108
4. Philadelphia Oil Company
5. P-17 Joshua Pressley
6. Nora
7. Dickenson, Va.
8. 5.4 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09268
2. 45-051-20165-0003
3. 108
4. Philadelphia Oil Company
5. P-19 Joseph Kelly
6. Nora
7. Dickenson, Va.
8. 5.4 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09269
2. 45-051-20186-0003
3. 108
4. Philadelphia Oil Company
5. P-29 Rainwater Ramsey
6. Nora
7. Dickenson, Va.
8. 18.0 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09270
2. 45-051-19819-0003
3. 108
4. Philadelphia Oil Company
5. P-31 Nell Phipps et al
6. Nora
7. Dickenson, Va.
8. 6.0 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09271
2. 45-051-20191-0003
3. 108
4. Philadelphia Oil Company
5. P-33 Nell Phipps et al
6. Nora
7. Dickenson, Va.
8. 18.2 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09272
2. 45-051-20198-0003
3. 108
4. Philadelphia Oil Company
5. P-38 Nell Phipps et al
6. Nora
7. Dickenson, Va.
8. 3.6 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09273
2. 45-051-20201-0003
3. 103
4. Philadelphia Oil Company
5. P-40 Nell Phipps et al
6. Nora
7. Dickenson, Va.
8. 7.3 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09274
2. 45-051-20212-0003
3. 108
4. Philadelphia Oil Company
5. P-45 Nell Phipps et al
6. Nora
7. Dickenson, Va.
8. 4.7 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09275
2. 45-051-20215-0003
3. 103
4. Philadelphia Oil Company
5. P-46 Nell Phipps et al
6. Nora
7. Dickenson, Va.
8. 6.5 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09276
2. 45-051-20219-0003
3. 103
4. Philadelphia Oil Company
5. P-48 The Brown Trust
6. Nora
7. Dickenson, Va.
8. 15.1 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09277
2. 45-051-20220-0003
3. 108
4. Philadelphia Oil Company
5. P-49 The Brown Trust
6. Nora
7. Dickenson, Va.
8. 11.3 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09278
2. 45-051-20221-0003
3. 108
4. Philadelphia Oil Company
5. P-50 The Brown Trust
6. Nora
7. Dickenson, Va.
8. 11.8 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company
1. 79-09279
2. 45-051-20244-8003
3. 108
4. Philadelphia Oil Company
5. P-57 S H Richardson
6. Nora
7. Dickenson, Va.
8. 9.9 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company

1. 79-09280
2. 45-051-20245-8003
3. 108
4. Philadelphia Oil Company
5. P-58 L C Smith
6. Nora
7. Dickenson, Va.
8. 10.3 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company

1. 79-09281
2. 45-051-20247-8003
3. 108
4. Philadelphia Oil Company
5. P-60 L C Smith
6. Nora
7. Dickenson, Va.
8. 8.7 million cubic feet
9. June 18, 1979
10. Kentucky West Va. Gas Company

1. 79-09240
2. 45-185-20004-0003
3. 108
4. Ray Resources Div of Flying Diamond
5. Consol-Ray #8
6. Maiden Spring
7. Tazewell, Va.
8. 3.0 million cubic feet
9. June 18, 1979
10. Columbia Gas Transmission Corp

West Virginia Department of Mines

Oil and Gas Divison

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-09142
2. 47-045-00430
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #42
6. Logan Wyoming
7. Logan, WV
8. 17.0 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09143
2. 47-045-00451
3. 108
4. Ashland Exploration Inc
5. Browning Heirs #1
6. Logan Wyoming
7. Logan, WV
8. 12.0 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09144
2. 47-109-00597
3. 108
4. Ashland Exploration Inc
5. R D Bailey #1
6. Logan Wyoming
7. Wyoming, WV
8. 6.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09145
2. 47-109-00512
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #171
6. Logan Wyoming
7. Wyoming, WV
8. 11.9 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09146
2. 47-109-00499
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #168
6. Logan Wyoming
7. Wyoming, WV
8. 10.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09147
2. 47-109-00493
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #166
6. Logan Wyoming
7. Wyoming, WV
8. 1.9 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09148
2. 47-047-00204
3. 108
4. Ashland Exploration Inc
5. Lon B Roger #16
6. Virginia
7. McDowell, WV
8. 17.4 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09149
2. 47-047-00554
3. 108
4. Ashland Exploration Inc
5. Lon B Rogers #19
6. Virginia
7. McDowell, WV
8. 13.6 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09150
2. 47-109-00054
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #12
6. Logan Wyoming
7. Wyoming, WV
8. 9.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09151
2. 47-045-00480
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #46
6. Logan Wyoming
7. Logan, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09152
2. 47-109-00338
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #25
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09153
2. 47-109-00132
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #35
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09154
2. 47-109-00135
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #36
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09155
2. 47-109-00128
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #34
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09156
2. 47-109-00172
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #45
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09157
2. 47-109-00178
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #46
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09158
2. 47-109-00261
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #65
6. Logan Wyoming
7. Wyoming, WV
8. 7.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp

1. 79-09159
2. 47-109-00262
3. 108
4. Ashland Exploration Inc
5. Edd Morgan #1
6. Logan Wyoming
7. Wyoming, WV
8. 15.3 million cubic feet

9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09160
2. 47-109-00264
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #66
6. Logan Wyoming
7. Wyoming, WV
8. 9.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09161
2. 47-109-00265
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #67
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09162
2. 47-109-00270
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #68
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09163
2. 47-109-00279
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #69
6. Logan Wyoming
7. Wyoming, WV
8. 7.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09164
2. 47-109-00289
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #70
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09165
2. 47-039-00226
3. 108
4. Ashland Exploration Inc
5. J A Osborne #15
6. Old Field
7. Kanawha, WV
8. 6.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09166
2. 47-035-00484
3. 108
4. Ashland Exploration Inc
5. Rex Hutchinson #1
6. New Field
7. Jackson, WV
8. 4.0 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09167
2. 47-035-00475
3. 108
4. Ashland Exploration Inc
5. R D Hutchinson #1
6. New Field
7. Jackson, WV
8. 3.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09168
2. 47-005-00619
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co Fee #16
6. Siler
7. Boone, WV
8. 5.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09169
2. 47-005-00613
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co Fee #15
6. Siler
7. Boone, WV
8. 5.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09170
2. 47-005-00611
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co Fee #14
6. Siler
7. Boone, WV
8. 5.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09171
2. 47-109-00094
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #24
6. Logan Wyoming
7. Wyoming WV
8. 7.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09172
2. 47-109-00121
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #30
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09173
2. 47-109-00085
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #25
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09174
2. 47-005-00592
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co Fee #10
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09175
2. 47-109-00138
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #37
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09176
2. 47-005-00560
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co Fee #7
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09177
2. 47-005-00561
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co Fee #8
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09178
2. 47-005-00587
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co Fee #9
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09179
2. 47-109-0311
3. 108
4. Ashland Exploration Inc
5. Glen Williams #1
6. Logan Wyoming
7. Wyoming WV
8. 12.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09180
2. 47-109-00076
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #19
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09181
2. 47-109-00084
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #21
6. Logan Wyoming
7. Wyoming WV
8. 9.1 million cubic feet
9. June 18, 1979

10. Consolidated Gas Supply Corp
1. 79-09182
2. 47-109-00088
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #22
6. Logan Wyoming
7. Wyoming WV
8. 7.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09183
2. 47-109-00125
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #32
6. Logan Wyoming
7. Wyoming WV
8. 7.8 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09184
2. 47-109-00127
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #33
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09185
2. 47-109-00347
3. 108
4. Ashland Exploration Inc
5. W H H Shields #1
6. Logan Wyoming
7. Wyoming WV
8. 12.9 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09186
2. 47-109-00312
3. 108
4. Ashland Exploration Inc
5. Rogers Theater #1
6. Logan Wyoming
7. Wyoming WV
8. 5.6 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09187
2. 47-109-00353
3. 108
4. Ashland Exploration Inc
5. Pierce Short
6. Logan Wyoming
7. Wyoming WV
8. 13.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09188
2. 47-109-00480
3. 108
4. Ashland Exploration Inc
5. Libby R Scott #1
6. Logan Wyoming
7. Wyoming WV
8. 2.0 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09189
2. 47-109-00042
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #8
6. Logan Wyoming
7. Wyoming WV
8. 9.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09190
2. 47-109-00048
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #9
6. Logan Wyoming
7. Wyoming WV
8. 4.7 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09191
2. 47-109-00024
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #3
6. Logan Wyoming
7. Wyoming WV
8. 9.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09192
2. 47-109-00025
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #4
6. Logan Wyoming
7. Wyoming WV
8. 9.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09193
2. 47-109-00033
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #5 011200
6. Logan Wyoming
7. Wyoming WV
8. 9.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09194
2. 47-109-00041
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co.#7
6. Logan Wyoming
7. Wyoming WV
8. 9.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09195
2. 47-109-00148
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #42
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09196
2. 47-109-00156
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #43
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09197
2. 47-109-00167
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #44
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09198
2. 47-045-00198
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #64
6. Logan Wyoming
7. Logan WV
8. 10.1 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09199
2. 47-035-00502
3. 108
4. Ashland Exploration Inc
5. L M Parsons #1
6. New Field
7. Jackson WV
8. .0 million cubic feet
9. June 18, 1979
10. Consolidated Gas Supply Corp
1. 79-09284
2. 47-045-00300
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #34-019690
6. Logan, Wyoming
7. Logan WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp
1. 79-09285
2. 47-045-00281
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #33-019140
6. Logan, Wyoming
7. Logan WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp
1. 79-09286
2. 47-039-02563
3. 108
4. Ashland Exploration Inc
5. J A Osborne #19-001910
6. Old Field
7. Kanawha WV
8. 6.1 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp
1. 79-09287
2. 47-045-00273
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #32-018960
6. Logan, Wyoming
7. Logan WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09288
2. 47-045-00249
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #30-017520
6. Logan, Wyoming
7. Logan WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09289
2. 47-109-00341
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #26-016630
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09290
2. 47-109-00342
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #27-016750
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09291
2. 47-109-00461
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #48-024740
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09292
2. 47-045-00561
3. 108
4. Ashland Exploration Inc
5. S. E. McDonald #1-025090
6. Logan, Wyoming
7. Logan WV
8. 8.6 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09293
2. 47-109-00486
3. 108
4. Ashland Exploration Inc
5. W. M. Ritter Lumber Co. #165-025620
6. Logan, Wyoming
7. Wyoming WV
8. 7.9 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09294
2. 47-109-00329
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #24-016390
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09295
2. 47-005-00609
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co. Fee #13-011420
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09296
2. 47-005-00604
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co. Fee #12-011410
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09297
2. 47-005-00593
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co. Fee #11-011290
6. Siler
7. Boone WV
8. .0 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09298
2. 47-005-00552
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co. Fee #5-010720
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09299
2. 47-005-00550
3. 108
4. Ashland Exploration Inc
5. Siler Coal Land Co. Fee #1-010640
6. Siler
7. Boone WV
8. 5.8 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09300
2. 47-039-03193
3. 108
4. Ashland Exploration Inc
5. J A Osborne #16-001480
6. Old Field
7. Kanawha WV
8. 6.1 million cubic feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09301
2. 47-039-03194
3. 108
4. Ashland Exploration Inc
5. J A Osborne #17-001700
6. Old Field
7. Kanawha WV
8. 6.1 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09302
2. 47-039-03195
3. 108
4. Ashland Exploration Inc
5. J A Osborne #18-001810
6. Old Field
7. Kanawha WV
8. 6.1 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09303
2. 47-039-03197
3. 108
4. Ashland Exploration Inc
5. J A Osborne #22-002500
6. Old Field
7. Kanawha WV
8. 6.1 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09304
2. 47-045-00429
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #41-022310
6. Logan Wyoming
7. Logan WV
8. 17.0 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09305
2. 47-045-00419
3. 108
4. Ashland Exploration Inc.
5. Pardee Land Co #40-022170
6. Logan Wyoming
7. Logan WV
8. 17.0 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09306
2. 47-045-00382
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #39-021540
6. Logan Wyoming
7. Logan WV
8. 5.5 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09307
2. 47-045-00376
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #38-020970
6. Logan Wyoming
7. Logan WV
8. 5.5 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

1. 79-09352
2. 47-045-00302
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #35-019350
6. Logan Wyoming
7. Logan WV
8. 5.5 Million Cubic Feet
9. June 19, 1979
10. Consolidated Gas Supply Corp

United States Geological Survey Metairie, LA.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC

10. Purchaser(s)
1. 79-09103
2. 17-724-40101-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-4
6. Main Pass
7. 288
8. 50.0 million cubic feet
9. June 15, 1979
10. Southern Natural Gas Co
1. 79-09131
2. 17-724-40108-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-9
6. Main Pass
7. 288
8. 13.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09132
2. 17-724-40099-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-2
6. Main Pass
7. 288
8. 45.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09133
2. 17-724-40127-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 289 A-21D
6. Main Pass
7. 289
8. 23.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09134
2. 17-724-40100-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-3
6. Main Pass
7 288
8. 73.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09135
2. 17-724-40103-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-6D
6. Main Pass
7. 288
8. 45.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09136
2. 17-715-40204-0000-0
3. 102
4. Exxon Corporation
5. OCS-G 0421 No. 5-8
6. South Timbalier
7. 55
8. 3200.0 million cubic feet
9. June 18, 1979
10. Tennessee Gas Pipeline Co
1. 79-09137
2. 17-724-40128-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-15
6. Main Pass
7. 288
8. 50.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09138
2. 17-724-40103-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-6
6. Main Pass
7. 288
8. 69.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09139
2. 17-723-40123-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 289 A-17
6. Main Pass
7. 289
8. 38.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09140
2. 17-724-40124-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 289 A-19
6. Main Pass
7. 289
8. 45.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co
1. 79-09141
2. 17-724-40120-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 289 A-14D
6. Main Pass
7. 289
8. 94.0 million cubic feet
9. June 18, 1979
10. Southern Natural Gas Co

United States Geological Survey, Albuquerque, N. Mex.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well-name
6. field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-09343
2. 30-045-00000-0000-0
3. 108
4. Southland Royalty Co
5. Cooper No 1
6. Pulcher Kutz Pictured Cliffs
7. San Juan NM
8. 7.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co
1. 79-09344
2. 30-039-82264-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Abraham Fed 8
6. South Blanco
7. Rio Arriba NM
8. 12.1 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co
1. 79-09345
2. 30-045-07146-0000-0
3. 108
4. R & G Drilling Co
5. Krause No 1
6. West Kutz Pictured Cliffs
7. San Juan NM
8. .5 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co
1. 79-09346
2. 30-045-07234-0000-0
3. 108
4. R & G Drilling Co
5. Krause No 18
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 1.2 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co
1. 79-09347
2. 30-045-07224-0000-0
3. 108
4. R & G Drilling Co
5. Krause No 19
6. West Kutz Pictured Cliffs
7. San Juan NM
8. .2 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co
1. 79-09348
2. 30-045-06968-0000-0
3. 108
4. R & G Drilling Co
5. Krause No 22
6. West Kutz Pictured Cliffs
7. San Juan County NM
8. 2.8 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co
1. 79-09349
2. 30-045-06619-0000-0
3. 108
4. R & G Drilling Co
5. Schlosser No 16
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 13.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co
1. 79-09350
2. 30-039-05575-0000-0
3. 108
4. T H McElvain Oil & Gas Properties
5. Federal No 1 82-078584
6. Ballard Pictured Cliff
7. Rio Arriba NM
8. 12.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co
1. 79-09351
2. 30-039-21480-0000-0
3. 103
4. Mobil Oil Corporation
5. Jicarilla Otero No 5
6. Otero Gallup
7. Rio Arriba NM

8. 11.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co

1. 79-09353
2. 30-045-05238-0000-0
3. 108
4. M J Brannon
5. Federal 28-1
6. Basin Dakota
7. San Juan NM
8. .0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09354
2. 30-045-22769-0000-0
3. 103
4. Dugan Production Corp
5. Five of Diamonds #1
6. Undesignated PC
7. San Juan NM
8. 30.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09355
2. 30-039-00000-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Douthit Browning 2
6. South Blanco
7. Rio Arriba NM
8. .9 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09356
2. 30-039-05321-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Werntz 4
6. South Blanco
7. Rio Arriba NM
8. 12.7 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09357
2. 30-039-05229-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Tamara Federal No 1
6. South Blanco
7. Rio Arriba NM
8. 1.8 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09358
2. 30-039-05317-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Wasson Federal No 1
6. South Blanco
7. Rio Arriba NM
8. 12.9 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09359
2. 30-039-05391-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Werntz Federal No 2
6. South Blanco
7. Rio Arriba NM
8. 16.1 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09360
2. 30-039-05246-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Werntz Federal No 3
6. South Blanco
7. Rio Arriba NM
8. 5.8 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09361
2. 30-045-09115-0000-0
3. 108
4. Southland Royalty Co
5. Grenier A #1
6. Blanco Mesa Verde
7. San Juan NM
8. 12.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co

1. 79-09362
2. 30-045-08696-0000-0
3. 108
4. Southland Royalty Co
5. Grenier B #2
6. Aztec Pictured Cliffs
7. San Juan NM
8. 5.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09363
2. 30-045-20368-0000-0
3. 108
4. Southland Royalty Co
5. Grenier B #7
6. Aztec Pictured Cliffs
7. San Juan NM
8. 12.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09364
2. 30-045-10692-0000-0
3. 108
4. Southland Royalty Co
5. Grenier B #2
6. Aztec Pictured Cliffs
7. San Juan NM
8. 4.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co

1. 79-09365
2. 30-045-10483-0000-0
3. 108
4. Southland Royalty Co
5. Grenier #13
6. Basin Dakota
7. San Juan NM
8. 7.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co

1. 79-09366
2. 30-045-06380-0000-0
3. 108
4. Southland Royalty Co
5. Jernigan #2
6. Blanco Pictured Cliffs
7. San Juan NM
8. 4.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co

1. 79-09367
2. 30-045-09551-0000-0
3. 108
4. Southland Royalty Co
5. Lloyd #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 9.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09368
2. 30-045-08345-0000-0
3. 108
4. Southland Royalty Co
5. McGrath C#1
6. Basin Dakota
7. San Juan NM
8. 12.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co

1. 79-09369
2. 30-045-20450-0000-0
3. 108
4. Southland Royalty Co
5. Nye #4
6. Aztec Pictured Cliffs
7. San Juan NM
8. 14.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09370
2. 30-045-11770-0000-0
3. 103
4. Southland Royalty Co
5. J Hudson #3
6. Basin Dakota
7. San Juan NM
8. 10.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co

1. 79-09371
2. 30-045-00000-0000-0
3. 108
4. Southland Royalty Co
5. Hagood #5
6. Basin Dakota
7. San Juan NM
8. 1.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Pipeline Service

1. 79-09372
2. 30-045-11701-0000-0
3. 108
4. Southland Royalty Co
5. Thompson #11
6. Basin Dakota
7. San Juan NM
8. 9.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co

1. 79-09373
2. 30-045-11700-0000-0
3. 108
4. Southland Royalty Co
5. Thompson #10
6. Basin Dakota
7. San Juan NM
8. 12.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co

1. 79-09374
2. 30-045-70487-0000-0
3. 108
4. Southland Royalty Co
5. Trail Canyon #1
6. Blanco Mesa Verde
7. San Juan NM
8. 12.0 million cubic feet
9. June 19, 1979

10. El Paso Natural Gas Company
1. 79-09375
2. 30-039-20272-0000-0
3. 108
4. Southland Royalty Co
5. Tapacito #1
6. Blanco Mesa Verde
7. San Juan NM
8. 16.0 million cubic feet
9. June 19, 1979
10. Northwest pipeline Corporation
1. 79-09376
2. 30-045-10063-0000-0
3. 108
4. Southland Royalty Co
5. Thompson #1
6. Blanco Mesa Verde
7. San Juan NM
8. 18.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co
1. 79-09377
2. 30-045-10582-0000-0
3. 108
4. Southland Royalty Co
5. Grenier #7
6. Aztec Pictured Cliffs
7. San Juan NM
8. 4.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co
1. 79-09378
2. 30-045-20471-0000-0
3. 108
4. Southland Royalty Co
5. Grenier A #A5
6. Aztec Pictured Cliffs
7. San Juan NM
8. 9.0 million cubic feet
9. June 19, 1979
10. Southern Union Gathering Co
1. 79-09379
2. 30-039-20349-0000-0
3. 108
4. Southland Royalty Co
5. La Baca #1
6. Blanco Mesa Verde
7. Rio Arriba NM
8. 4.0 million cubic feet
9. June 19, 1979
10. Nothwest Pipeline Corporation
1. 79-09381
2. 30-039-05292-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Crane Federal 2
6. South Blanco
7. Rio Arriba NM
8. 12.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09382
2. 30-039-05230-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Crane Federal 4
6. South Blanco
7. Rio Arriba NM
8. 11.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09383
2. 30-039-05224-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Crane Federal 5
6. South Blanco
7. Rio Arriba NM
8. 6.7 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09384
2. 30-039-05233-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Crane Federal 6
6. South Blanco
7. Rio Arriba NM
8. 4.5 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09385
2. 30-039-53260-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Crane Federal 7
6. South Blanco
7. Rio Arriba NM
8. 7.4 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09386
2. 30-039-05264-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Crane Federal 9
6. South Blanco
7. Rio Arriba NM
8. 7.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09387
2. 30-039-82318-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Duff Government 1-A
6. South Blanco
7. Rio Arriba NM
8. 8.3 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09388
2. 30-039-05278-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Duff Federal (Govt) 2
6. South Blanco
7. Rio Arriba NM
8. 10.6 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09389
2. 30-039-05216-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Duff Government 4
6. South Blanco
7. Rio Arriba NM
8. 5.9 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09390
2. 30-039-82139-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Edwards Federal 1
6. South Blanco
7. Rio Arriba NM
8. 12.4 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09391
2. 30-039-05190-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Hall Federal 1
6. South Blanco
7. Rio Arriba NM
8. 4.4 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09392
2. 30-039-05117-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Elliott Fed No 1
6. South Blanco
7. Rio Arriba NM
8. 7.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09393
2. 30-039-00000-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Duff-Govt 1
6. South Blanco
7. Rio Arriba NM
8. 14.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09394
2. 30-039-05186-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Douthit Federal 1
6. South Blanco
7. Rio Arriba NM
8. 10.6 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09395
2. 30-039-05052-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla H-1
6. South Blanco
7. Rio Arriba NM
8. 5.7 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09396
2. 30-039-05198-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla H-4
6. South Blanco
7. Rio Arriba NM
8. 5.7 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company
1. 79-09397
2. 30-039-05197-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla I-1
6. South Blanco
7. Rio Arriba NM
8. 11.9 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09398
2. 30-039-05187-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla I-2
6. South Blanco
7. Rio Arriba NM
8. 9.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09399
2. 30-039-05301-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla I-3
6. South Blanco
7. Sandoval NM
8. 21.1 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09400
2. 30-039-08061-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla N-1
6. South Blanco
7. Rio Arriba NM
8. 14.3 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09401
2. 30-043-20001-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla N-2
6. South Blanco
7. Sandoval NM
8. 11.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09402
2. 30-043-05263-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Jicarilla N-4
6. South Blanco
7. Sandoval NM
8. 21.8 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09403
2. 30-043-05200-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Duff B Federal 1
6. South Blanco
7. Rio Arriba NM
8. 11.2 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09404
2. 30-039-00000-0000-0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Douthit Browning 1
6. South Blanco
7. Rio Arriba NM
8. 3.8 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09405
2. 30-045-08978-0000-0
3. 108
4. El Paso Natural Gas Company
5. Martin 1
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 1.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09406
2. 30-045-09247-0000-0
3. 108
4. El Paso Natural Gas Company
5. Morris A 2
6. Aztec-Picture Cliffs Gas
7. San Juan NM
8. 1.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09407
2. 30-015-20880-0013-0
3. 108
4. El Paso Natural Gas Company
5. Rocky Arroyo C1
6. Rocky Arroyo-Canyon Gas
7. Eddy NM
8. 7.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09408
2. 30-015-20595-0013-0
3. 108
4. El Paso Natural Gas Company
5. Rocky Arroyo B1
6. Rocky Arroyo-Morrow Gas
7. Eddy NM
8. 1.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09409
2. 30-045-08399-0000-0
3. 108
4. El Paso Natural Gas Company
5. Neudecker 1
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 16.4 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09410
2. 30-045-22628-0000-0
3. 103
4. Jerome P. McHugh
5. Bengal C 5
6. Undesignated Fruitland
7. San Juan NM
8. 10.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79-09380
2. 30-045-20349-0000-0
3. 108
4. Southland Royalty Co
5. Thurston No. 1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 14.0 Million Cubic Feet
9. June 19, 1979
10. El Paso Natural Gas Company

U.S. Geological Survey, Casper, Wyo.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-09200
2. 05-103-08008-0000-0
3. 103
4. Coseka Resources (USA) Ltd
5. Taiga Federal 9-J-21
6. Thunder
7. Rio Blanco, Co
8. 35. 3 million cubic feet
9. June 18, 1979
10. Northwest Pipeline Corp

1. 79-09206
2. 05-103-03024-0000-0
3. 103
4. Gordon Engineering Inc
5. J & D Associates Federal 10-4
6. Philadelphia Creek
7. Rio Blanco Co
8. 96.0 million cubic feet
9. June 18, 1979
10. Northwest Pipeline Corporation

1. 79-09229
2. 05-103-82440-0000-0
3. 103
4. Mountain Fuel Supply Co
5. Lower Horse Draw 26
6. Lower Horse Draw
7. Rio Blanco Co
8. 310. 3 million cubic feet
9. June 18, 1979
10. Western Slope Gas Company

1. 79-09283
2. 05-103-07889-0000-0
3. 103
4. Provident Resources Inc
5. Government 3-24-4-102
6. Foundation Creek
7. Rio Blanco Co
8. 60.0 million cubic feet
9. June 19, 1979
10. Northwest Pipeline Corporation

1. 79-09201
2. 25-071-21587-0000-0
3. 102
4. Shenandoah Oil Corporation
5. Federal #1-24
6. North Bowdoin
7. Phillips Mt
8. 48.0 million cubic feet
9. June 18, 1979
10. Kansas-Nebraska N G Co Inc

1. 79-09208
2. 25-071-21637-0000-0
3. 102
4. Joseph J C Paine and Associates
5. Griggs Federal #1-1571
6.
7. Phillips County Mt
8. 2136.0 million cubic feet
9. June 18, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79-09209
2. 25-071-21576-0000-0
3. 102
4. Joseph J C Paine and Associates
5. R Anderson (Federal) #1-0471
6.
7. Phillips County Mt
8. 1496.5 million cubic feet
9. June 18, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79-09214
2. 25-071-21652-0000-0
3. 102
4. Joseph J C Paine and Associates
5. Montana Power Federal #1-3262
6. Unnamed
7. Phillips County Mt
8. .0 million cubic feet
9. June 18, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79-09335
2. 33-053-00656-0000-0
3. 102
4. Shell Oil Company
5. USA 34X-31-1
6. Mondak Field
7. McKenzie ND
8. 8.0 million cubic feet
9. June 19, 1979
10. Montana Dakota Utilities Co

1. 79-09232
2. 43-013-30423-0000-0
3. 107
4. Gulf Oil Corp
5. UTE 1-3A3
6. Altamont
7. Duchesne, UT
8. 5.0 million cubic feet
9. June 18, 1979
10. Gary Operating Co

1. 79-09282
2. 43-047-30428-0000-0
3. 102
4. Continental Oil Company
5. Conoco Pinnacoose 6-3
6. Ouray NW6-T9S-R21E
7. Uintah, UT
8. .0 million cubic feet
9. June 19, 1979
10. Mountain Fuel Supply

1. 79-09337
2. 43-047-30292-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. NBU 11-14B30292
6. Natural Buttes Unit
7. Uintah, UT
8. 20.0 million cubic feet
9. June 19, 1979
10. Colorado Interstate Gas Co

1. 79-09338
2. 43-047-30319-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. NBU 20-1B (30319)
6. Natural Buttes Unit
7. Uintah, UT
8. 40.0 million cubic feet
9. June 19, 1979
10. Colorado Interstate Gas Co

1. 79-09202
2. 49-009-21263-0000-0
3. 103
4. Wexpro Company
5. Spearhead Ranch No. 8
6. Spearhead Ranch Unit
7. Converse WY
8. 222.0 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09203
2. 49-009-21288-0000-0
3. 103
4. Wexpro Company
5. Spearhead Ranch No. 10
6. Spearhead Ranch Unit
7. Converse, WY
8. 182.5 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09204
2. 49-009-21379-0000-0
3. 103
4. Wexpro Company
5. Spearhead Ranch No. 12
6. Spearhead Ranch Unit
7. Converse, WY
8. 182.5 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09205
2. 49-005-24627-0000-0
3. 103
4. Gulf Oil Corp
5. Jordan Federal 1-23
6. Hartzog Draw
7. Campbell, Wy
8. 18.0 million cubic feet
9. June 18, 1979
10. Phillips Petroleum Co

1. 79-09207
2. 49-005-24782-0000-0
3. 103
4. Gulf Oil Corp
5. Camblin USA 1-25
6. Hartzog Draw
7. Campbell, WY
8. 8.0 million cubic feet
9. June 18, 1979
10. Phillips Petroleum Co

1. 79-09210
2. 49-037-21230-0000-0
3. 103
4. Smokey Oil Company, Inc
5. Anderson Federal No. 2-34
6. South Fork
7. Sweetwater, WY
8. 237.0 million cubic feet
9. June 18, 1979
10. Colorado Interstate Gas Company

1. 79-09211
2. 49-037-21071-0000-0
3. 102
4. Texas Oil & Gas Corp
5. Windmill Draw Unit #1
6. Wildcat
7. Sweetwater WY
8. 240.0 million cubic feet
9. June 18, 1979
10.

1. 79-09212
2. 49-009-21311-0000-0
3. 103
4. Gulf Oil Corp
5. Ackerman USA 1-15
6. Mikes Draw
7. Converse, WY
8. 15.0 million cubic feet
9. June 18, 1979
10. Phillips Petroleum Co

1. 79-09213
2. 49-005-24628-0000-0
3. 103
4. Gulf Oil Corp
5. Camblin Federal 1-24
6. Hartzog Draw
7. Campbell, WY
8. 18.0 million cubic feet
9. June 18, 1979
10. Phillips Petroleum Co

1. 79-09215
2. 49-013-20801-0000-0
3. 103
4. Husky Oil Company
5. Fuller Reservoir II Unit #7-19
6. Fuller Reservoir
7. Fremont WY
8. 365.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09216
2. 49-005-24552-0000-0
3. 103
4. Cities Service Co
5. Federal AG #1
6. Hartzog Draw
7. Campbell WY
8. 7.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09217
2. 49-009-21312-0000-0
3. 103
4. Gulf Oil Corp
5. Frye USA 1-14
6. Mikes Draw
7. Converse, WY
8. 10.0 million cubic feet
9. June 18, 1979
10. Phillips Petroleum Co

1. 79-09218
2. 49-005-24673-0000-0
3. 103
4. Cities Service Co
5. Federal AM #1
6. Hartzog Draw
7. Campbell WY
8. 14.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09219
2. 49-005-24653-0000-0
3. 103
4. Cities Service Co
5. Federal AL #1
6. Hartzog Draw
7. Campbell WY
8. 50.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09220
2. 49-005-24651-0000-0
3. 103
4. Cities Service Co
5. Federal AK #1
6. Hartzog Draw
7. Campbell WY
8. 60.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09221
2. 49-019-20428-0000-0
3. 103
4. Cities Service Co
5. Federal AH #1
6. Hartzog Draw
7. Johnson WY
8 12.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09222

2. 49-037-21012-0000-0
3. 103
4. Mountain Fuel Supply Company
5. North Baxter #14-1
6. North Baxter
7. Sweetwater, WY
8. 69.8 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09223
2. 49-005-24672-0000-0
3. 103
4. Cities Service Co
5. Federal AO #1
6. Hartzog Draw
7. Campbell, WY
8. 54.01 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09224
2. 49-005-24674-0000-0
3. 103
4. Cities Service Co
5. Federal AN #1
6. Hartzog Draw
7. Campbell, WY
8. 44.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09225
2. 49-041-20170-0000-0
3. 102
4. Mountain Fuel Supply Company
5. Bruff #9
6. Bruff Unit
7. Uinta, WY
8. 101.4 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09226
2. 49-005-24744-0000-0
3. 103
4. Cities Service Co
5. Federal AR #1
6. Hartzog Draw
7. Campbell, WY
8. 9.0 million cubic feet
9. June 18, 1979
10. Phillips Petroleum Co

1. 79-09227
2. 49-041-20172-0000-0
3. 102
4. Mountain Fuel Supply Company
5. Butcher Knife Spring #6
6. Butcher Knife Spring Unit
7. Uinta, WY
8. 1825.0 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09-228
2. 49-005-24743-0000-0
3. 103
4. Cities Service Co
5. Federal AS #1
6. Hartzog Draw
7. Campbell, WY
8. 40.0 million cubic feet
9. June 18, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09230
2. 49-037-21242-0000-0
3. 103
4. Mountain Fuel Supply Company
5. Church Buttes #28
6. Church Buttes
7. Uinta, WY
8. 300.0 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09231
2. 49-041-20124-0000-0
3. 102
4. Mountain Fuel Supply Company
5. Bruff #7
6. Bruff Unit
7. Uinta, WY
8. 407.0 million cubic feet
9. June 18, 1979
10. Mountain Fuel Supply Company

1. 79-09331
2. 49-013-20801-0000-0
3. 102
4. Husky Oil Company
5. Fuller Reservoir II Unit #7-19
6. Fuller Reservoir
7. Fremont, WY
8. 365.0 million cubic feet
9. June 19, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-09332
2. 49-005-24666-0000-0
3. 102
4. Cities Service Co
Federal AQ #2
6. Hartzug Draw
7. Campbell, WY
8. 48.0 million cubic feet
9. June 19, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09333
2. 49-0019-20410-0000-0
3. 102
4. Cities Service Co
5. Federal AI #1
6. Table Mountain
7. Johnson, WY
8. 24.0 million cubic feet
9. June 19, 1979
10. Phillips Petroleum Co

1. 79-09334
2. 49-019-20429-0000-0
3. 102
4. Cities Service Co
5. Federal AV #1
6. Table Mountain
7. Johnson, WY
8. 12.0 million cubic feet
9. June 19, 1979
10. Phillips Petroleum Co

1. 79-09336
2. 49-005-24670-0000-0
3. 102
4. Cities Service Co
5. Federal AQ #1
6. Hartzug Draw
7. Campbell, WY
8. 36.0 million cubic feet
9. June 19, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09339
2. 49-019-20400-0000-0
3. 102
4. Webb Resources Inc
5. #1-11 Federal Holler Draw
6. Table Mountain Field
7. Johnson, WY
8. 22.0 million cubic feet
9. June 19, 1979
10. Phillips Petroleum Company

1. 79-09340
2. 49-005-24737-0000-0
3. 102
4. Cities Service Co
5. Federal AZ #1
6. Hartzog Draw
7. Campbell, WY
8. 25.0 million cubic feet
9. June 19, 1979
10. Phillips Petroleum Company

1. 79-09341
2. 49-013-20565-0000-0
3. 102
4. Husky Oil Company
5. Fuller Reservoir II Unit #22-25
6. Fuller Reservoir
7. Fremont, WY
8. 320.0 million cubic feet
9. June 19, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-09342
2. 49-013-20735-0000-0
3. 102
4. Husky Oil Company
5. Fuller Reservoir II Unit #12-19
6. Fuller Reservoir
7. Fremont, WY
8. 351.6 million cubic feet
9. June 19, 1979
10. Panhandle Eastern Pipe Line Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-21522 Filed 7-11-79; 8:45 am]
BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under Natural Gas Policy Act of 1978

July 3, 1979

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Mississippi Oil and Gas Board

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-09086
2. 23-035-00000
3. 108
4. Marathon Oil Company
5. Unit SE-31 #2-T
6. Maxie
7. Forrest, MS
8. 8.4 million cubic feet
9. June 11, 1979
10. United Gas Pipe Line Company

1. 79-09087
2. 23-035-00000
3. 108
4. Marathon Oil Company
5. Unit SE-31 #1-E
6. Maxie
7. Forrest, MS
8. 18.5 million cubic feet
9. June 11, 1979
10. United Gas Pipe Line Company

1. 79-09088
2. 23-035-00000
3. 108
4. Marathon Oil Company
5. Unit NE-12 #1-T
6. Maxie
7. Forrest, MS
8. 10.2 million cubic feet
9. June 11, 1979
10. United Gas Pipe Line Company

1. 79-09089
2. 23-121-20066
3. 102
4. Transcontinental Oil Corporation
5. Puckett Gas Unit 5 Well No. 2
6. Puckett
7. Rankin, MS
8. 365.0 million cubic feet
9. June 11, 1979
10. United Gas Pipe Line Company

1. 79-09090
2. 23-121-20076
3. 102
4. Transcontinental Oil Corporation
5. Puckett Gas Unit 5 Well No. 1
6. Puckett
7. Rankin, MS
8. 365.0 million cubic feet
9. June 11, 1979
10. United Gas Pipe Line Company

1. 79-09091
2. 23-121-20070
3. 102
4. Transcontinental Oil Corporation
5. Puckett Gas Unit 5 Well No. 3
6. Puckett
7. Rankin, MS
8. 365.0 million cubic feet
9. June 11, 1979
10. United Gas Pipe Line Company

1. 79-09092
2. 23-095-20266
3. 102 103
4. Frank R. Day
5. Day Brothers Well No. 1
6. Buttahatchie River
7. Monroe, MS
8. 1095.0 million cubic feet
9. June 11, 1979
10. Tennessee Gas Pipeline Co

1. 79-09093
2. 23-091-20043
3. 102
4. William G. New Associates Inc
5. Denkman Lumber Company 3-8 Well No.
6. East Knoxo Field
7. Marion, MS
8. .0 million cubic feet
9. June 11, 1979
10.

1. 79-09094
2. 23-065-20117
3. 102 103 107
4. Harkins & Company
5. BD of Supervisors Unit 16-11 Well #2
6. Greens Creek
7. Jefferson Davis, MS
8. 1825.0 million cubic feet
9. June 11, 1979
10. Transcontinental Gas Pipeline Corp

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07984
2. 30-025-20976
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 1 #108
6. Langlie Mattix/7R-Queen
7. Lea, NM
8. 9.6 million cubic feet
9. June 25, 1979
10. El Paso Natural Gas Company

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-08679
2. 34-099-21087-0014
3. 103
4. Gen Motors Corp
5. Savage Unit No 1
6.
7. Mahoning OH
8. 18.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08680
2. 34-031-23476-0014
3. 103
4. J H Gomez & Son
5. J H Gomez No 4
6.
7. Coshocton OH
8. 8.0 million cubic feet
9. June 13, 1979
10. National Gas & Oil Corporation

1. 79-08681
2. 34-083-22587-0014
3. 103
4. Reliance Management Co
5. Edgar Morton No 2
6.
7. Knox OH
8. 10.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08682
2. 34-009-21864-0014
3. 103
4. Elias M Poston
5. Dye No 1
6.
7. Athens OH
8. 36.5 million cubic feet
9. June 13, 1979
10.

1. 79-08683
2. 34-119-24649-0014
3. 103
4. Clinton Oil Company
5. Yost No 1
6.
7. Muskingum OH
8. 50.0 million cubic feet
9. June 13, 1979
10.

1. 79-08684
2. 34-119-24586-0014
3. 103
4. Clinton Oil Company
5. McConnell Unit No 1
6.
7. Muskingum OH
8. 50.0 million cubic feet
9. June 13, 1979
10.

1. 79-08685
2. 34-031-23370-0014
3. 103
4. J H Gomez & Son
5. J H Gomez No 3
6.
7. Coshocton OH
8. 6.0 million cubic feet
9. June 13, 1979
10. National Gas & Oil Corporation

1. 79-08686
2. 34-115-21739-0014
3. 103
4. Temple Oil & Gas Co
5. John Sullivan No 1
6.
7. Morgan OH
8. 7.0 million cubic feet
9. June 13, 1979
10.

1. 79-08687
2. 34-169-23294-0014
3. 103
4. Vescorp Industries Inc

5. Simmel No 1
6.
7. Wayne OH
8. 4.0 million cubic feet
9. June 13, 1979
10.

1. 79-08688
2. 34-169-23276-0014
3. 103
4. Vescorp Industries Inc
5. Smith-Gingerich No 2
6.
7. Wayne OH
8. 4.0 million cubic feet
9. June 13, 1979
10.

1. 79-08689
2. 34-169-23281-0014
3. 103
4. Vescorp Industries Inc
5. P Gingerich No 2
6.
7. Wayne OH
8. 4.0 million cubic feet
9. June 13, 1979
10.

1. 79-08690
2. 34-019-21104-0014
3. 103
4. Witco Chemical Corp
5. Friedman No 3
6.
7. Carroll OH
8. 4.0 million cubic feet
9. June 13, 1979
10. Canton Oil & Gas Company

1. 79-08691
2. 34-019-21116-0014
3. 103
4. Witco Chemical Corporation
5. Gamber No 3
6.
7. Carroll OH
8. 4.0 million cubic feet
9. June 13, 1979
10. Canton Oil & Gas Company

1. 79-08692
2. 34-151-22745-0014
3. 103
4. Witco Chemical Corporation
5. Van Voorhis No B-3
6.
7. Stark OH
8. 4.0 million cubic feet
9. June 13, 1979
10. Canton Oil & Gas Company

1. 79-08693
2. 34-151-22782-0014
3. 103
4. Witco Chemical Corporation
5. Broadwater No 2
6.
7. Stark OH
8. 4.0 million cubic feet
9. June 13, 1979
10. Canton Oil & Gas Company

1. 79-08694
2. 34-151-22726-0014
3. 103
4. Witco Chemical Corporation
5. Broadwater unit No 2
6.
7. Stark OH
8. 4.0 million cubic feet
9. June 13, 1979
10. Canton Oil & Gas Company

1. 79-08695
2. 34-169-21989-0014
3. 103
4. Energy Investments Incorp
5. Walter L Irwin No 1
6.
7. Wayne OH
8. 2.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08696
2. 34-119-24618-0014
3. 103
4. The Clinton Oil Company
5. James Siegrist No 1
6.
7. Muskingum OH
8. 20.0 million cubic feet
9. June 13, 1979
10.

1. 79-08697
2. 34-121-22016-0014
3. 103
4. Allegheny Land & Mineral Company
5. Michael AO-8
6.
7. Noble OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08698
2. 34-121-22109-0014
3. 103
4. Allegheny Land & Mineral Company
5. Murray Well—AO-19
6.
7. Noble OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08699
2. 34-121-22010-0014
3. 103
4. Allegheny Land & Mineral Company
5. Murray Well—AO-18
6.
7. Noble OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08700
2. 34-121-22015-0014
3. 103
4. Allegheny Land & Mineral Company
5. Merry Well—AO-9
6.
7. Noble OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08701
2. 34-121-22024-0014
3. 103
4. Allegheny Land & Mineral Company
5. Bates Well—AO-14
6.
7. Noble OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08702
2. 34-121-22021-0014
3. 103
4. Allegheny Land & Mineral Company
5. Guilder Well—AO-17
6.
7. Noble OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-03703
2. 34-033-21122-0014
3. 103
4. Pioneer Oil Company Inc
5. Cicero No 1
6.
7. Mahoning OH
8. 100.0 million cubic feet
9. June 13, 1979
10. Columbia Gas of Ohio

1. 79-03704
2. 34-155-21031-0014
3. 103
4. Pioneer Oil Company Inc
5. No 1 Neo-Cap
6.
7. Trumbull OH
8. 100.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-03705
2. 34-155-20994-0014
3. 103
4. Pioneer Oil Company Inc
5. No 1 Garland-Samlow
6.
7. Trumbull OH
8. 100.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-03706
2. 34-033-21123-0014
3. 103
4. Pioneer Oil Company Inc
5. Cicero No 2
6.
7. Mahoning OH
8. 100.0 million cubic feet
9. June 13, 1979
10. Columbia Gas of Ohio

1. 79-03707
2. 34-157-23242-0014
3. 103
4. Wm N Tipka
5. Mary Warner No 1
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. June 13, 1979
10.

1. 79-03708
2. 34-157-22806-0014
3. 103
4. Wm N Tipka
5. Heid-Bettzel #1
6.
7. Tuscarawas, OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-03709
2. 34-157-22842-0014
3. 103
4. Wm N Tipka
5. Kafer Unit #1

6.
7. Tuscarawas, OH
8. 40.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08710
2. 34-157-22946-0014
3. 103
4. Wm N Tipka
5. W L Beitzel #2
6.
7. Tuscarawas, OH
8. 50.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08711
2. 34-157-23116-0014
3. 103
4. Wm N Tipka
5. Mutti-Turner-Sears #1
6.
7. Tuscarawas, OH
8. 35.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08712
2. 34-157-23079-0014
3. 103
4. Wm N Tipka
5. Beaber-Mutti #1
6.
7. Tuscarawas, OH
8. 34.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08713
2. 34-157-23227-0014
3. 103
4. Wm N Tipka
5. Carroll Keener #1
6.
7. Tuscarawas, OH
8. 24.0 million cubic feet
9. June 13, 1979
10. Stone Creek Brick Co
1. 79-08714
2. 34-157-23027-0014
3. 103
4. Wm N Tipka
5. L Demoth
6.
7. Tuscarawas, OH
8. 30.0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08715
2. 34-157-23022-0014
3. 103
4. Wm N Tipka
5. Schwartz-Cookson #2
6.
7. Tuscarawas, OH
8. .0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08716
2. 34-157-22771-0014
3. 103
4. Wm N Tipka
5. Heid-Sulzener #1
6.
7. Tuscarawas, OH
8. .0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08717
2. 34-157-22853-0014
3. 103
4. Wm N Tipka
5. Keffer-Beitzel #1
6.
7. Tuscarawas, OH
8. 70.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08718
2. 34-157-22843-0014
3. 103
4. Wm N Tipka
5. Mattison-Keffer #1
6.
7. Tuscarawas, OH
8. 14.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08719
2. 34-157-23149-0014
3. 103
4. Wm N Tipka
5. John Ridenour #2
6.
7. Tuscarawas, OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08720
2. 34-157-23081-0014
3. 103
4. Wm N Tipka
5. J Ridenour #1
6.
7. Tuscarawas OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08721
2. 34-157-23199-0014
3. 103
4. Wm N Tipka
5. C Schwartz 1A
6.
7. Tuscarawas OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08722
2. 34-157-23209-0014
3. 103
4. Wm N Tipka
5. C Schwartz #1
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08723
2. 34-133-21704-0014
3. 103
4. Wm N Tipka
5. Sollberger Estate
6.
7. Portage OH
8. 40.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08724
2. 34-157-23142-0014
3. 103
4. Wm N Tipka
5. Leo Kotte #1
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08725
2. 34-157-22890-0014
3. 103
4. Wm N Tipka
5. Boitnott-Lute #1
6.
7. Tuscarawas OH
8. 35.0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08726
2. 34-157-23023-0014
3. 103
4. Wm N Tipka
5. Schwartz-Cookson #1
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08727
2. 34-157-23007-0014
3. 103
4. Wm N Tipka
5. Hoover-Cronebaugh #1
6.
7. Tuscarawas OH
8. 24.0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08728
2. 34-157-23197-0014
3. 103
4. Wm N Tipka
5. J Mozena #2
6.
7. Tuscarawas OH
8. 20.0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08729
2. 34-157-23198-0014
3. 103
4. Wm N Tipka
5. J Mozena #1
6.
7. Tuscarawas OH
8. 20.0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08730
2. 34-157-23028-0014
3. 103
4. Wm N Tipka
5. J J Rickle #1
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. June 13, 1979
10. American Energy
1. 79-08731
2. 34-157-22809-0014
3. 103
4. Wm N Tipka
5. R Kaiser #3A
6.

7. Tuscarawas OH
8. 10.0 million cubic feet
9. June 13, 1979
10. Forest City Foundries Inc

1. 79-08732
2. 34-157-23080-0014
3. 103
4. Wm N Tipka
5. Boltz-Kaiser Unit #1
6.
7. Tuscarawas OH
8. 7.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08733
2. 34-157-22956-0014
3. 103
4. Wm N Tipka
5. R Kaiser 4A
6.
7. Tuscarawas OH
8. 10.0 million cubic feet
9. June 13, 1979
10. American Energy

1. 79-08734
2. 34-157-23192-0014
3. 103
4. Wm N Tipka
5. R & L Beitzel #1
6.
7. Tuscarawas OH
8. 36.0 million cubic feet
9. June 13, 1979
10.

1. 79-08735
2. 34-157-23044-0014
3. 103
4. Wm N Tipka
5. R Kaiser #5A
6.
7. Tuscarawas OH
8. 12.0 million cubic feet
9. June 13, 1979
10. American Energy

1. 79-08736
2. 34-157-22744-0014
3. 103
4. Witco Chemical Corporation
5. Van Voorhis B-2
6.
7. Stark OH
8. 40.0 million cubic feet
9. June 13, 1979
10. Canton Oil & Gas Company

1. 79-08737
2. 34-157-20638-0014
3. 103
4. K S T Oil & Gas Co Inc
5. Walsh Jesuit High School #1
6.
7. Summit OH
8. 35.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08738
2. 34-119-24665-0014
3. 103
4. The Benatty Corporation
5. R Beatty #1
6.
7. Muskingum, OH
8. 30.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08740
2. 34-155-20958-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Roman Catholic Diocese of Youngs
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08742
2. 34-085-20243-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Nichols
6.
7. Lake, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08744
2. 34-155-20992-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Garland
6.
7. Trumbull, Oh
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08746
2. 34-155-21004-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Samlow-Roman Catholic Diocese of
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08739
2. 34-155-21030-0014
3. 103
4. Pioneer Oil Company Inc
5. #2 Neo-Cap
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08741
2. 34-155-21003-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Mahoning Country Club
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08743
2. 34-085-20241-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Shanower
6.
7. Lake, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08745
2. 34-155-21005-0014
3. 103
4. Pioneer Oil Company Inc
5. #2 Mahoning Country Club
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08747
2. 34-155-20921-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Deangelo
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. Columbia Gas of Ohio

1. 79-08748
2. 34-155-20926-0014
3. 103
4. Pioneer Oil Company Inc
5. #2 DeAngelo
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. Columbia Gas of Ohio

1. 79-08750
2. 34-155-20877-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Powell
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. Columbia Gas of Ohio

1. 79-08752
2. 34-155-20987-0014
3. 103
4. Pioneer Oil Company Inc
5. #2 Powell
6.
7. Trumbull, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. Columbia Gas of Ohio

1. 79-08754
2. 34-115-21759-0014
3. 103
4. Fortune Gas and Oil Inc
5. Francis Richardson et al no. 3
6.
7. Morgan, OH
8. 30.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company

1. 79-08756
2. 34-099-20443-0014
3. 103
4. L&M Exploration Inc
5. Hoffman #2
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company

1. 79-08749
2. 34-155-20925-0014
3. 103
4. Pioneer Oil Company Inc
5. #3 Deangelo
6.
7. Trumbull, OH
8. 100.0 million cubic feet

9. June 13, 1979
10. Columbia Gas of Ohio
1. 79-08751
2. 34-099-21124-0014
3. 103
4. Pioneer Oil Company Inc
5. #1 Cicero-Sebbio
6.
7. Mahoning, OH
8. 100.0 million cubic feet
9. June 13, 1979
10. Columbia Gas of Ohio
1. 79-08753
2. 34-115-21758-0014
3. 103
4. Fortune Gas and Oil Inc
5. Francis Richardson et al no 4
6.
7. Morgan, OH
8. 30.0 million cubic feet
9. June 13, 1979
10. The East Ohio Gas Company
1. 79-08755
2. 34-099-20460-0014
3. 103
4. L&M Exploration Inc
5. Kampfer #1
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08757
2. 34-099-20473-0014
3. 103
4. L&M Exploration Inc
5. Von Tuchlinski #4
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08758
2. 34-099-20456-0014
3. 103
4. L&M Exploration Inc
5. Mabel Batzli #1
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08760
2. 34-099-20424-0014
3. 103
4. L&M Exploration Inc
5. Batzli-Miller #3
6.
7. Mahoning, OH
8. 547.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08762
2. 34-099-20466-0014
3. 103
4. L&M Exploration Inc
5. Baker-McCracken #1
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08764
2. 34-099-20418-0014
3. 103
4. L&M Exploration Inc
5. Phillips #3A
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08766
2. 34-099-20440-0014
3. 103
4. L&M Exploration Inc
5. Farkas #1
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08759
2. 34-099-20457-0014
3. 103
4. L&M Exploration Inc
5. Mabel Batzli #2
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08761
2. 34-099-20442-0014
3. 103
4. L&M Exploration Inc
5. Hoffman #1
6.
7. Mahoning, OH
8. 547.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08763
2. 34-099-20417-0014
3. 103
4. L&M Exploration Inc
5. Phillips #2
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08765
2. 34-099-20441-0014
3. 103
4. L&M Exploration Inc
5. Farkas #2
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08767
2. 34-099-20463-0014
3. 103
4. L&M Exploration Inc
5. Stanley #1
6.
7. Mahoning, OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08768
2. 34-099-20453-0014
3. 103
4. L&M Exploration Inc
5. Von Tuchlinski #1
6.
7. Mahoning OH
8. 5.5 million cubic feet
9. June 13, 1979
10. Damascus Gas Company
1. 79-08769
2. 34-155-20735-0014
3. 103
4. Berea Oil and Gas Corporation
5. H Schlact #4
6.
7. Trumbull OH
8. 5.4 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co
1. 79-08770
2. 34-105-21782-0014
3. 103
4. Adams Drilling Company
5. Charles & Joyce Frye #1
6.
7. Meigs OH
8. 5.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp
1. 79-08771
2. 34-105-21756-0014
3. 103
4. Adams Drilling Company
5. Keith Sutherland #1
6.
7. Meigs OH
8. 5.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp
1. 79-08772
2. 34-105-21785-0014
3. 103
4. Adams Drilling Company
5. James Smith #1
6.
7. Meigs OH
8. 5.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp
1. 79-08773
2. 34-151-22951-0014
3. 103
4. Belden & Blake and Co L P No 70
5. E & M Harrold #1-873
6.
7. Stark OH
8. 10.0 million cubic feet
9. June 13, 1979
10.
1. 79-08774
2. 34-151-22925-0014
3. 103
4. Belden & Blake and Co L P No 70
5. E. Engel #1-847
6.
7. Stark OH
8. 10.0 million cubic feet
9. June 13, 1979
10.
1. 79-08775
2. 34-059-22427-0014
3. 103
4. Enterprise Gas & Oil Inc
5. Davis #2
6.
7. Guernsey OH
8. 25.6 million cubic feet
9. June 13, 1979

10.
1. 79-08776
2. 34-059-22545-0014
3. 103
4. Enterprise Gas & Oil Inc
5. Shugert #1
6.
7. Guernsey OH
8. 36.5 million cubic feet
9. June 13, 1979
10.
1. 79-08777
2. 34-059-22547-0014
3. 103
4. Enterprise Gas & Oil Inc
5. Baker et al. #1
6.
7. Guernsey OH
8. 18.2 million cubic feet
9. June 13, 1979
10.
1. 79-08778
2. 34-119-24356-0014
3. 103
4. The Benatty Corporation
5. Fenton-Wilson #1
6.
7. Muskingum OH
8. 10.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08779
2. 34-083-00001-0014
3. 108
4. Maram Energy Co
5. C M Staats #1
6.
7. Knox OH
8. 4.3 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp
1. 79-08780
2. 34-121-21704-0014
3. 108
4. St Joe Petroleum (US) Corp
5. Spiker Moore #1
6.
7. Noble OH
8. 17.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08781
2. 34-121-21661-0014
3. 108
4. St Joe Petroleum (US) Corp
5. J. Dennis #1
6.
7. Noble OH
8. 10.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08782
2. 34-121-21756-0014
3. 108
4. St Joe Petroleum (US) Corp
5. G. Matthews #1
6.
7. Noble OH
8. 10.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08783
2. 34-121-21703-0014
3. 108
4. St Joe Petroleum (US) Corp
5. W. F. Still #1
6.
7. Noble OH
8. 8.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08784
2. 34-121-21956-0014
3. 108
4. St Joe Petroleum (US) Corp
5. C. F. Noll #1
6.
7. Noble OH
8. 8.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08785
2. 34-121-21955-0014
3. 108
4. St Joe Petroleum (US) Corp
5. Crum/Schockling #1
6.
7. Noble OH
8. 8.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08786
2. 34-031-22865-0014
3. 108
4. Conpetro Inc
5. Conner #1
6.
7. Coshocton OH
8. 4.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp
1. 79-08787
2. 34-119-22917-0014
3. 108
4. David A Waldron (Clay County Prod)
5. H. Schneider #2
6.
7. Muskingum OH
8. 4.6 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission
1. 79-08788
2. 34-059-21607-0014
3. 108
4. David A Waldron (Clay County Prod)
5. Fee Fehrman Unit #1
6.
7. Guernsey OH
8. 2.3 million cubic feet
9. June 13, 1979
10. Guernsey Petroleum Corp
1. 79-08789
2. 34-121-21700-0014
3. 108
4. St Joe Petroleum (US) Corp
5. F Hall #1
6.
7. Noble OH
8. 5.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08790
2. 34-121-21695-0014
3. 108
4. St Joe Petroleum (US) Corp
5. J Tomcho #1-A
6.
7. Noble OH
8. 12.0 million cubic feet
9. June 13, 1979
10. Republic Steel Corporation
1. 79-08791
2. 34-157-21445-0014
3. 108
4. Phoenix National Petroleum
5. Guspyt-Patterson #1
6.
7. Tuscarawas OH
8. 5.6 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08792
2. 34-157-21793-0014
3. 108
4. Phoenix National Petroleum
5. North American Coal #2
6.
7. Tuscarawas OH
8. 4.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08793
2. 34-075-21470-0014
3. 108
4. The Oxford Oil Co
5. Albert Dete #1
6.
7. Holmes OH
8. 2.5 million cubic feet
9. June 13, 1979
10. Columbia Gas Trans Corp
1. 79-08794
2. 34-075-21672-0014
3. 108
4. The Oxford Oil Co
5. Ruth Anderson #1
6.
7. Holmes OH
8. 3.5 million cubic feet
9. June 13, 1979
10. Columbia Gas Trans Corp
1. 79-08795
2. 34-089-23109-0014
3. 108
4. The Oxford Oil Co
5. Paul Derolph #2
6.
7. Licking OH
8. 3.5 million cubic feet
9. June 13, 1979
10. Columbia Gas Trans Corp
1. 79-08796
2. 34-075-21456-0014
3. 108
4. The Oxford Oil Co
5. Frank Becker #1
6.
7. Holmes OH
8. 7.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Trans Corp
1. 79-08797
2. 34-119-21950-0014
3. 108
4. The Oxford Oil Co
5. Francis Cornett #1
6.
7. Muskingum OH
8. 8.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Trans Corp

1. 79-08798
2. 34-115-21545-0014
3. 108
4. BP Account
5. Pennock #4
6.
7. Morgan, OH
8. 1.3 million cubic feet
9. June 13, 1979
10. Mansfield Products

1. 79-08799
2. 34-115-21546-0014
3. 108
4. BP Account
5. Wiley #1
6.
7. Morgan, OH
8. 2.2 million cubic feet
9. June 13, 1979
10. Mansfield Products

1. 79-08800
2. 34-167-23507-0014
3. 108
4. Farrell Oil Company
5. Matheny #1
6.
7. Washington, OH
8. 3.3 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08801
2. 34-121-22084-0014
3. 107
4. Guernsey Petroleum Corporation
5. Watson 3ME
6.
7. Noble, OH
8. 12.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp, East Ohio Gas Co

1. 79-08802
2. 34-121-22130-0014
3. 107
4. Guernsey Petroleum Corporation
5. Watson 4ME
6.
7. Noble, OH
8. 12.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp, East Ohio Gas Co

1. 79-08803
2. 34-155-20827-0014
3. 102
4. Ohio Oil & Gas
5. Bettiker #1
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08804
2. 34-155-20852-0014
3. 102
4. Ohio Oil & Gas
5. Antoun #1
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08805
2. 34-155-20850-0014
3. 102
4. Ohio Oil & Gas
5. Alderman #1
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08806
2. 34-155-20895-0014
3. 102
4. Ohio Oil & Gas
5. Alderman #2
6.
7. Trumbull, OH
8. 25.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08807
2. 34-157-22942-0014
3. 103
4. MB Operating Co Inc
5. B Heminger Unit #1
6.
7. Tuscarawas, OH
8. 14.6 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co

1. 79-08808
2. 34-167-23908-0014
3. 103
4. Cline Oil & Gas Co
5. Hupp #1
6.
7. Washington, OH
8. 8.4 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08809
2. 34-167-24109-0014
3. 103
4. Cline Oil & Gas Co
5. Hupp #2
6.
7. Washington, OH
8. 8.7 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08810
2. 34-133-21296-0014
3. 103
4. Jud Noble & Associates Inc
5. Whittaker #1
6.
7. Portage, OH
8. 20.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08811
2. 34-133-21295-0014
3. 103
4. Jud Noble & Associates Inc
5. Selander #2
6.
7. Portage, OH
8. 20.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08812
2. 34-133-21612-0014
3. 103
4. Jud Noble & Associates Inc
5. Phile Unit #1
6.
7. Portage, OH
8. 20.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08813
2. 34-133-21294-0014
3. 103
4. Jud Noble & Associates Inc
5. Selander #1
6.
7. Portage, OH
8. 20.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08814
2. 34-167-24234-0014
3. 103
4. Wynn Oil Company
5. Marietta Bible Center #1
6.
7. Washington, OH
8. 8.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08815
2. 34-153-20640-0014
3. 103
4. K S T Oil & Gas Co Inc
5. Walsh Jesuit High School #3
6.
7. Summit, OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08816
2. 34-075-22121-0014
3. 103
4. B T Simpson Jr
5. Clyde E & Delores Kinsey 2121
6. Nashville
7. Holmes, OH
8. 17.5 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08817
2. 34-153-20639-0014
3. 103
4. K S T Oil & Gas Co Inc
5. Walsh Jesuit High School #2
6.
7. Summit, OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08818
2. 34-153-20636-0014
3. 103
4. K S T Oil & Gas Co Inc
5. C L Armington #1
6.
7. Summit, OH
8. 35.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Co

1. 79-08819
2. 34-031-23346-0014
3. 103
4. Toledo Spring Company
5. Daniel Nisley #1
6.
7. Coshocton, OH
8. 28.0 million cubic feet
9. June 13, 1979

10.
1. 79-08820
2. 34-127-24271-0014
3. 103
4. C J Warren Oil Company
5. Vermillion #2-A
6.
7. Perry, OH
8. 15.0 million cubic feet
9. June 13, 1979
10. National Gas & Oil Corp
1. 79-08821
2. 34-073-22033-0014
3. 103
4. C J Warren Oil Company
5. Cassady #1
6.
7. Hocking, OH
8. 10.0 million cubic feet
9. June 13, 1979
10. Quaker State Oil Refining Corp
1. 79-08822
2. 34-127-24143-0014
3. 103
4. C J Warren Oil Company
5. Spohn-Smitley #1
6.
7. Perry, OH
8. 15.0 million cubic feet
9. June 13, 1979
10. National Gas & Oil Corp
1. 79-08823
2. 34-127-24075-0014
3. 103
4. C J Warren Oil Company
5. Poorman #1
6.
7. Perry, OH
8. 2.5 million cubic feet
9. June 13, 1979
10. National Gas & Oil Corp
1. 79-08824
2. 34-127-39190-0140
3. 103
4. C J Warren Oil Company
5. Vermillion #1
6.
7. Perry, OH
8. 7.0 million cubic feet
9. June 13, 1979
10. National Gas & Oil Corp
1. 79-08825
2. 34-073-22034-0014
3. 103
4. C J Warren Oil Company
5. Leadbetter #1
6.
7. Hocking, OH
8. 5.2 million cubic feet
9. June 13, 1979
10. Green Falls Gas Company
1. 79-08826
2. 34-127-24011-0014
3. 103
4. C J Warren Oil Company
5. Smitley #2
6.
7. Perry, OH
8. 5.3 million cubic feet
9. June 13, 1979
10. National Gas & Oil Corp
1. 79-08827
2. 34-009-21876-0014
3. 103
4. James R Swingle Drilling Company
5. Dry Dock Coal Company #1B
6. S Corning Oil Pool
7. Athens, OH
8. 15.0 million cubic feet
9. June 13, 1979
10.
1. 79-08828
2. 34-045-20608-0014
3. 103
4. Reliance Management Co
5. Blanche Kimmel No 1
6.
7. Fairfield OH
8. 15.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp
1. 79-08829
2. 34-009-21910-0014
3. 103
4. Reliance Management Co
5. Sunday Creek Coal Co No 44R
6.
7. Athens OH
8. 20.0 million cubic feet
9. June 13, 1979
10. Columbia Gas Transmission Corp
1. 79-08830
2. 34-099-20925-0014
3. 103
4. Gen Motors Corp
5. George No 3
6.
7. Mahoning OH
8. 65.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08831
2. 34-155-20695-0014
3. 103
4. Gen Motors Corp
5. Guarnieri No 1
6.
7. Trumbull OH
8. 79.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08832
2. 34-099-20985-0014
3. 103
4. Gen Motors Corp
5. Kate Henry No 1
6.
7. Mahoning OH
8. 65.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08833
2. 34-099-21003-0014
3. 103
4. Gen Motors Corp
5. Campfire Girls No 1
6.
7. Mahoning OH
8. 13.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08834
2. 34-099-20921-0014
3. 103
4. Gen Motors Corp
5. Toporcer No 1
6.
7. Mahoning OH
8. 29.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08835
2. 34-099-20942-0014
3. 103
4. Gen Motors Corp Div
5. Charles Smith No 1
6.
7. Mahoning OH
8. 22.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08836
2. 34-099-21016-0014
3. 103
4. Gen Motors Corp
5. Dierkes Unit No 1
6.
7. Mahoning OH
8. 25.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08837
2. 34-099-20984-0014
3. 103
4. Gen Motors Corp
5. Buckeye Terminal Unit No 1
6.
7. Mahoning OH
8. 43.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08838
2. 34-099-20919-0014
3. 103
4. Gen Motors Corp
5. Stankich No 1
6.
7. Mahoning OH
8. 43.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08839
2. 34-155-20521-0014
3. 103
4. Gen Motors Corp
5. Robertson-Caskey No 3
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08840
2. 34-155-20590-0014
3. 103
4. Gen Motors Corp
5. Stocker (B) Unit No 1
6.
7. Trumbull OH
8. 50.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company
1. 79-08841
2. 34-155-20565-0014
3. 103
4. Gen Motors Corp
5. Choleva Unit No 1
6.
7. Trumbull OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08842
2. 34-155-20527-0014
3. 103
4. Gen Motors Corp
5. Statler Unit No 1
6.
7 Trumbull OH
8. 5.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08843
2. 34-155-20556-0014
3. 103
4. Gen Motors Corp
5. Kilpatrick No 1
6.
7 Trumbull OH
8. 22.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08844
2. 34-155-20528-0014
3. 103
4. Gen Motors Corp
5. Eustace Unit No 1
6.
7 Trumbull OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08845
2. 34-155-20591-0014
3. 103
4. Gen Motors Corp
5. Burrows Unit No 1
6.
7 Trumbull OH
8. 43.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08846
2. 34-155-20526-0014
3. 103
4. Gen Motors Corp
5. Mackey No 1
6.
7 Trumbull OH
8. 18.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08847
2. 34-155-20540-0014
3. 103
4. Gen Motors Corp
5. Leah Unit No 1
6.
7 Trumbull OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08848
2. 34-155-20523-0014
3. 103
4. Gen Motors Corp
5. Spalvieri Unit No 1
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08849
2. 34-155-20522-0014
3. 103
4. Gen Motors Corp
5. Lehto Unit No 1
6.
7. Trumbull OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08850
2. 34-099-21104-0014
3. 103
4. Gen Motors Corp
5. Loree Unit No 1
6.
7. Mahoning OH
8. 76.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08851
2. 34-099-21004-0014
3. 103
4. Gen Motors Corp
5. Baytos Unit No 1
6.
7. Mahoning OH
8. 79.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08852
2. 34-099-21068-0014
3. 103
4. Gen Motors Corp
5. George Jerry No 1
6.
7 Mahoning OH
8. 29.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08853
2. 34-155-20922-0014
3. 103
4. Gen Motors Corp
5. Modenas Unit No 1
6.
7 Trumbull OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08854
2. 34-099-21063-0014
3. 103
4. Gen Motors Corp
5. Harry Smith No 1
6.
7 Mahoning OH
8. 29.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08855
2. 34-099-21094-0014
3. 103
4. Gen Motors Corp
5. Youngstown Welding Unit No 1
6.
7. Mahoning OH
8. 126.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08856
2. 34-155-20984-0014
3. 103
4. Gen Motors Corp
5. McCormick Unit No 1
6.
7. Trumbull OH
8. 54.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08857
2. 34-099-21107-0014
3. 103
4. Gen Motors Corp
5. Thomas (B) Unit No 1
6.
7. Mahoning OH
8. 36.0 million cubic feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08858
2. 34-155-21022-0014
3. 103
4. Gen Motors Corp
5. Hoffman Unit No 1
6.
7. Trumbull OH
8. 58.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08859
2. 34-099-21088-0014
3. 103
4. Gen Motors Corp
5. Ellsworth Land Compnay No 1
6.
7. Mahoning OH
8. 43.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08860
2. 34-099-21071-0014
3. 103
4. Gen Motors Corp
5. Pauls Truck Stop #2 Inc No 1
6.
7. Mahoning OH
8. 65.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08861
2. 34-155-20903-0014
3. 103
4. Gen Motors Corp
5. Textron Industries Inc No 1
6.
7 Trumbull OH
8. 29.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08862
2. 34-099-21070-0014
3. 103
4. Gen Motors Corp
5. Peterchak Unit No 1
6.
7 Mahoning OH
8. 29.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08863
2. 34-099-21069-0014
3. 103
4. Gen Motors Corp
5. Whaley Unit No 1
6.
7. Mahoning OH
8. 29.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08864

2. 34-155-20883-0014
3. 103
4. Gen Motors Corp
5. Guarnieri No 2
6.
7. Trumbull OH
8. 43.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08865
2. 34-099-21064-0014
3. 103
4. Gen Motors Corp
5. Vodhanel No 1
6.
7. Mahoning OH
8. 29.0 Million Cubic Feet
9. June 13, 1979
10. East Ohio Gas Company

1. 79-08866
2. 34-099-20464-0014
3. 103
4. L&M Exploration Inc
5. Martig-Early #1
6.
7. Mahoning OH
8. 5.5 Million Cubic Feet
9. June 13, 1979
10. Domascus Gas Company

1. 79-08867
2. 34-133-21762-0014
3. 103
4. Inland Drilling Co Inc
5. Mosher #3 1762
6.
7. Portage OH
8. 5 Million Cubic Feet
9. June 13, 1979
10.

1. 79-08868
2. 34-133-21317-0014
3. 103
4. Inland Drilling Co Inc
5. Gatts #2 1317
6.
7. Portage OH
8. .4 Million Cubic Feet
9. June 13, 1979
10. Anchor Hocking

1. 79-08869
2. 34-133-21386-0014
3. 103
4. Inland Drilling Co Inc
5. Gatts #4 1386
6.
7. Portage OH
8. .9 Million Cubic Feet
9. June 13, 1979
10. Anchor Hocking

1. 79-08870
2. 34-133-21318-0014
3. 103
4. Inland Drilling Co Inc
5. Gatts #3 1318
6.
7. Portage OH
8. 1.2 Million Cubic Feet
9. June 13, 1979
10. Anchor Hocking

1. 79-08871
2. 34-073-22040-0014
3. 103
4. Reliance Management Co
5. Sunday Creek Coal Co #31R
6.
7. Hocking OH
8. 8.0 Million Cubic Feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08872
2. 34-009-21920-0014
3. 103
4. Inland Drilling Co Inc
5. Black Diamond Coal Corp #1 1920
6.
7. Athens OH
8. .5 Million Cubic Feet
9. June 13, 1979
10.

1. 79-08873
2. 34-169-21972-0014
3. 103
4. Energy Investments Incorporated
5. Harvey Graber #1
6.
7. Wayne OH
8. 4.0 Million Cubic Feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08874
2. 34-199-24662-0014
3. 103
4. Benatty Corporation
5. M Dailey #3
6.
7. Muskingum OH
8. 25.0 Million Cubic Feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08875
2. 34-119-24660-0014
3. 103
4. Benatty Corporation
5. Mabel Dailey #2
6.
7. Muskingum OH
8. 20.0 Million Cubic Feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. 79-08876
2. 34-151-22713-0014
3. 103
4. Witco Chemical Corporation
5. Sickafoose #8
6.
7. Stark OH
8. 4.0 Million Cubic Feet
9. June 13, 1979
10. Canton Oil & Gas Company

1. 79-08877A
2. 34-151-22896-0014
3. 103
4. Witco Chemical Corp
5. Welker #5
6.
7. Stark, OH
8. 4.0 Million Cubic Feet
9. June 13, 1979
10. Canton Oil & Gas

1. 79-08877 B
2. 34-089-22785-0014
3. 108
4. The Oxford Oil Co
5. R M Cooperrider #1
6.
7. Licking, OH
8. 4.5 Million Cubic Feet
9. June 13, 1979
10. Columbia Gas Transmission Corp

1. Control Number (FERC/State)

Texas Railroad Commission Oil and Gas Division

2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 79-08879
2. 42-355-00000
3. 108
4. Pennzoil Producing Company
5. Ingram No A-4
6. Agua Dulce
7. Nueces TX
8. 9.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08881
2. 42-355-04728
3. 108
4. Pennzoil Producing Company
5. Ingram No B-1
6. Agua Dulce
7. Nueces TX
8. 1.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08883
2. 42-355-00353
3. 108
4. Pennzoil Producing Company
5. E A Kinsey No 1
6. Agua Dulce
7. Nueces, TX
8. 7.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08885
2. 42-505-31027
3. 102
4. Pennzoil Producing Company
5. Jennings No 37
6. Jennings W
7. Zapata TX
8. 650.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of America

1. 79-08878
2. 42-355-30299
3. 108
4. Pennzoil Producing Company
5. B B Simmonds No 22
6. Agua Dulce
7. Nueces TX
8. 2.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08880
2. 42-355-30749
3. 108
4. Pennzoil Producing Company
5. J C Ingram No C-3
6. Agua Dulce
7. Nueces, TX
8. 3.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08882
2. 42-355-05708
3. 108
4. Pennzoil Producing Company
5. Perkins No 2
6. Agua Dulce
7. Nueces, TX
8. 13.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08884
2. 42-505-30993
3. 102
4. Pennzoil Producing Company
5. Jennings No 35(L)
6. Jennings W
7. Zapata, TX
8. 219.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Company of America

1. 79-08886
2. 42-355-31167
3. 103
4. Pennzoil Producing Company
5. C P Talbert 17 (U)
6. Agua Dulce
7. Nueces TX
8. 320.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08887
2. 42-355-30831
3. 103
4. Pennzoil Producing Company
5. Clara Driscoll No A-13(L)
6. Agua Dulce
7. Nueces, TX
8. 375.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08889
2. 42-505-30948
3. 102
4. Pennzoil Producing Company
5. Jennings No 32
6. Jenning W
7. Zapata, TX
8. 190.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Company of America

1. 79-08891
2. 42-505-30973
3. 102
4. Pennzoil Producing Company
5. Jennings No 34
6. Jennings W
7. Zapata, TX
8. 73.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of America

1. 79-08893
2. 42-211-31032
3. 103
4. Mesa Petroleum Co
5. #2-7 Cheek
6. Hemphill Granite Wash
7. Hemphill, TX
8. 325.0 million cubic feet
9. June 13, 1979
10. Kansas-Nebraska

1. 79-08895
2. 42-211-30987
3. 103
4. Mesa Petroleum Co
5. #4-73 Thorne
6. Hemphill Granite Wash
7. Hemphill Co, TX
8. 325.0 million cubic feet
9. June 13, 1979
10. Kansas-Nebraska

1. 79-08888
2. 42-355-30577
3. 103
4. Pennzoil Producing Company
5. NPU-Porter 4(U)
6. Tulsita-Wilcox
7. Karnes, TX
8. 45.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08890
2. 42-505-30553
3. 102
4. Pennzoil Producing Company
5. Jennings No 28
6. Jennings W
7. Zapata, TX
8. 876.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Company of America

1. 79-08892
2. 42-411-30986
3. 103
4. Mesa Petroleum Co
5. #5-72 Howell
6. Hemphill Granite Wash
7. Hemphill, TX
8. 325.0 million cubic feet
9. June 13, 1979
10. Kansas-Nebraska

1. 79-08894
2. 42-211-31008
3. 103
4. Mesa Petroleum Co
5. #3-7 Risely
6. Hemphill Granite Wash
7. Hemphill, TX
8. 325.0 million cubic feet
9. June 13, 1979
10. Kansas-Nebraska

1. 79-08896
2. 42-211-30949
3. 103
4. Mesa Petroleum Co
5. #2-7 Risely
6. Hemphill Granite Wash
7. Hemphill, TX
8. 325.0 million cubic feet
9. June 13, 1979
10. Kansas-Nebraska

1. 79-08897
2. 42-505-30993
3. 102
4. Pennzoil Producing Company
5. Jennings No 35(U)
6. Jennings W
7. Zapata, TX
8. 280.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Company of America

1. 79-08899
2. 42-355-00297
3. 108
4. Pennzoil Producing Company
5. Gee No 1
6. Agua Dulce
7. Nueces, TX
8. 16.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08901
2. 42-357-30792
3. 103
4. H & L Operating Company
5. McLain A #1 74802
6. Ellis Ranch (Keyes)
7. Ochiltree, TX
8. 91.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company

1. 79-08903
2. 42-173-30864
3. 103
4. Tamarack Petroleum Co Inc
5. August #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 14.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company

1. 79-08905
2. 42-383-31200
3. 103
4. Tamarack Petroleum Co Inc
5. Slaughter #1
6. Spraberry (trend area)
7. Reagan, TX
8. 5.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company

1. 79-08898
2. 42-355-04739
3. 108
4. Pennzoil Producing Company
5. H W Gee No 2
6. Agua Dulce
7. Nueces, TX
8. 10.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08900
2. 42-355-05718
3. 108
4. Pennzoil Producing Company
5. J J Elliff No 15-C
6. Agua Dulce
7. Nueces, TX
8. 1.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-08902
2. 42-383-31202
3. 103
4. Tamarack Petroleum Co Inc
5. Slaughter #2
6. Spraberry (trend area)
7. Reagan, TX
8. 5.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company

1. 79-08904
2. 42-383-30853
3. 103
4. Tamarack Petroleum Company Inc
5. Gladys Clark A #3
6. Spraberry (trend area)
7. Reagan, TX
8. 9.0 million cubic feet

9. June 13, 1979
10. Northern Natural Gas Companv
1. 79-08906
2. 42-383-30851
3. 103
4. Tamarack Petroleum Co Inc
5. Gladys Clark A #2
6. Spraberry (trend area)
7. Reagan, TX
8. 9.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company
1. 79-08907
2. 42-383-30852
3. 103
4. Tamarack Petroleum Co Inc
5. Gladys Clark A #1
6. Spraberry (trend area)
7. Reagan, TX
8. 9.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company
1. 79-08908
2. 42-173-30450
3. 103
4. Tamarack Petroleum Co Inc
5. Ernst #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 4.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08909
2. 42-173-30456
3. 103
4. Tamarack Petroleum Co Inc
5. H W Hoelscher #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 21.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08910
2. 42-173-30470
3. 103
4. Tamarack Petroleum Co Inc
5. Jurecek A #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 9.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08911
2. 42-173-30447
3. 103
4. Tamarack Petroleum Co Inc
5. Jurecek #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 14.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08912
2. 42-211-30727
3. 103
4. Diamond Shamrock Corporation
5. E S F Brainard I No 1-95
6. Canadian
7. Hemphill, TX
8. 4.0 million cubic feet
9. June 13, 1979
10. Diamond Shamrock Corp
1. 79-08913
2. 42-211-30697
3. 103
4. Diamond Shamrock Corporation
5. Dan Hoover et al A No 3
6. Big Timber Creek
7. Hemphill, TX
8. 20.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of America
1. 79-08914
2. 42-357-30428-0000
3. 103
4. Diamond Shamrock Corporation
5. John Luthi No 2
6. Dutcher
7. Ochiltree, TX
8. 12.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of America
Diamond Shamrock Corp
1. 79-08915
2. 42-393-30247
3. 103
4. Diamond Shamrock Corporation
5. McGarraugh et al No 1
6. Horizon
7. Roberts, TX
8. .1 million cubic feet
9. June 13, 1979
10. Diamond Shamrock Corp
1. 79-08916
2. 42-393-30289
3. 103
4. Diamond Shamrock Corporation
5. McGarraugh et al No 2
6. Horizon
7. Roberts, TX
8. .1 million cubic feet
9. June 13, 1979
10. Diamond Shamrock Corp
1. 79-08917
2. 42-393-30277
3. 103
4. Diamond Shamrock Corporation
5. A E McGarraugh et al B No 1
6. McGarraugh
7. Roberts, TX
8. 12.0 million cubic feet
9. June 13, 1979
10. Diamond Shamrock Corp
1. 79-08918
2. 42-357-30783
3. 103
4. Diamond Shamrock Corporation
5. McGarraugh et al D No 21
6. Horizon
7. Ochiltree, TX
8. 25.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of America
1. 79-08919
2. 42-357-30431
3. 103
4. Diamond Shamrock Corporation
5. McGarraugh et al G No 2
6. Horizon
7. Ochiltree, TX
8. 30.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of America
1. 79-08920
2. 42-295-30581
3. 103
4. Diamond Shamrock Corporation
5. Katie Sell Et Al B No 1-545
6. Bradford
7. Lipscomb, TX
8. .1 million cubic feet
9. June 13, 1979
10. Diamond Shamrock Corp
1. 79-08921
2. 42-211-30882
3. 103
4. Diamond Shamrock Corporation
5. Frank Shaller E No 2
6. Big Timber Creek
7. Hemphill, TX
8. 20.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of America
1. 79-08922
2. 42-357-30787
3. 103
4. Diamond Shamrock Corporation
5. Norman Swink No 2
6. Dutcher
7. Ochiltree, TX
8. 8.0 million cubic feet
9. June 13, 1979
10. Diamond Shamrock Corp
1. 79-08923
2. 42-357-30786
3. 103
4. Diamond Shamrock Corporation
5. Norman Swink No 3
6. Dutcher
7. Ochiltree, TX
8. 8.0 million cubic feet
9. June 13, 1979
10. Diamond Shamrock Corp
1. 79-08924
2. 42-173-30467
3. 103
4. Tamarack Petroleum Co Inc
5. Niehues A #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 11.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08925
2. 42-173-30881
3. 103
4. Tamarack Petroleum Co Inc
5. Niehues B #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 25.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08926
2. 42-173-30468
3. 103
4. Tamarack Petroleum Co Inc
5. Straach #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 2.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08927
2. 42-173-30878
3. 103
4. Tamarack Petroleum Co Inc
5. Straach A #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 4.0 million cubic feet

9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08928
2. 42-317-31953
3. 103
4. Tamarack Petroleum Co Inc
5. Tom 30 #1
6. Spraberry (trend area)
7. Martin, TX
8. 11.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08929
2. 42-317-31977
3. 103
4. Tamarack Petroleum Co Inc
5. Tom 30A #1
6. Spraberry (trend area)
7. Martin, TX
8. 7.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08930
2. 42-329-30787
3. 103
4. Tamarack Petroleum Co Inc
5. Windham 37B #1
6. Spraberry (trend area)
7. Midland, TX
8. 26.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08931
2. 42-329-30786
3. 103
4. Tamarack Petroleum Co Inc
5. Windham 38A #1
6. Spraberry (trend area)
7. Midland, TX
8. 17.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08932
2. 42-383-30846
3. 103
4. Tamarack Petroleum Co Inc
5. Halff 42 #3
6. Spraberry (trend area)
7. Reagan TX
8. 17.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company
1. 79-08933
2. 42-173-30457
3. 103
4. Tamarack Petroleum Co Inc
5. Hoelscher A #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 34.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08934
2. 42-173-30471
3. 103
4. Tamarack Petroleum Co Inc
5. Niehues A #2
6. Spraberry (trend area)
7. Glasscock, TX
8. 11.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08935
2. 42-313-30195
3. 103
4. Tamarack Petroleum Co Inc
5. Johnson Gas Unit #1
6. Fort Trinidad SW (Glen Rose-B)
7. Madison, TX
8. 44.0 million cubic feet
9. June 13, 1979
10. Lone Star Gas Company
1. 79-08936
2. 42-469-31336
3. 102
4. Bay Rock Corporation
5. John N Keeran No 1-C
6. Koontz NE (5590)
7. Victoria, TX
8. 182.0 million cubic feet
9. June 13, 1979
10. Tennessee Gas Pipeline Co
1. 79-08937
2. 42-469-31228
3. 102
4. Bay Rock Corporation
5. Jamie R Dean No 18
6. Koontz Ne (5980)
7. Victoria, TX
8. 180.0 million cubic feet
9. June 13, 1979
10. Tennessee Gas Pipeline Company
1. 79-08938
2. 42-173-00000
3. 103
4. Tamarack Petroleum Co Inc
5. Niehues #1
6. Spraberry (trend area)
7. Glasscock, TX
8. 32.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08939
2. 42-383-30845
3. 103
4. Tamarack Petroleum Co Inc
5. Halff 42 #4
6. Spraberry (trend area)
7. Reagan, TX
8. 16.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company
1. 79-08940
2. 42-461-31287
3. 103
4. Tamarack Petroleum Co Inc
5. Neal 57 #1
6. Hazel (spraberry)
7. Upton, TX
8. 5.0 million cubic feet
9. June 13, 1979
10. Mobil Oil Corporation
1. 79-08941
2. 42-105-00000
3. 108
4. Suburban Propane Gas Corporation
5. W C Montgomery No 16
6. Ozona Canyon Sand Field
7. Crockett County, TX
8. 11.3 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company
1. 79-08942
2. 42-413-00000
3. 108
4. Suburban Propane Gas Corporation
5. Doris M Rousselot B 2
6. Turkey Roost Penn Upper
7. Schleicher, TX
8. 10.3 million cubic feet
9. June 13, 1979
10. Lovaca Gas Gathering Co
1. 79-08943
2. 42-413-00000
3. 108
4. Suburban Propane Gas Corporation
5. Doris M Rousselot A 2
6. Turkey Roost Penn Upper
7. Schleicher, TX
8. 17.9 million cubic feet
9. June 13, 1979
10. Lovaca Gas Gathering Co
1. 79-08944
2. 42-219-31933
3. 103
4. Bass Enterprises Production Co
5. Slaughter Unit No 2 Well #32
6. Slaughter
7. Hockley, TX
8. 4.0 million cubic feet
9. June 13, 1979
10. Amoco Production Company
1. 79-08945
2. 42-219-31936
3. 103
4. Bass Enterprises Production Co
5. Slaughter Unit No 2 Well #12
6. Slaughter
7. Hockley, TX
8. 6.0 million cubic feet
9. June 13, 1979
10. Amoco Production Company
1. 79-08946
2. 42-165-30629
3. 103
4. Mobil Oil Corporation
5. Tom May No 12
6. GMK So (San Andres)
7. Gaines, TX
8. 6.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company
1. 79-08947
2. 42-285-31312
3. 103
4. Bass Enterprises Production Co
5. Neuhaus Unit Well No 3-C
6. Word North
7. Lavaca, TX
8. 489.0 million cubic feet
9. June 13, 1979
10. Lovaca Gathering Company
1. 79-08948
2. 42-285-31312
3. 103
4. Bass Enterprises Production Co
5. Neuhaus Unit Well No 3-T
6. Word North
7. Lavaca, TX
8. 555.0 million cubic feet
9. June 13, 1979
10. Lovaca Gathering Company
1. 79-08949
2. 42-047-30339
3. 102 103
4. Exxon Corporation
5. Scott & Hopper Well #25-F 75554
6. Scott & Hopper (6500 n)
7. Brooks, TX
8. 36.0 million cubic feet
9. June 13, 1979
10. Tennessee Gas Pipeline

1. 79-08950
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Burnett Unit 10 Well 4 ID 77543
6. Carthage (Cotton Valley)
7. Panola, TX
8. 85.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-08951
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Brown Unit 1 Well 3 ID 77859
6. Carthage (Cotton Valley)
7. Panola, TX
8. 145.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-08952
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Holt Unit Well 2 ID 78499
6. Carthage (Cotton Valley)
7. Panola, TX
8. 97.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-08953
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Burnett Unit 11 Well 11 ID 77985
6. Carthage (Cotton Valley)
7. Panola, TX
8. 285.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-08954
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Cameron Unit 1 Well 3 ID 73439
6. Carthage (Cotton Valley)
7. Panola, TX
8. 115.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-08955
2. 42-177-30416
3. 103
4. Tamarack Petroleum Co Inc
5. Logan #1
6. Cost (Austin Chalk)
7. Gonzales, TX
8. 23.0 million cubic feet
9. June 13, 1979
10. Poco Gas Company Inc

1. 79-08956
2. 42-329-30784
3. 103
4. Tamarack Petroleum Co Inc
5. Windham 37A #1
6. Spraberry (trend area)
7. Midland, TX
8. 8.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company

1. 79-08957
2. 42-329-30776
3. 103
4. Tamarack Petroleum Co Inc
5. Windham 31 #1
6. Spraberry (trend area)
7. Midland, TX
8. 9.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company

1. 79-08958
2. 42-105-31079
3. 103
4. Tamarack Petroleum Co Inc
5. Hoover 18 #3
6. Ozona (Canyon Sand)
7. Crockett, TX
8. 76.0 million cubic feet
9. June 13, 1979
10. Northern Natural Gas Company

1. 79-08959
2. 42-329-30782
3. 103
4. Tamarack Petroleum Co Inc
5. Windham 31A #1
6. Spraberry (trend area)
7. Midland, TX
8. 5.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company

1. 79-08960
2. 42-329-30779
3. 103
4. Tamarack Petroleum Co Inc
5. Windham 37 #1
6. Spraberry (trend area)
7. Midland, TX
8. 14.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company

1. 79-08961
2. 42-329-30770
3. 103
4. Tamarack Petroleum Co Inc
5. Windham 38 #1
6. Spraberry (trend area)
7. Midland, TX
8. 4.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company

1. 79-08962
2. 42-173-30865
3. 103
4. Tamarack Petroleum Co Inc
5. August #2
6. Spraberry (trend area)
7. Glasscock, TX
8. 14.0 million cubic feet
9. June 13, 1979
10. Phillips Petroleum Company

1. 79-08963
2. 42-203-30487
3. 103
4. Jack L Phillips
5. Ella McGee RRC No 76248
6. Bethany (Travis Peak 6300)
7. Harrison, TX
8. 72.0 million cubic feet
9. June 13, 1979
10. United Gas Pipe Line

1. 79-08964
2. 42-505-30578
3. 108
4. Pennzoil Producing Company
5. Jennings No 31
6. Jennings
7. Zapata, TX
8. 12.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipe Line Co of Amercia

1. 79-08965
2. 42-505-30580
3. 108
4. Pennzoil Producing Company
5. Jennings No 29
6. Jennings
7. Zapata, TX
8. 14.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipe Line Co of America

1. 79-08966
2. 42-215-01025
3. 108
4. Pennzoil Producing Company
5. Wysong Unit No 2-U
6. Sam Carlos
7. Hidalgo, TX
8. 1.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-08967
2. 42-215-01054
3. 108
4. Pennzoil Producing Company
5. Wallace No. 1
6. Edinburg East
7. Hidalgo, TX
8. 2.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-08968
2. 42-215-01263
3. 108
4. Pennzoil Producing Company
5. Gerber No. 1
6. Edinburg East
7. Hidalgo, TX
8. 1.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-08969
2. 42-215-01264
3. 108
4. Pennzoil Producing Company
5. Barnes No. 1
6. East Edinburg
7. Hidalgo, TX
8. 1.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-08970
2. 42-215-01041
3. 108
4. Pennzoil Producing Company
5. Anderson Unit No. 1
6. East Edinburg
7. Hidalgo, TX
8. 13.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-08971
2. 42-413-00000
3. 102
4. Discovery Operating Inc
5. H J Case #1-TRRC Lease No. 07476
6. Gwyn (Canyon) Field
7. Schleicher, TX
8. 28.0 million cubic feet
9. June 13, 1979
10. CRA Inc. Northern Natural Gas Co.

1. 79-08972

2. 42-249-30902
3. 102
4. Edwin L Cox
5. W P Wright No. 1
6. Paisano (Loma Blanca) Field
7. Jim Wells, TX
8. 500.0 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co. of America

1. 79-08973
2. 42-295-30508
3. 103
4. Diamond Shamrock Corporation
5. W T Tregellas A No. 1
6. Peery
7. Lipscomb, TX
8. 25.0 million cubic feet
9. June 14, 1979
10. Diamond Shamrock Corp.

1. 79-08974
2. 42-211-30909-0000
3. 103
4. Diamond Shamrock Corporation
5. Arthur Webb T No. 2
6. Mendota N
7. Hemphill, TX
8. 65.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co. of America

1. 79-08975
2. 42-357-30432
3. 103
4. Diamond Shamrock Corporation
5. McGarraugh et al G No. 3
6. Horizon
7. Ochiltree, TX
8. 30.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co. of America

1. 79-08976
2. 42-295-30301-0000
3. 103
4. Diamond Shamrock Corporation
5. Ola O Piper No. 4-690
6. Bradford
7. Lipscomb, TX
8. 10.0 million cubic feet
9. June 14, 1979
10. Transwestern Pipeline Co.

1. 79-08977
2. 42-295-30507
3. 103
4. Diamond Shamrock Corporation
5. Hugh D Barton No. 1
6. Horse Creek NW
7. Lipscomb, TX
8. 80.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co. of America

1. 79-08978
2. 42-211-30986
3. 103
4. Diamond Shamrock Corporation
5. E S F Brainard J. No. 2-95
6. Canadian
7. Hemphill, TX
8. 400.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co.

1. 79-08979
2. 42-211-30975
3. 103
4. Diamond Shamrock Corporation
5. J T Brown B No 4
6. Canadian SE
7. Hemphill TX
8. 200.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co

1. 79-08980
2. 42-211-30868-0000
3. 103
4. Diamond Shamrock Corporation
5. Charles E Brown No 11-L
6. Hemphill
7. Hemphill TX
8. 40.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co

1. 79-08981
2. 42-393-30627
3. 103
4. Diamond Shamrock Corporation
5. Frank Chambers C No 2
6. Mendota NW (Granite Wash SW)
7. Roberts TX
8. 60.0 million cubic feet
9. June 14, 1979
10. Diamond Shamrock Corp

1. 79-08982
2. 42-357-30417
3. 103
4. Diamond Shamrock Corporation
5. J W Daniels No 2
6. Cambridge
7. Ochiltree TX
8. 25.0 million cubic feet
9. June 14, 1979
10. El Paso Natural Gas Co

1. 79-08983
2. 42-357-30771
3. 103
4. Diamond Shamrock Corporation
5. W H Dutcher B No 1
6. Cambridge
7. Ochiltree TX
8. 200.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America

1. 79-08984
2. 42-393-30581
3. 103
4. Diamond Shamrock Corporation
5. Vernon Flowers Est No 2
6. Mendota NW
7. Roberts TX
8. 60.0 million cubic feet
9. June 14, 1979
10. Diamond Shamrock Corp

1. 79-08985
2. 42-295-30290
3. 103
4. Diamond Shamrock Corporation
5. Eloda Freeman A No 1
6. Lipscomb SW
7. Lipscomb TX
8. 50.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America

1. 79-08986
2. 42-211-30681
3. 103
4. Diamond Shamrock Corporation
5. Hildenbrand No 2
6. Canadian E
7. Hemphill TX
8. .0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co Natural Gas Pipeline Co of Amer Diamond Shamrock Corp

1. 79-08987
2. 42-295-30294
3. 103
4. Diamond Shamrock Corporation
5. Percy E Hill No 1
6. Horse Creek NW
7. Lipscomb TX
8. 60.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America

1. 79-08988
2. 42-211-30681
3. 103
4. Diamond Shamrock Corporation
5. Louise Hoover et al. C No 3
6. Big Timber Creek
7. Hemphill TX
8. 80.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America

1. 79-08989
2. 42-211-30894
3. 103
4. Diamond Shamrock Corporation
5. Edith Jackson et al. F No 1
6. Canadian E
7. Hemphill TX
8. 250.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America Diamond Shamrock Corp

1. 79-08990
2. 42-211-30872
3. 103
4. Diamond Shamrock Corporation
5. Billy Jarvis & Sons No 6
6. Canadian SE
7. Hemphill TX
8. 500.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co Natural Gas Pipeline Co of America

1. 79-08991
2. 42-211-30794
3. 103
4. Diamond Shamrock Corporation
5. Billy Jarvis & Sons No 7
6. Canadian SE
7. Hemphill TX
8. 300.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co

1. 79-08992
2. 42-495-30502
3. 103
4. Diamond Shamrock Corporation
5. Harry L King et al. No 1
6. Lipscomb SW
7. Lipscomb TX
8. 100.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America

1. 79-08993
2. 42-295-30493
3. 103
4. Diamond Shamrock Corporation
5. J A Little No 2
6. Bradford
7. Libscomb TX
8. 80.0 million cubic feet
9. June 14, 1979

10. Natural Gas Pipeline Co of America
1. 79-08994
2. 42-295-30509
3. 103
4. Diamond Shamrock Corporation
5. Morris R Merydith E No 1
6. Libscomb
7. Libscomb TX
8. 30.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America
1. 79-08995
2. 42-393-30272
3. 103
4. Diamond Shamrock Corporation
5. Morrison Scott Conrad N No 1-L
6. Parsell
7. Roberts TX
8. 400.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of America
1. 79-08996
2. 42-295-30269
3. 103
4. Diamond Shamrock Corporation
5. Ola O Piper No 2-630
6. Libscomb
7. Lipscomb TX
8. 40.0 million cubic feet
9. June 14, 1979
10. Transwestern Pipeline Co
1. 79-08997
2. 42-295-30300
3. 103
4. Diamond Shamrock Corporation
5. Ola O Piper No 5-720
6. Bradford
7. Lipscomb, TX
8. 140.0 million cubic feet
9. June 14, 1979
10. Transwestern Pipeline Co
1. 79-08998
2. 42-295-30581
3. 103
4. Diamond Shamrock Corporation
5. Katie Sell et al No 1
6. Lipscomb
7. Lipscomb, TX
8. 300.0 million cubic feet
9. June 14, 1979
10. Chemetals Corporation
1. 79-08999
2. 42-211-30884
3. 103
4. Diamond Shamrock Corporation
5. Frank Shaller No 2
6. Canadian SE
7. Hemphill, TX
8. 150.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co, Natural Gas Pipeline Co of Amer
1. 79-09000
2. 42-211-30895
3. 103
4. Diamond Shamrock Corporation
5. Frank Shaller A No 2
6. Canadian SE
7. Hemphill, TX
8. 350.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co, Natural Gas Pipeline Co of Amer
1. 79-09001
2. 42-211-30901
3. 103
4. Diamond Shamrock Corporation
5. Frank Shaller C No 2-155
6. Canadian SE
7. Hemphill, TX
8. 200.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co, Natural Gas Pipeline Co of Amer
1. 79-09002
2. 42-211-30903
3. 103
4. Diamond Shamrock Corporation
5. Frank Shaller D No 2
6. Canadian SE
7. Hemphill, TX
8. 35.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co, Natural Gas Pipeline Co of Amer
1. 79-09003
2. 42-211-30883
3. 103
4. Diamond Shamrock Corporation
5. Frank Shaller F No 2-153
6. Canadian SE
7. Hemphill, TX
8. 150.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co, Natural Gas Pipeline Co of Amer
1. 79-09004
2. 42-211-30703
3. 103
4. Diamond Shamrock Corporation
5. Shell Fee No 2-129
6. Parsell
7. Hemphill, TX
8. 150.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer Diamond Shamrock Corp
1. 79-09005
2. 42-295-30506
3. 103
4. Diamond Shamrock Corporation
5. Ira W Sollock No 1
6. Horse Creek NW
7. Lipscomb, TX
8. 30.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer
1. 79-09006
2. 42-295-30292
3. 103
4. Diamond Shamrock Corporation
5. George E Tubb et al B No 1
6. Lipscomb SW
7. Lipscomb, TX
8. 50.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer
1. 79-09007
2. 42-295-30292
3. 103
4. Diamond Shamrock Corporation
5. Charles Tubb el al B No 2
6. Canadian SE
7. Hemphill, TX
8. 40.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer
1. 79-09008
2. 42-393-30253
3. 103
4. Diamond Shamrock Corporation
5. James B Waterfield B No 2-U
6. Parsell
7. Roberts, TX
8. 70.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer
1. 79-09009
2. 42-391-30253
3. 103
4. Diamond Shamrock Corporation
5. James B Waterfield B No 2-L
6. Parsell
7. Roberts, TX
8. 90.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer
1. 79-09010
2. 42-211-30928
3. 103
4. Diamond Shamrock Corporation
5. Arthur Webb A No 2
6. Canadian West
7. Hemphill, TX
8. 40.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co
1. 79-09011
2. 42-211-30940
3. 103
4. Diamond Shamrock Corporation
5. Leslie Webb et al No 2-189
6. Mendota NW
7. Hemphill, TX
8. 125.0 million cubic feet
9. June 14, 1979
10. Diamond Shamrock Corp
1. 79-09012
2. 42-211-30715
3. 103
4. Diamond Shamrock Corporation
5. Leslie Webb L No 1
6. Mendota NW
7. Hemphill, TX
8. 40.0 million cubic feet
9. June 14, 1979
10. Diamond Shamrock Corp
1. 79-09013
2. 42-211-30905
3. 103
4. Diamond Shamrock Corporation
5. Leslie Webb et al M No 1
6. Mendota NW
7. Hemphill, TX
8. 120.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer
1. 79-09014
2. 42-211-30922
3. 103
4. Diamond Shamrock Corporation
5. Webb et al P No 2-190
6. Mendota NW
7. Hemphill, TX
8. 50.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co
1. 79-09015
2. 42-311-30716
3. 103
4. Diamond Shamrock Corporation

5. Arthur Webb et al B No 1
6. Mendota NW
7. Hemphill, TX
8. 30.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer

1. 79-09016
2. 42-211-30898
3. 103
4. Diamond Shamrock Corporation
5. Charles H Wright A No 3-150
6. Humphreys
7. Hemphill, TX
8. 120.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co, Natural Gas Pipeline Co of Amer, Arkansas Louisiana Gas Co

1. 79-09017
2. 42-393-30272
3. 103
4. Diamond Shamrock Corporation
5. Morrison Scott Conrod N NO 1-U
6. Parsell
7. Roberts, TX
8. 1.0 million cubic feet
9. June 14, 1979
10. Natural Gas Pipeline Co of Amer

1. 79-09018
2. 42-383-30842
3. 103
4. Hanley Company
5. University 58-19D Well #1 (07220)
6. Spraberry (trend area)
7 Reagan, TX
8. 6.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co

1. 79-09019
2. 42-383-30844
3. 103
4. Hanley Company
5. University 58-19C Well #1 (07186)
6. Spraberry (trend area)
7. Reagan, TX
8. 12.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co

1. 79-09020
2. 42-383-30859
3. 103
4. Hanley Company
5. University 2-35D Well #1 (07280)
6. Spraberry (trend area)
7 Reagan, TX
8. 4.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co

1. 79-09021
2. 42-383-30860
3. 103
4. Hanley Company
5. University 2-35C Well #1 (07258)
6. Spraberry (trend area)
7. Reagan, TX
8. 7.0 million cubic feet
9. June 14, 1979
10. Northern Natural Gas Co

1. 79-09022
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Turner Unit 1 Well 2 ID 76945
6. Carthage (Cotton Valley)
7. Panola, TX
8. 274.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09023
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Cameron Unit 2 Well 3 ID 72749
6. Carthage (Cotton Valley)
7. Panola, TX
8. 140.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09024
2. 42-365-00000
3. 103
4. R Lacy Inc
5. J W Cooke Unit 1 Well 2 ID 76640
6. Carthage (Cotton Valley)
7. Panola, TX
8. 179.0 million cubic feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09025
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Richardson Unit 1 Well 3 ID 76946
6. Carthage (Cotton Valley)
7. Panola, TX
8. 450.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09026
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Burnett Unit 9 Well 3 ID 77600
6. Carthage (Cotton Valley)
7. Panola, TX
8. 108.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09027
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Burnett Unit 1 Well 2 ID 77858
6. Carthage (Cotton Valley)
7. Panola, TX
8. 67.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09028
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Cameron Unit 3 Well 4 ID 74299
6. Carthage (Cotton Valley)
7. Panola, TX
8. 296.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09029
2. 42-365-00000
3. 103
4. R Lacey Inc
5. Burnett Unit 2 Well 3 ID 78083
6. Carthage (Cotton Valley)
7. Panola, TX
8. 175.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09030
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Burnett Unit 7 Well 15 ID 74298
6. Carthage (Cotton Valley)
7. Panola, TX
8. 230.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09031
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Burnett Unit 4 Well 3 ID 78500
6. Carthage (Cotton Valley)
7. Panola, TX
8. 216.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09032
2. 42-365-00000
3. 103
4. R Lacy Inc
5. Cooke Unit 2 Well 4 ID 72750
6. Carthage (Cotton Valley)
7. Panola, TX
8. 57.0 Million Cubic Feet
9. June 13, 1979
10. Arkansas Louisiana Gas Company

1. 79-09033
2. 42-355-31295
3. 103
4. Pennzoil Producing Company
5. Clara Driscoll No. A-15(U)
6. Agua Dulce
7. Nueces, TX
8. 290.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipe Line Company

1. 79-09034
2. 42-355-31167
3. 103
4. Pennzoil Producing Company
5. C P Talbert No 17(L)
6. Agua Dulce
7 Nueces TX
8. 150.0 million cubic feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09035
2. 42-505-30958
3. 103
4. Pennzoil Producing Company
5. Jennings No. 33
6. Jennings West
7. Zapata, TX
8. 40.0 Million Cubic Feet
9. June 13, 1979
10. Natural Gas Pipeline Co. of America

1. 79-09036
2. 42-355-31250
3. 103
4. Pennzoil Producing Company
5. C P Talbert No. 19 (U)
6. Agua Dulce
7 Nueces, TX
8. 85.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company.

1. 79-09037
2. 42-355-31247
3. 103
4. Pennzoil Producing Company

5. Minnie Brown No. 4 (U)
6. Aqua Dulce
7. Nueces TX
8. 290.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09038
2. 42-255-30577
3. 103
4. Pennzoil Producing Company
5. NPU-Porter No. 4 (L)
6. Tulsita-Wilcox
7. Karnes, TX
8. 66.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09039
2. 42-355-31250
3. 103
4. Pennzoil Producing Company
5. C P Talbert No. 19 (L)
6. Aqua Dulce
7. Nueces, TX
8. 17.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09040
2. 42-025-30874
3. 103
4. Pennzoil Producing Company
5. NPU-Ray No. 10-U
6. Tulsita-Wilcox
7. Bee, TX
8. 212.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09041
2. 42-255-30576
3. 103
4. Pennzoil Producing Company
5. Bu-Spielhagen No. 3(U)
6. Burnell
7. Karnes, TX
8. 55.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09042
2. 42-355-31295
3. 103
4. Pennzoil Producing Company
5. Clara Driscoll No. A-15(L)
6. Aqua Dulce
7. Nueces, TX
8. 60.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09043
2. 42-355-30832
3. 103
4. Pennzoil Producing Company
5. Clara Driscoll A-12(L)
6. Agua Dulce
7. Nueces, TX
8. 58.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09044
2. 42-355-31284
3. 103
4. Pennzoil Producing Company
5. Clara Driscoll No. A-14 (U)
6. Agua Dulce
7. Nueces, TX
8. .0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09045
2. 42-355-30833
3. 103
4. Pennzoil Producing Company
5. Gee No. 5 (L)
6. Agua Dulce
7. Nueces, TX
8. 160.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09046
2. 42-355-31247
3. 103
4. Pennzoil Producing Company
5. Minnie Brown No. 4(L)
6. Agua Dulce
7. Nueces, TX
8. 280.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09047
2. 42-355-30831
3. 103
4. Pennzoil Producing Company
5. Clara Driscoll No. A-13 (U)
6. Aqua Dulce
7. Nueces, TX
8. 240.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09048
2. 42-355-30862
3. 103
4. Pennzoil Producing Company
5. C P Talbert No. 16(U)
6. Agua Dulce
7. Nueces, TX
8. 55.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09049
2. 42-355-30849
3. 103
4. Pennzoil Producing Company
5. E A Kinsey No. B-2(U)
6. Agua Dulce
7. Nueces, TX
8. 94.0 Million Cubic Feet
9. June 13, 1979
10. United Gas Pipeline Company

1. 79-09050
2. 42-103-31502
3. 103
4. American Petrofina Company of Texas
5. J B Tubb A No. 17
6. Sand Hills (Tubb)
7. Crane, TX
8. 1.0 Million Cubic Feet
9. June 13, 1979
10. Warren Petroleum Company

1. 79-09051
2. 42-103-00000
3. 103
4. American Petrofina Company of Texas
5. J B Tubb A No. 18
6. Sand Hills (McKnight)
7. Crane, TX
8. 145.0 Million Cubic Feet
9. June 13, 1979
10. Warren Petroleum Company

1. 79-09052
2. 42-211-30728
3. 103
4. Anadarko Production Company
5. Yeager A 1046 U
6. Canadian SE (Douglas)
7. Hemphill, TX
8. 264.0 Million Cubic Feet
9. June 13, 1979
10. Panhandle Eastern Pipeline Co

1. 79-09053
2. 42-423-30299
3. 103
4. Sun Oil Company (Delaware)
5. Hitts Lake Unit Well 1-Z1
6. Hitts Lake (Paluxy)
7. Smith, TX
8. 2.0 Million Cubic Feet
9. June 13, 1979
10. Lone Star Gas Co

1. 79-09054
2. 42-399-31202
3. 103
4. Frank J. King
5. Emma Cole Well No. 1
6. Sykes West (Gardner)
7. Runnels, TX
8. 350.0 Million Cubic Feet
9. June 13, 1979
10.

1. 79-09055
2. 42-399-31127
3. 103
4. Frank J King
5. Charles Wayne Glass Well #3-U
6. Crews SW (Fry Lo)
7. Runnels, TX
8. .0 million cubic feet
9. June 13, 1979
10.

1. 79-09056
2. 42-399-31127
3. 103
4. Frank J King
5. Charles Wayne Glass Well #3-L
6. Crews SW (Jennings)
7. Runnels, TX
8. 105.0 million cubic feet
9. June 13, 1979
10.

1. 79-09057
2. 42-399-30960
3. 103
4. Frank J King
5. Charles Wayne Glass Well #2
6. Crews SW (Jennings)
7. Runnels, TX
8. .0 million cubic feet
9. June 13, 1979
10.

1. 79-09058
2. 42-399-30688
3. 103
4. Frank J King
5. Charles Wayne Glass Well #1
6. Crews SW (Gardner Up)
7. Runnels, TX
8. 250.0 million cubic feet
9. June 13, 1979
10.

1. 79-09059
2. 42-211-30701
3. 103
4. Alpar Resources Inc
5. Isaacs #1-114

6. Gem Hemphill (Tonkawa)
7. Hemphill, TX
8. 108.0 million cubic feet
9. June 13, 1979
10. Cities Service Gas Co

1. 79-09060
2. 42-367-31283
3. 103
4. Wright E Cowden
5. C F Cooper Unit #1
6. Brazos East (Marble Falls)
7. Parker, TX
8. 144.0 million cubic feet
9. June 13, 1979
10. Northern Gas Products Company, Texas Utilities Fuel Co

1. 79-09061
2. 42-239-31268
3. 103
4. Hinson Brothers, A Partnership
5. Hinson Bros #3 OB/JH Fenner Unit 76
6. Morales (Frio O-4 N) Field
7. Jackson, TX
8. 60.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-09062
2. 42-239-31178
3. 103
4. Hinson Brothers A Partnership
5. Hinson Bros #30 B Fenner 74399
6. Fenner (Frio 3450) Field
7. Jackson, TX
8. 288.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-09063
2. 42-239-31320
3. 103
4. Hinson Brothers A Partnership
5. Hinson Bros #5 OB Fenner 79236
6. Fenner (Frio 3450) Field
7. Jackson County, TX
8. 216.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-09064
2. 42-239-31177
3. 103
4. Hinson Brothers A Partnership
5. Hinson Bros #2 OB Fenner 004974
6. Fenner (Frio 3450) Field
7. Jackson, TX
8. 144.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-09065
2. 42-239-31179
3. 102
4. Hinson Brothers A Partnership
5. Hinson Bros #2 Stafford-Hart #74397
6. Fenner (Frio 3400) Field
7. Jackson, TX
8. 91.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-09066
2. 42-239-31177
3. 102
4. Hinson Brothers A Partnership
5. Hinson Bros #3 Stafford-Hart #79953
6. Fenner (Frio 3550) Field
7. Jackson, TX
8. 108.0 million cubic feet
9. June 13, 1979
10. Trunkline Gas Company

1. 79-09067
2. 42-081-30679
3. 103
4. Exxon Corporation
5. IAB Unit Well #1612
6. IAB (Menielle Penn)
7. Coke, TX
8. 6.0 million cubic feet
9. June 13, 1979
10. Sun Gas Company

1. 79-09068
2. 42-473-30299
3. 103
4. Exxon Corporation
5. Katy Gas Fld Consolidated Ut Well #82
6. Katy (IV)
7. Waller, TX
8. 913.0 million cubic feet
9. June 13, 1979
10. United Texas Transmission Co., Lone Star Gas Co

1. 79-09069
2. 42-389-30509
3. 103
4. Gulf Oil Corporation
5. S E Ligon Well No 7
6. Worsham-Bayer (Ellenburger)
7. Reeves TX
8. 300.0 million cubic feet
9. June 13, 1979
10. Transwestern Pipeline Co

1. 79-09070
2. 42-235-31178
3. 102
4. Gulf Oil Corporation
5. State VD No 1
6. Irion 163 (Ellenburger)
7. Irion TX
8. 7.6 million cubic feet
9. June 13, 1979
10. J L Davis

1. 79-09071
2. 42-235-31204
3. 102
4. Gulf Oil Corporation
5. State VD No 2
6. Irion 163 (Ellenburger)
7. Irion TX
8. 15.2 million cubic feet
9. June 13, 1979
10. J L Davis

1. 79-09072
2. 42-235-31273
3. 102
4. Gulf Oil Corporation
5. State VD No 3
6. Irion 163 (Ellenburger)
7. Irion TX
8. 9.9 million cubic feet
9. June 13, 1979
10. J L Davis

1. 79-09073
2. 42-235-31290
3. 102
4. Gulf Oil Corporation
5. State VD No 4
6. Irion 163 (Ellenburger)
7. Irion TX
8. 9.4 million cubic feet
9. June 13, 1979
10. J L Davis

1. 79-09074
2. 42-235-31244
3. 102
4. Gulf Oil Corporation
5. State VE No 1
6. Irion 163 (Ellenburger)
7. Irion TX
8. 12.4 million cubic feet
9. June 13, 1979
10. J L Davis

1. 79-09075
2. 42-235-31266
3. 102
4. Gulf Oil Corporation
5. State VE No 2
6. Irion 163 (Ellenburger)
7. Irion TX
8. 18.0 million cubic feet
9. June 13, 1979
10. J L Davis

1. 79-09076
2. 42-235-31281
3. 102
4. Gulf Oil Corporation
5. State VE No 3
6. Irion 163 (Ellenburger)
7. Irion TX
8. 14.2 million cubic feet
9. June 13, 1979
10. J L Davis

1. 79-09077
2. 42-383-31182
3. 103
4. Sohio Natural Resources Co
5. E G Cauble A-5 Well
6. Calvin Dean
7. Reagan TX
8. 56.0 million cubic feet
9. June 13, 1979
10. El Paso Natural Gas Company

1. 79-09078
2. 42-285-31287
3. 103
4. Mitchell Energy Corporation
5. Lewis Allen #3 79075
6. Provident City (3530 East)
7. Lavaca TX
8. 12.8 million cubic feet
9. June 13, 1979
10. Natural Gas Pipeline Co of Amer

1. 79-09079
2. 42-389-30990
3. 103
4. Gulf Oil Corporation
5. Cook-State A Gas Unit Well No 2
6. Worsham (Cherry Canyon)
7. Reeves TX
8. 300.0 million cubic feet
9. June 13, 1979
10. Transwestern Pipeline Company

1. 79-09080
2. 42-389-30891
3. 103
4. Gulf Oil Corporation
5. C H Strain Well No 16
6. Waha North (Delaware Sand)
7. Reeves TX
8. 11.0 million cubic feet
9. June 13, 1979
10. Transwestern Pipeline Company

1. 79-09081
2. 42-445-30339
3. 103
4. Gulf Oil Corporation

5. Mallet Land & Cattle Company No 71
6. Kingdom (ABO Reef)
7. Terry TX
8. 8.1 million cubic feet
9. June 13, 1979
10. Amoco Production Company

1. 79-09082
2. 42-445-30340
3. 103
4. Gulf Oil Corporation
5. Mallet Land & Cattle Company No 77
6. Kingdom (ABO Reef)
7. Terry TX
8. 3.3 million cubic feet
9. June 13, 1979
10. Amoco Production Company

1. 79-09083
2. 42-445-30345
3. 103
4. Gulf Oil Corporation
5. Mallet Land & Cattle Company No 78
6. Kingdom (ABO Reef)
7. Terry TX
8. 4.4 million cubic feet
9. June 13, 1979
10. Amoco Production Company

1. 79-09084
2. 42-445-30354
3. 103
4. Gulf Oil Corporation
5. Mallet Land & Cattle Company No 79
6. Kingdom (ABO Reef)
7. Terry TX
8. 5.0 million cubic feet
9. June 13, 1979
10. Amoco Production Company

1. 79-09085
2. 42-445-30595
3. 103
4. Gulf Oil Corporation
5. Mallet Land & Cattle Co No 81
6. Kingdom (ABO Reef)
7. Terry TX
8. 1.1 million cubic feet
9. June 13, 1979
10. Amoco Production Co

Wyoming Oil and Gas Conservation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 79-8486 B
2. 49-009
3. 103
4. Petroleum Inc
5. Cheesbrough "B" #1
6.
7. Converse, WY
8. 5.0 million cubic feet
9. June 12, 1979
10. Phillips Petroleum Co

1. 79-08137
2. 49-005-24475
3. 103
4. Davis Oil Company
5. Jacobs (F) #2
6. Hilight
7. Campbell, WY
8. 24.0 million cubic feet
9. May 24, 1979
10. Phillips Petroleum Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21525 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2832]

Boise Project Board of Control; Application for Major License

June 29, 1979.

Take notice that on January 28, 1979, the Boise Project Board of Control (Applicant) filed an application for major license under the Federal Power Act (16 U.S.C. §§ 791a-825r) (Correspondence to: Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83701; and Mr. Raymond D. Givens, Attorney at Law, Box 964, Boise, Idaho 83701) for the proposed Lucky Peak Project, FERC No. 2832. The proposed project would be located on the Boise River in Ada County, Idaho. Applicant states that the power generated by the proposed project would be marketed to Idaho Power Company, a private investor-owned utility.

This project would utilize the existing Corps of Engineers' Lucky Peak Dam and reservoir for the generation of about 282 million kilowatt-hours per year. A new intake structure and a 1,050-foot-long, 21-foot-diameter steel-lined tunnel would be constructed between the existing intake and tunnel and the left side of the dam. A steel penstock and manifold, entrenched in rock and backfilled with concrete, would connect the downstream tunnel portal with a new, outdoor type powerhouse containing three 27.5 MW generating units and one 4.9 MW unit.

The transmission line needed to connect the project with the existing Idaho Power Company transmission system would be constructed, owned and maintained by Idaho Power Company. Idaho Power Company will make separate application with the Commission for permission to construct these transmission facilities and a description of the facilities and routing of this transmission line will be more particularly described in that application.

The Applicant is not proposing any recreation facilities or areas as part of this project.

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 or petition to intervene must be filed on or before August 31, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21525 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-486]

Central Telephone & Utilities Corp.; Filing

July 6, 1979.

The filing Company submits the following:

Take notice that Central Telephone & Utilities Corporation (Central Telephone) on July 2, 1979, tendered for filing an addendum to its Rate Schedule FPC No. 74, with Ark Valley Electric Cooperative, Inc., providing for changes in the contract demand at two points of delivery.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21526 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-487]

Central Telephone & Utilities Corp.; Filing

July 6, 1979.

The filing Company submits the following:

Take notice that Central Telephone & Utilities Corporation (Central Telephone) on July 2, 1979, tendered for filing an addendum to its Rate Schedule FPC No. 75, with CMS Electric Cooperative, Inc., providing for an increase in contract capacity at one point of delivery.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commision and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21527 Filed 7-11-79; 8:45]

BILLING CODE 6450-01-M

[Docket No. ER79-451]

Columbus & Southern Ohio Electric Co.; Changes in Rates and Charges

June 28, 1979.

The filing Company submits the following:

Take notice that Columbus and Southern Ohio Electric Company on June 22, 1979, tendered for filing, Modification No. 1 to the Operating Agreement dated March 1, 1977 between Columbus and Southern Ohio Electric Company and The Cincinnati Gas and Electric Company designated Columbus and Southern Ohio Electric Company Rate Schedule FERC No. 26.

Section 1 of Modification No. 1 provides for an increase in the demand charge for Short Term Power from $0.60 to $0.70 per kilowatt per week and from $0.10 to $.12 per kilowatt per day for periods less than one week.

Applicant states that there were no Short Term Power transactions between the companies during the 12 month period ending December 1978. Furthermore, since the use of Short Term Power Service cannot be accurately estimated, it is not possible to estimate the increase in revenues resulting from the Modification. Applicant's supporting documents which were filed with this modification indicate that the proposed increased rates reflect an increase in costs associated with supplying energy.

Copies of the filing were served upon the Cincinnati Gas and Electric Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such petitions or protest should be filed on or before July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21540 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-73]

Consolidated Gas Supply Corp.; Notice of Proposed Changes in FERC Gas Tariff

July 5, 1979.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on June 29, 1979 tendered for filing Substitute Fourteenth Revised Sheet No. 16 to its FERC Gas Tariff, Third Revised Volume No. 1. The tariff sheet is proposed to become effective, subject to refund, on July 1, 1979. Consolidated proposes that the rates shown on Substitute Fourteenth Revised Sheet No. 16 be approved in lieu of the rates filed June 1, 1979.

Consolidated states that its original filing in this proceeding reflected an increase in the purchase costs of regasified LNG. All other costs as well as cost classification, allocation and rate design methodology are identical to those in Consolidated's general rate increase filing of December 28, 1978 in Docket No. RP79-22.

Consolidated states that Substitute Fourteenth Revised Sheet No. 16 is filed to comply with the Commission's order of January 30, 1979, in Docket No. RP79-22 specifically Ordering Paragraphs (C) and (E) per its agreement as stated in its original filing in Docket No. RP79-73.

Consolidated also tendered for filing Substitute Alternate Fourteenth Revised Sheet No. 16 to its FERC Gas Tariff, Third Revised Volume No. 1 for the same effective date. The alternate sheet reflects the pricing of Consolidated's own production from wells drilled prior to 1/1/73 on leases acquired prior to 10/8/69 on a cost of service basis. The issue as to the proper rate treatment of Consolidated's own production is before the Commission on application for rehearing of its January 30, 1979 order.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR Sections 1.8 and 1.10). All such petitions or protests should be filed on or before July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21541 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[GP79-39]

Cumberland Oil Producing Co. and Dixie Oil Co.; Preliminary Finding

Issued: June 29, 1979.

In the matter of the State of Tennessee; § 102 NGPA Determination, Cumberland Oil Producing Co.; Dixie Oil Co. (JD79-5805 through 5836 and JD79-5842).

On May 16, 1979, the Tennessee State Oil and Gas Board submitted to the Commission notices of determination that 33 wells of the Cumberland Oil Producing Company and the Dixie Oil Company [1] meet all the requirements of the "new onshore reservoir" provision of section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA), P.L. 95-621.

Section 102(c)(1)(C) of the NGPA provides that, subject to certain exclusions, natural gas is produced from a "new onshore reservoir" if it is produced from a reservoir from which natural gas was not produced in commercial quantities before April 20, 1977. The Commission's regulations implementing section 102(c)(1)(C) require that an applicant shall file, among other items, "geological information sufficient to support a determination that the reservoir is a new, onshore reservoir." 18 C.F.R. § 274.202(d)(1)(ii). However, no geological information was included with the determinations for the wells in question.

Section 102(c)(1)(C)(ii) of the NGPA provides that gas may not qualify as being produced from a "new onshore reservoir" if (1) the reservoir was penetrated before April 20, 1977 by an old well from which natural gas or crude oil was produced in commercial quantities; and (2) natural gas could have been produced in commercial quantities from such reservoir through such old well before April 20, 1977. The records submitted with the determinations for the wells in question indicate that the subject reservoirs were penetrated prior to April 20, 1977 by wells which produced crude oil in commercial quantities. However, the records contain no production data or other evidence supporting the conclusion that natural gas could not have been produced in commercial quantities prior to April 20, 1977.

Accordingly, the Commission hereby makes a preliminary finding, pursuant to 18 C.F.R. § 275.202(a)(1)(i) that the 33 determinations submitted by the Tennessee State Oil and Gas Board are not supported by substantial evidence in the record on which the determination was made.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21535 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[1] Plateau Properties 2-A; Plateau Properties 2; Plateau-Aytes Unit 1; Plateau Properties (Harrison) 2; J. D. Mize 1; Plateau Properties (Harrison) 3; Plateau Properties (Harrison) 1; D. Cole 1; J. Bye 2; L. Duncan 1; A. Bigoness et al Unit 1; J. Bye 1; S. Luchin 1; M. Branstetter 1; W. W. Ivey 1; E. Howard 1; S. Luchin 2; E. Scott 1; Needham 1 of Unit 1; Burghordt 1; Melton 1a; C.L. Criscillis 1; Brimstone 3; Brimstone 2; Fred Walker 3; Criscillis 2; Fred Walker 2; Fred Walker 1; Bowling-Carson 1; Brimstone-Bowling 1; Bowling-Brimstone et al 1; R. Henry Bowling 1; Bowling-Redsack 1.

[Project No. 2916]

East Bay Municipal Utility District; Application for Preliminary Permit

June 29, 1979.

Take notice that on March 14, 1979, East Bay Municipal Utility District (Applicant) filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)825(r)] for a proposed expansion of the existing Pardee waterpower project and a proposed waterpower project at the existing Camanche Dam, downstream from Pardee Dam, all to be known as Lower Mokelumne River Project, FERC No. 2916, located on Mokelumne River in the counties of Amador, Calaveras, and San Joaquin, California. The Pardee project was originally licensed by the Federal Power Commission as Project No. 587. In 1934, however, Pub. L. 177 (48 Stat. 642) terminated the license for the Pardee project and authorized the continued operation of the existing facilities. The proposed project would affect the interests of interstate commerce.

Correspondence with the Applicant should be direced to: Mr. John B. Reilley, General Counsel, East Bay Municipal Utility District, Post Office Box 24056, Oakland, California 94623.

Project Description—The project would consist of: 1) Pardee Dam, an existing concrete gravity-arch structure 1,337 feet long and 345 feet high; 2) the Pardee Reservoir with gross storage capacity of 210,000 acre-feet at pool elevation of 568 feet; 3) an existing powerhouse located at the base of Pardee Dam and presently containing two generating units of 9,375 kW capacity each, and a proposed additional generating unit of 9,375 kW capacity; 4) Camanche Dam, an existing rock-fill structure with impervious core 2,640 feet long and 171 feet high located approximately 13 miles downstream from Pardee Dam; 5) the Camanche Reservoir with gross storage capacity of 431,000 acre-feet at pool elevation of 236 feet; 6) a powerhouse, to be constructed, at the base of the Camanche Dam with a proposed installed capacity of 9,375 kW. The project, upon completion, would have a total installed capacity of 37,500 kW.

Proposed Scope and Cost of Studies Under Permit—The Applicant has completed the following studies at a cost of $410,000: (a) preliminary design and cost estimate of the proposed expansion at Pardee Dam; (b) economic feasibility of installing power at Camanche Dam; (c) seismicity and seismic intensity investigation for Pardee and Camanche Dams; (d) an environmental impact report concerning the proposed power facilities at Camanche Dam; (e) and various other engineering studies.

The Applicant seeks issuance of a preliminary permit for a period of 18 months during which it would prepare a definitive project report that would include further preliminary designs and additional engineering and environmental data. The costs of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of a FERC license application are estimated by the Applicant to be about $160,000.

Purpose of Project—All power generated at the existing Pardee project is sold to Pacific Gas and Electric Company for distribution to the Northern California power market; similarly, all additional power would be sold for distribution to the Northern California power market.

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 license. In this instance, Applicant seeks a 18-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.)

Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made.

If any 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 a 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 *September 4, 1979.* The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21542 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-40]

Energy Resource Corp. and Tartan Oil Co.; Preliminary Finding

Issued June 29, 1979.

In the matter of the State of Tennessee, § 102 NGPA Determination, Energy Resource Corporation (Nineteen Wells); Tartan Oil Company (One Well).

On May 7, 1979, the Tennessee Oil and Gas Board submitted to the Commission a notice of determination that nineteen [1] Energy Resource Corporation wells and one Tartan Oil Company well [2] were producing natural gas from the Ordovician Reservoir [3] which met all the requirments of a new onshore reservoir under section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA).

According to section 102(c)(1)(C)(i) of the NGPA, a reservoir qualifies as a new onshore reservoir if, among other things, natural gas was not produced in commercial quantities from that reservoir before April 20, 1977. Under § 274.202(d)(1)(ii) of the Commission's Interim Regulations, an applicant that seeks such a determination must file sufficient geological information to support a determination that the reservoir is a new onshore reservoir.

The records submitted to the Commission with the subject reservoir category determination lack the required geological information to support a new onshore reservoir determination.

Accordingly, the Commission hereby makes a preliminary finding pursuant to § 275.202(a)(1)(I) that the determination is not supported by substantial evidence in the record on which the determination was made.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21538 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[1] *JD Number—Well Name and Number:* 79-5843—Wesley Mansell and Edward Fleming #1; 79-5844—James Meadow #1; 79-5845—D. Dailey, et al Unit #1; 79-5846—Carl Gilpartrick #1; 79-5847—Bob Upchurch #4; 79-5848—Ed Fleming #2; 79-5849—W. E. Smith #1; 79-5850—Bob Upchurch #1; 79-5851—Bob Upchurch #3; 79-5852—W. E. Smith #3; 79-5853—W. E. Smith #2; 79-5854—Wells Thomas #1; 79-5855—Nell Ogletree #1; 79-5856—Carl Gilpartrick #2; 79-5857—Bob Upchurch #2; 79-5858—W. E. Smith #4; 79-5859—Ed Fleming #1; 79-5860—Ben Vaugn #1; 79-5861—Hubert Pigg #1;

[2] JD Number—Well Name and Number: 79-5862—Bob Upchurch #1.

[3] Located in the Flat Creek Field, Overton County, Tennessee

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[Docket Nos. ER79-352 and ER78-19, et al.]

Florida Power & Light Co.; Order Accepting Rate Schedules for Filing, Providing for Suspension and Hearing, Waiving Regulations, Consolidating Proceeding, and Granting Intervention

Issued: June 28, 1979.

On May 4, 1979, the Florida Power & Light Company (FP&L) tendered for filing, pursuant to 18 CFR § 35.13, an unexecuted transmission agreement providing for specified transmission service to the New Smyrna Beach Utilities Commission (New Smyrna).[1] FP&L states that it will provide the transmission service necessary to implement New Smyrna's present interchange agreements with the Fort Pierce Utilities Authority, the Orlando Utilities Commission, the City of Homestead, and the Lake Worth Utilities Authority. FP&L proposes to charge a rate of 1.65 mills per Kwh for this transmission service. According to FP&L, cost support for this service is identical to that which previously has been submitted as Volume X in *Florida Power & Light Company,* Docket No. ER78-19, on June 16, 1978. Accordingly, FP&L seeks to incorporate by reference the cost support data furnished in Docket No. ER78-19, *et al.,* into the instant proceeding, pursuant to 18 CFR 35.19.

Public notice of FP&L's filing was issued on May 8, 1979, with protests and petitions to intervene to be filed on or before June 1, 1979. On May 31, 1979, New Smyrna filed a protest, petition to intervene, motion to consolidate and request for early effective date. In particular, New Smyrna contends that FP&L's proposed terms of access to transmission service are unlawfully restrictive and represent a further instance of FP&L's pattern of anticompetitive conduct towards New Smyrna and other municipal electric systems in Florida. New Smyrna also seeks waiver of the 60 day notice requirement, and a one day suspension. New Smyrna states that without this transmission service from FP&L it cannot realize the benefits from interchange with other utilities. According to New Smyrna, it has a vital economic interest in obtaining the earliest possible effective date for transmission services by FP&L under this filing. Finally, New Smyrna urges the Commission to consolidate the instant filing with those in Docket No. ER77-175 [2] and Docket No. ER78-19, *et al.,* (Phase II) for hearing and decision.

FP&L's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission shall grant waiver of the notice requirement and shall suspend the proposed rates for one day to become effective May 5, 1979, subject to refund, pending the outcome of a hearing and decision thereon. The Commission shall waive the cost

[1] See Attachment A for designations.

[2] The Initial Decision in Docket No. ER77-175 is presently pending on exceptions before the Commission. That case concerns FP&L's proposed terms of transmission for New Smyrna's share of the Crystal River No. 3 Nuclear Unit, which is located on the Florida Power Corporation system.

support requirements of 18 CFR 35.13 in view of the fact that the rates and terms and conditions for this transmission service are the same as that previously submitted as Volume X in *Florida Power & Light Company*, Docket No. ER78-19.

The cost data submitted in support of the filings in Docket Nos. ER78-19, *et al.*, will also be used as cost support for the instant filing. Since similar issues of law and fact exist, we will consolidate this proceeding with those in Docket Nos. ER78-19, *et al.*, (Phase II) for hearing and decision.[3] We will deny New Smyrna's request for consolidation of the proceedings in Docket No. ER77-175 with those in Docket No. ER79-352 and ER78-19 *et al.* The advanced state of proceedings in Docket No. ER77-175 makes consolidation impractical and cumbersome. Additionally, the transmission service rate in Docket No. ER77-175 is based on a 1976 test year and is less than the transmission service rate filed in the instant docket which is based on a 1978 test year.

New Smyrna has a substantial interest in Docket No. ER79-352 and its petition to intervene will be granted.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Rules of Practice and Procedure and the Regulation under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by FP&L in the instant docket.

(B) The Commission hereby waives the notice requirements pursuant to § 35.11 of our Regulations.

(C) Pending a hearing and decision thereon, FP&L's proposed rate schedule in the instant docket is hereby accepted for filing and suspended for one day, to become effective May 5, 1979, the rates thereunder to be subject to refund.

(D) The proceeding in Docket No. ER79-352 is hereby consolidated with Docket Nos. ER78-19, *et al.*, for the purpose of hearing and decision.

(E) New Smyrna is hereby permitted to intervene in Docket No. ER79-171, subject to the rules and regulations of the Commission: *Provided, however,* that participation of New Smyrna shall be limited to the matters specifically set forth in its petition to intervene; and *provided, further,* that the admission of new Smyrna shall not be construed as recognition by the Commission that it might be aggrieved by any order issued in this proceeding.

(F) The Commission hereby waives the cost support requirement of § 35.13 of its Regulations.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Florida Power & Light Co.

Docket No. ER79-352

Filed: May 4, 1979.

Effective: July 5, 1979, subject to refund.

Designation and Description

(1) Rate Schedule FERC No. 32, Transmission agreement with New Smyrna Beach Utilities Authority.

(2) Exhibit A to (1) above, Interchange service between New Smyrna Beach and Homestead.

(3) Exhibit B to (1) above, Interchange service between New Smyrna Beach, Lake Worth and Fort Pierce.

(4) Exhibit C to (1) above, Interchange service between New Smyrna Beach and Orlando.

[FR Doc. 79-21543 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[3] The dockets that have been consolidated with Docket No. ER79-19 (Phase II) are: Docket Nos. ER78-325, ER78-376, ER78-508, ER78-527, ER78-566, ER78-567, ER79-162, ER79-171, ER79-172. All such dockets contain postage stamp transmission rates. The rates for comparable service in all of the above-listed dockets are identical.

[Docket No. ER79-484]

Idaho Power Co.; Compliance Filing

July 6, 1979.

The filing Company submits the following:

Take notice that on July 2, 1979, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during May, 1979, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copis of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21528 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

Iowa Power & Light Co.; Proposed Rate Change

July 3, 1979.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on June 27, 1979, tendered for filing an Electric Interchange Agreement with the Board of Waterworks and Electric Light and Power Plant Trustees, City of Atlantic, Atlantic, Iowa (City), which is intended as a change in rate Schedule to supersede Rate Schedule FPC No. 20. The additional services under the Agreement provide the City with several opportunities for exchanging capacity through interconnections with Iowa Power. These include:

(1) Purchase of participation type power and energy generated by Iowa Power's base load units;

(2) Purchase of peaking power and energy for usage during hours of higher system loading;

(3) Purchase of replacement energy for energy temporarily unavailable;

(4) Purchase of equalization power and energy for the purpose of equalizing reserve responsibilities;

(5) Sale of excess economy peaking capacty to Iowa Power;

(6) Purchase of energy to replace more expensive energy;

(7) Purchase of transmission service to deliver power and energy to the City.

In addition, the Agreement provides the City with the opportunity to purchase dispatching service, under which Iowa Power would act as agent for the City in performing normal dispatching functions.

Iowa Power states that the Interchange Agreement was entered into for the purpose of interconnecting facilities and co-ordinating operations of the two systems so that the systems themselves, the respective areas served and the public interest generally might benefit from more effective use of generating facilities, economies in the production of electric energy, and improved service reliability.

Iowa Power requests the Commission waive the prior notice requirements and accept the filing with an effective date of November 22, 1978. Iowa Power states that copies of the filing have been

served upon the City and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21544 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP70-6, et al. and RP78-37]

Lawrenceburg Gas Transmission Corp.; Report of Refunds

July 5, 1979.

Take notice that on June 28, 1979 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) filed a Report of Refunds, pursuant to Article VI of its Stipulation and Agreement at Docket No. RP70-6, et. al., and Article V of its Stipulation and Agreement at Docket No. RP78-37. Lawrenceburg states that on June 25, 1979 it made gas refunds to its two (2) jurisdictional wholesale customers, Lawrenceburg Gas Company, in the amount of $16,131.58, and The Cincinnati Gas & Electric Company, in the amount of $5,790.59, for a total refund of $21,922.17.

Lawrenceburg states that this refund is applicable to the periods November 1, 1959 through May 15, 1970 and April 1, 1978 through March 31, 1979, and constitutes a flow through of the allocated jurisdictional portion of two (2) refunds it received from Texas Gas Transmission Corporation dated June 15, 1979 and May 30, 1979, respectively.

Lawrenceburg states that copies of its refund report have been mailed to its two jurisdictional customers and to the two interested State Commissions for the States of Indiana and Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene (unless such intervention has previously been granted) or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21545 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-349]

Lone Star Gas Co., a Division of Enserch Corp.; Application

July 2, 1979.

Take notice that on June 8, 1979, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP79-349 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain taps, regulating and measuring facilities necessary to make sales of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate taps, regulating and measuring facilities for the sale and delivery of natural gas in interstate commerce as follows:

Customer		Mainline served from	County and State
Harlan Medford	Irrigation Well	A-26-2	Harmon, Oklahoma.
David Jones	Irrigation Well	71-37	Harmon, Oklahoma.
Wendell Robertson	Commercial Heating	E-5-A	Bryan, Oklahoma.
Robert J. Tate	Residential Development	E	Grayson, Texas.
J. H. Ivy	Residential Development	T	Jefferson, Oklahoma.
C. D. Wood			
Bill Ward dba Trico Inc	Commerical Heating	G-D	Carter, Oklahoma.
Willie V. Farmer	Irrigation Well	2nd H	Grady, Oklahoma.

Applicant estimates that the cost of constructing the seven facilities would be $36,649.75, which cost Applicant would finance from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21529 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-43 (PGA79-2), (TT79-3) and (LFUT79-2)]

Mid Louisiana Gas Co.; Proposed Change in Rates

July 5, 1979.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on June 29, 1979, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Thirty Third Revised Sheet No. 3a and Second Revised Sheet No. 3b to become effective August 1, 1979.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas cost Current Adjustment, to track certain transportation costs, and to adjust the Louisiana First Use Tax Surcharge; and that the filing is being made in accordance with section 19 and section 20 of Mid Louisiana's FERC Gas Tariff; and that the Purchased Gas Cost Current Adjustment reflects rates payable to Mid Louisiana's suppliers as of August 1, 1979, in accordance with applicable price regulations under the Natural Gas Policy Act of 1978.

Copies of the filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21546 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-482]

Mississippi Power Co.; Proposed Tariff Change

July 5, 1979.

The filing Company submits the following:

Take notice that Mississippi Power Company on June 29, 1979, tendered for filing a revision of the rates included in its FERC Electric Tariff, Original Volume No. 1. The revised rates would increase revenues from jurisdictional sales by $1,760,690 based on the 12-month period ending August 31, 1980. The charge per delivery point has been reduced, the KW and KWH charges increased, and the base amount included in the fuel cost adjustment increased.

The Company estimates the rate of return on its properties devoted to serving the cooperative Electric Power Associations to be 7.61% from revenues which it would receive under the existing rates during the year ending August 31, 1980. The Company states that such return would be increased to 8.945% with the increased revenue under the tendered rates.

Posting of the filing has been accomplished with the public utility's jurisdictional customers and Mississippi Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21547 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP74-100, et al.]

National Fuel Gas Supply Corp.; Proposed PGA Rate Adjustment

July 5, 1979.

Take notice that on June 29, 1979, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Twenty-Sixth Revised Sheet No. 4, proposed to be effective August 1, 1979.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 59.90¢ per Mcf on Twenty-Sixth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and area available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21548 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-489]

Minnesota Power & Light Co.; Filing

July 6, 1979.

Take notice that Minnesota Power & Light Company (MP&L) on July 2, 1979, tendered for filing a firm power Electric Service Agreement dated February 28, 1978, between MP&L and the City of Brainerd, Minnesota. MP&L indicates that this Agreement is to supersede and replace the Electric Service Agreement dated August 19, 1969, FERC Rate Schedule No. 96, the term of which has expired.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests

should be filed on or before July 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21530 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-528]

Natural Gas Pipeline Co.; Petition To Amend

June 25, 1979.

Take notice that on May 8, 1979, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-528 a petition to amend the order of February 1, 1977,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of additional volumes of natural gas on a firm basis for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the order of February 1, 1977, in the instant docket Petitioner was authorized to transport and redeliver up to 3,300 Mcf of natural gas per day on a firm basis, and an additional 2,000 Mcf of natural gas per day on a best efforts basis for Panhandle. Petitioner was also authorized in said order to construct and operate facilities to effectuate redelivery at the Beckham redelivery point. Petitioner states that the instant transportation service is currently being made pursuant to its effective FERC Gas Rate Schedule X-80.

Petitioner states that Panhandle has informed it that further development has taken place in the Southwest New Liberty Field by the drilling of an additional deep well, the Sanders No. 1, in Beckham County, Oklahoma and that Panhandle further advised it that pursuant to its arrangements with Mississippi River Transmission Company (MRT), it would require an increase in the firm transportation quantity from 3,300 Mcf per day to 8,000 per day.

Pursuant to an amendment dated March 2, 1979 to the transportation agreement dated September 1, 1976, between Petitioner and Panhandle, Petitioner would accept at the existing Kirtley receipt point in Beckham County, for transportation and redelivery such volumes of gas tendered for the account of Panhandle up to 8,000 Mcf per day on a firm basis. There would be no change in the 2,000 Mcf of natural gas volumes which Petitioner transports for Panhandle on a best efforts basis.

Petitioner asserts that it would continue to make redelivery at the Beckham County redelivery point on a firm basis during the period November through February except when it is injecting into its Sayre field storage. During the period March through October, and at any time injections into sayre are taking place, redelivery would be made on a firm basis at the Clark County redelivery point, it is said. Petitioner states that the Dewey County redelivery point would continue to be used for redelivery on a best efforts basis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21549 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-71]

Natural Gas Pipeline Co. of America; Pipeline Rates: Order Accepting for Filing and Suspending Certain Tariff Sheets, Accepting Others, Rejecting Others Without Prejudice, and Granting Interventions

Issued: June 29, 1979.

On May 31, 1979, Natural Gas Pipeline Company of America (Natural) filed proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, and Second Revised Volume No. 2.[1] Natural states that the proposed rate changes amount to an annual revenue decrease of $24.1 million compared to rates currently in effect subject to refund in Docket No. RP78-78. Natural further states that a proposed settlement in Docket No. RP78-78 contains rates substantially lower than those in effect subject to refund. This settlement is not currently before the Commission. Natural states, however, that the proposed changes in the instant docket represent an increase of approximately $44.0 million over the proposed settlement of Docket No. RP78-78 and that proposed settlement in Docket No. RP78-78 also provides that within 10 days of the issuance of a final order approving such settlement Natural shall withdraw its May 31, 1979 rate filing which is contained in the instant docket.

The rates contained herein are based on the overall cost of service for the twelve months ended February 28, 1979, adjusted for known and measurable changes which will occur within nine months from February 28, 1979. Natural asserts that, due to increases in the costs of all types of capital, it has a need for an overall rate of return of 10.98%. Natural seeks a return on common equity of 14.75%, based on a capitalization reflecting 41.82% common equity. Increases in the costs of labor, materials and supplies, and operating and maintenance expenses are also claimed by Natural.

Public notice of the instant filing was issued on June 1, 1979, providing for protests or petitions to intervene by June 17, 1979. Petitions to intervene were filed by the parties listed in Appendix B. All have demonstrated an interest in this proceeding not otherwise protected and their participation may be in the public interest. Accordingly, we shall grant their petitions to intervene. The Commission also notes that the Public Service Commission of Wisconsin has filed a notice of intervention in this docket.

Based upon a review of Natural's filing the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the tariff sheets listed in Appendix A, suspend their effectiveness for five months until December 1, 1979, subject to refund and the conditions set forth below, and set the matter for hearing.

The cost of service underlying the rates filed herein includes facility costs

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[1] Listed in Appendix A.

and associated expenditures pertaining to certain uncertificated facilities. Natural anticipates that these facilities will be in service on or before November 30, 1979. Natural states that it will file substitute tariff sheets reflecting only certificated facilities in service on the date the proposed rates are effective, subject to refund. We will grant waiver of 154.63(e)(2)(ii) of the Commission's regulations subject to the condition that revised tariff sheets be filed eliminating facilities not in service on or before November 30, 1979. The company shall also adjust its rates to reflect the actual balances of advance payments in Account 166 at the end of the test period, provided that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original suspended rates. This waiver is granted upon the condition that Natural shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order and those required by other Commission orders.

Natural's First Revised Sheet No. 18 amends its AOR-1 (Authorized Over-Run) Service so that gas available on its system which is not required to meet other obligations can be offered to authorized jurisdictional purchasers at any time during the year as opposed to the currently limited seven month period from April through October. This amendment assertedly permits greater flexibility in matching Natural's gas supply to customer needs. Natural requests that the suspension period be limited to 4 months to permit an effective date of November 1, 1979, thereby allowing for an uninterrupted transition of the AOR service from partial year to annual service.

The amendment proposed by Natural is a new service which would require certificate authorization under Section 7 of the Natural Gas Act. Therefore, we believe that Natural's proposal to amend its AOR-1 Service should be investigated in this proceeding. However, we reject First Revised Sheet No. 18 without prejudice however to Natural's right to refile this tariff sheet if, after hearing in this docket, the Commission finds that the proposed changes are necessary and appropriate under Sections 4.5 and 7 of the Natural Gas Act.

Natural's Original Tariff Sheets Nos. 152 through 157 set forth provisions of a proposed Net Transportation Cost Adjustment tariff provision. Since it appeared that this revision does not affect rate changes proposed by Natural, it did not submit alternate rate sheets. Natural requests waiver of the Commission's regulations in the event and to the extent we deem waiver necessary to accept Natural's Original Sheet Nos. 152 through 157. In the event we do not accept these tariff sheets, Natural requests that they be made the subject of hearings to consider the propriety of these provisions.

We have not previously allowed this kind of clause to be included in tariff provisions and we do not believe it would be appropriate to allow such a provision to become effective without full development of a record.[2] Accordingly, we will reject Original Sheet Nos. 152 through 157 without prejudice to Natural's right to refile them if, after hearing, it is determined that such provisions are proper for prospective affiliation.

Natural has also submitted Second Revised Sheet No. 390 (R/S x-46), Third Revised Sheet No. 653 (R/S x-62), Third Revised Sheet No. 668 (R/S x-63), and Third Revised Sheet No. 693 (R/S x-67) in Second Revised Volume No. 2 and all are proposed to be effective January 1, 1980. These pertain to various services for which Natural is precluded from making rate changes to be effective prior to January 1, 1980 by applicable tariff provisions and governing contracts. Costs applicable to these services were allocated on the same cost factor basis as was used in the instant filing and rates for these services as set forth in the tariff sheets appear to be supported by the costs. Natural requests that since the effective date falls one month beyond December 1, 1979, we waive our regulations to the extent necessary to allow these tariffs to become effective January 1, 1980. Natural's proposal appears to be reasonable and we shall grant the requested waiver.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Natural.

(B) Pending hearing and decision, and subject to the conditions enumerated in the body of the order and Ordering Paragraphs below, Natural's Revised Sheet Nos. 5, 5A, 5B, 119 and 120-A of its FERC Gas Tariff, Third Revised Volume No. 1 and Revised Sheet Nos. 220, 270, 407, 433, 744, 816, 1000, 1076, 1097, 1170, 1280, and 1305 of its FERC Gas Tariff, Second Revised Volume No. 2 are accepted for filing and suspended for five months to be effective December 1, 1979, when they may become effective subject to refund, in the manner prescribed by the Natural Gas Act as hereinafter conditioned.

(C) Natural's First Revised Sheet No. 18, and Original Sheets Nos. 152, 153, 154, 155, 156, and 157 of its FERC Gas Tariff, Third Revised Volume No. 1 are rejected without prejudice to Natural refiling it after hearing, we determine any of such sheets are appropriate for prospective application.

(D) Natural's Revised Sheet Nos. 390, 653, 668, and 695 to its FERC Gas Tariff, Second Revised Volume No. 2 are accepted, suspended and waiver of the notice requirements is granted such that the tariff sheets may become effective as of January 1, 1980, subject to refund in the manner prescribed by the Natural Gas Act.

(E) Waiver of Section 154.63(2)(ii) is granted upon condition that Natural file substitute revised tariff sheets reflecting the elimination of costs associated with facilities not in service on or before November 30, 1979, and upon the further condition that Natural shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders. In addition Natural shall adjust its rates to reflect the actual balance in Account 166 as of that date, provided that the inclusion of a higher advance payment balance shall not be permitted to increase the level of the original suspended rates.

(F) The Commission Staff shall prepare and serve top sheets on all parties on or before October 2, 1979.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d), shall convene a settlement conference in this proceding to be held within 10 days after the service of top sheets by the Staff in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the Federal Register.

[2] See Section 154.38(d)(3) of the Regulations under the Natural Gas Act.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A.—Natural Gas Pipeline Co.of America

Third Revised Volume No. 1

Thirty-Ninth Revised Sheet No. 5
Twelfth Revised Sheet No. 5A
Third Revised Sheet No. 5B
First Revised Sheet No. 18
Eleventh Revised Sheet No. 119
Ninth Revised Sheet No. 120-A
Original Revised Sheet Nos. 152 through 157

Second Revised Volume No. 2

Twelfth Revised Sheet No. 220 (R/S x-30)
Seventh Revised Sheet No. 270 (R/S x-35)
Fourth Revised Sheet No. 407 (R/S x-48)
Fourth Revised Sheet No. 433 (R/S x-49)
Third Revised Sheet No. 744 (R/S x-72)
Third Revised Sheet No. 816 (R/S x-78)
Third Revised Sheet No. 1000 (R/S x-84)
First Revised Sheet No. 1976 (R/S x-91)
Second Revised Sheet No. 1097 (R/S x-93)
First Revised Sheet No. 1170 (R/S x-98)
First Revised Sheet No. 1280 (R/S x-105)
First Revised Sheet No. 1305 (R/S x-107)

Second Revised Volume No. 2 (To Be Effective January 1, 1980)

Second Revised Sheet No. 390 (R/S x-46)
Third Revised Sheet No. 653 (R/S x-62)
Third Revised Sheet No. 668 (R/S x-63)
Third Revised Sheet No. 695 (R/S x-67)

Appendix B

Iowa Southern Utilities Company
Colorado Interstate Gas Company
Iowa-Illinois Gas and Electric Company
The Peoples Gas Light and Coke Company and North Shore Gas Company
Mississippi River Transmission Corporation
Iowa Power and Light Company
Wisconsin Southern Gas Company, Inc.
Northern Illinois Gas Company
Interstate Power Company
North Central Public Service Co. Division of Donovan Companies, Inc.
Indiana Public Service Company
Central Illinois Public Service Company
Peoples Natural Gas Division of Northern Natural Gas Company

[FR Doc. 79-21550 Filed 7-11-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-477]

New Bedford Gas & Edison Light Co.; Filing of Wheeling Rate Change

July 6, 1979.

The filing Company submits the following:

Take notice that on June 28, 1979 New Bedford Gas and Edison Light Company ("New Bedford") filed, pursuant to Section 205 of the Federal Power Act and the implementing provisions of Section 35.13 of the Commission's Regulations, a proposed change in rate under Supplement No. 5 to its currently effective Rate Schedule FERC No. 34.

Said change in rate under Supplement No. 5 ("23KV Wheeling Rate") to New Bedford's Rate Schedule FERC No. 34 has been computed according to the provisions of Section 6(b) of its Rate Schedule FERC No. 34. Such change is proposed to become effective January 1, 1979, thereby superseding the 23KV Wheeling Rate in effect during calendar 1978. New Bedford has requested that the Commission's notice requirements be waived pursuant to Section 35.11 of the Commission's Regulations in order to allow the tendered rate change to become effective as of January 1, 1979.

Copies of this filing have been served upon Boston Edison Company and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21531 Filed 7-11-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket NO. ER79-485]

New Bedford Gas & Edison Light Co., et al.; Filing of Change in Rate Schedule

July 6, 1979.

The filing Company submits the following:

Take notice that on July 2, 1979, New Bedford Gas and Edision Light Company ("New Bedford") tendered for filing on behalf of itself, Montaup Electric Company, and Boston Edison Company a change in the rate schedules governing the determination of carrying charges on certain 345 KV Transmission facilities in Southeastern Massachusetts as currently on file with the Commission and designated as New Bedford's Rate Schedule FERC No. 21, Boston Edision Company's Rate Schedule FERC No. 67 and Montaup Electric Company's Rate Schedule FERC No. 27.

By the amendatory agreement tendered for filing, Boston Edison Company and Montaup Electric Company propose to redistribute among themselves the carrying charges on Circuit Nos. 344 and 355 to reflect the proposed installation by Montaup Electric Company of a proprietary 115 KV circuit on a heretofore spare circuit position of the double-circuit transmission facilities comprising Circuit Nos. 344 and 355. New Bedford has requested an effective date of September 1, 1979 as an even date slightly in advance of the date at which Montaup Electric Company estimates that construction of said proprietary 115 KV circuit will begin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21532 Filed 7-11-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-481]

New Mexico Electric Service Co.; Filing

July 6, 1979.

The filing Company submits the following:

Take notice that on June 27, 1979, the New Mexico Electric Service Company tendered for filing an Interconnection Agreement providing for economy and emergency sales between itself and Lea County Electric Cooperative. A Certificate of Concurrence by Lea County Electric Cooperative accompanied the filing. The companies requested an effective date of January 1, 1979, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission,

825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21533 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2894]

Northwestern Wisconsin Electric Co.; Application for Short-Form License (Minor)

June 29, 1979.

Take notice that on December 18, 1978, Northwestern Wisconsin Electric Company filed an application for license for a hydroelectric power project to be known as the Black Brook Dam Project, FERC No. 2897, located on the Apple River, near the town of Amery, Polk County, Wisconsin.

Correspondence with the Applicant should be directed to: Mr. Mark F. Dahlberg, Vice President, Northwestern Wisconsin Electric Company, 104 South Pine Street, Grantsburg, Wisconsin 54840.

Description of Proposed Project.—Applicant proposes to install hydroelectric generating facilities at the existing Black Brook Dam, presently owned by Polk County. The present works consist of: (1) a 131-foot-long gravity dam structure, which includes a 26-foot-wide overflow and three 12-foot-wide gated spillway sections, and an adjacent powerhouse section with no existing generating equipment and (2) a reservoir extending two miles upstream of the dam, with a surface area of approximately 98 acres.

The proposed hydroelectric generating facilities would consist of two vertical shaft turbine-generator units with a total capacity of 650 kW, to be installed in the existing powerhouse section. A step-up substation would be constructed adjacent to the powerhouse.

Power generated at the project would be transmitted by applicant to the Dairyland Power Cooperative to be credited against applicant's purchases from the Cooperative.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petition 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 September 4, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21561 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-356]

Panhandle Eastern Pipe Line Co.; Application

July 2, 1979.

Take notice that on June 12, 1979, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-356 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two new compressor stations and additions to its pipeline system needed to connect new supplies of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle requests authorization to construct, place in service and operate the following pipelines, compressors, and related facilities:

(1) The establishment of the Eden Compressor Station to be located in Woods County, Oklahoma. The proposed Eden Compressor Station would be equipped with 1,400 compressor horsepower.

(2) The establishment of the Walker Compressor Station to be located in Woodward County, Oklahoma. The proposed Walker Compressor Station would be equipped with 1,400 compressor horsepower.

(3) Nine and five-tenths miles of ten-inch pipeline, sixteen miles of eight-inch pipeline, seven and five-tenths miles of six-inch pipeline, and four miles of four-inch pipeline and related facilities to be constructed in Woods and Woodward Counties, Oklahoma.

Panhandle entered into a gas purchase and sales agreement dated November 9, 1978 with S. Keith Tuthill and Bill J. Barbee (Tuthill and Barbee) which provides for the sale by Tuthill and Barbee and the purchase by Panhandle of non-associated natural gas to be produced in Woods and Woodward Counties, Oklahoma. Following the construction and placement in service of the facilities, the gas to be sold and purchased pursuant to the agreement would be delivered to Panhandle.

Panhandle states that the agreement further provides for the dedication by Tuthill and Barbee to Panhandle of the production from an estimated 4,900 net acres. It is stated that the original 18 wells dedicated by Tuthill and Barbee pursuant to the agreement would have available initial recoverable wellhead reserves of 17,700,000 Mcf of natural gas. The proposed facilities have been designed to accommodate a capacity of 18,600 Mcf per day, during 1979, the first year of operation.

It is Panhandle's belief that the presence of the proposed pipeline would assist Panhandle in securing other sources of new natural gas supply situated in Woods and Woodward Counties.

Panhandle estimates the cost of the facilities to be $6,139,000, which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1979, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21534 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-454]

Public Service Co. of Indiana, Inc.; Notice of Tariff Change

June 28, 1979.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc., on June 25, 1979, tendered for filing twelve (12) Assignment Of Power Contract from twelve (12) individual Rural Electric Membership Corporations to Wabash Valley Power Association, Inc. and twelve (12) Consent To Assignment executed on behalf of Public Service Company of Indiana, Inc.

Said twelve (12) Assignment Of Power Contracts provide for the assignment and transfer to Wabash Valley Power Association, Inc. of all the rights, title and interest which each of the twelve (12) individual Rural Electric Membership Corporations have in the Power Contracts (Service Agreements) with Public Service Company of Indiana, Inc.

Copies of the filing were served upon Wabash Valley Power Association, Inc. and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21552 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP 73-64 (PGA79-2) (DCA79-2)]

Southern Natural Gas Co.; Order Accepting for Filing and Suspending Proposed Rate Increase Subject to Conditions and Granting Interventions

Issued: June 29, 1979.

On May 21, 1979, Southern Natural Gas Company (Southern) filed revised tariff sheets proposed to become effective July 1, 1979, which reflect rate adjustments pursuant to the Company's PGA clause. These adjustments include a current adjustment of 22.144 cents per Mcf to recover increased purchase gas costs of $131,968,033; a surcharge adjustment of 0.43 cents per Mcf to return an overcollection of $122,695 in unrecovered purchase gas costs; a surcharge adjustment of 1.003 cents per Mcf for estimated demand charge credits, and a Use Tax Adjustment Rate of 1.663 cents per Mcf for the recovery of the Louisiana First Use Tax.

Public notice of the instant filing was issued May 25, 1979 providing for protests or petitions to intervene to be filed on or before June 7, 1979.

The Alabama Municipal Distributors Group (Alabama Municipal) filed a petition to intervene in this docket on June 7, 1979. Municipal states that it is uncertain if Southern's purchases at prices which have been escalated to Section 104 and 106 levels under area rate and other indefinite price escalation clauses are in accordance with the NGPA and the Rules and Regulations of the Commission and, therefore, requests a suspension for at least one day.

Based upon a review of Southern's filing this Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust and unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Southern's tariff sheets for filing subject to conditions set forth below, grant waiver of the 30 day notice requirement, suspend their effectiveness such that they shall be permitted to become effective July 1, 1979, subject to refund. In addition, the Commission shall grant the petition for leave to intervene filed by the Alabama Municipal Distributors Group.

Current Purchase Gas Cost Adjustment

Southern filed alternate tariff sheets [1] reflecting alternate rates filed by two pipeline suppliers, United Gas Pipeline Company and Sea Robin Pipeline Company. By separate orders, the higher alternate rates of these two pipeline suppliers are being accepted subject to conditions. Therefore, the Commission shall accept the higher of Southern's rates as hereinafter conditioned.[2] However, Southern's rates reflect tracking of an incorrect demand charge from United. Accordingly, acceptance of Southern's filing sheets should be conditioned upon Southern's refiling to reflect the correct demand charge.

The filing reflects, among other things, increased producer cost pursuant to Sections 102, 103, 104, 106 and 107 of the NGPA. Acceptance of the filing shall be further subject to revision to reflect the elimination of costs from producer suppliers not actually authorized under the NGPA, and to Southern providing the information requested in Appendix A attached hereto.

Southern's filing reflects repricing of company owned production and gas received from producer affiliates from an area or national rate basis to a basis equal to that which would be received by independent producers for similar vintages under the NGPA. Since the Commission has not yet determined the appropriate treatment of company owned production and pipeline affiliate

[1] Thirty-Sixth Revised Sheet No. 4A and Alternate Thirty-Sixth Revised Sheet No. 4A to FPC Gas Tariff, Sixth Revised Volume No. 1.

[2] Thirty-Sixth Revised Sheet No. 4A to FPC Gas Tariff, Sixth Revised Volume No. 1.

purchases, the filing should be suspended and accepted effective July 1, 1979, subject to the costs related to company owned production and pipeline affiliate purchases being collected subject to refund pending the final outcome of the company owned and pipeline affiliate production pricing issue (on rehearing) in the Commission's final NGPA Regulations.

Order No. 13 issued October 18, 1978, in Docket No. R-406 permits carrying charges on the balance in the deferred account. The order provides that in order to qualify for carrying charges, the company is required to adopt the principles of interperiod tax allocation in connection with the balances recorded in the deferred account. In computing interest on its unrecovered purchased gas cost account, Southern adjusted the balance in the account for Federal income taxes. However, Southern failed to include an adjustment for state income taxes. Southern shall be required in its revised filing to reflect the appropriate state tax adjustment. This filing reflects Section NGPA prices under area rate clauses in the applicable contracts between the respective producers and Southern. The Commission's acceptance of this PGA filing shall not constitute a final determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed on Order No. 23, issued March 13, 1979, as amended by order issued April 30, 1979, and Order No. 23-B, issued June 22, 1979, in Docket No. RM79-22. Should the Commission ultimately determine that a producer was not entitled to an NGPA price under the area rate clause, the refunds which would be made by the producer to Southern would be flowed through to Southern's customers in accordance with the procedures prescribed in Southern's PGA clause.

The Commission orders: (A) Southern's Thirty-Sixth Revised Sheet No. 4A is accepted for filing, suspended and waiver of notice requirement is granted such that the filing shall become effective on July 1, 1979, subject to refund conditioned upon:

(1) Costs related to company owned production and pipeline affiliate purchases being collected subject to refund and subject to the final outcome of the company owned and pipeline affiliate production pricing issue in the Commission's final NGPA regulation;

(2) Southern refiling rates within 15 days of the date of the order, reflecting: the elimination of costs which suppliers are not authorized to charge pursuant to the Natural Gas Act, the NGPA, and the regulations thereunder; the correct demand charge from United; and inclusion of a state tax adjustment in computing carrying charges on the deferred purchased gas cost account;

(3) Southern providing the information requested in Appendix A attached hereto within 15 days of the date of the letter.

(B) Alabama Municipal Distributors Group is hereby permitted to intervene in the captioned proceeding subject to the Commission's rules and regulations; *provided, however,* that the participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

The revised filing should clearly indicate the adjustments to the original submittal and for those sources of supply covered by maximum lawful prices prescribed under Sections 102, 103, 107 and 108 of NGPA and included in the revised rates, the following information should be provided for both the current adjustment and for amounts to be recouped through the surcharge:

(1) Identification of each source of supply, including the well identification number or other information sufficient to identify the well and the contract date or rate schedule number were the gas was committed or dedicated to interstate commerce on November 8, 1978;

(2) Where multiple wells are metered through a common delivery point or where production from multiple wells is sold under single contract, identify each well where the gas is priced as new natural gas and certain OCS natural gas, natural gas from onshore production wells, high-cost natural gas or stripper well natural gas;

(3) Identify each source of supply being priced under the Commission's transitional rule and include statement, under oath, that to the best of pipeline purchaser's knowledge the filing requirements for collection of the price have been met;

(4) Identify each source of supply where a maximum lawful price is being paid pending determination of eligibility by the jurisdictional agency and provide date of receipt of producer filing under the interim collection procedure;

(5) Identify each source of supply where a jurisdictional agency determination has been made and provide date of receipt of notice from producer of election to collect the applicable price;

(6) Describe basis for payment of the above prices and show for each source of supply whether payment is in response to area rate clause, clause related to Congressional action, contract amendment or other (explain).

For those prices escalated under Sections 104 and 106(a) of NGPA and included in the revised rates, the pipeline should provide explanation for the payment of these escalated prices. Where payment is in response to area rate clauses, clauses related to Congressional action, contract amendments or other agreements the explanation should so indicate.

[FR Doc. 79-21553 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP73-114 ((PGA79-2), RP74-24 (DCA79-2), RP74-73 (R&D 79-2), and RP79-52]

Tennessee Gas Pipeline Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Conditions and Consolidating Proceedings

Issued: June 29, 1979.

On May 31, 1979 Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco, Inc., filed Twenty-Fifth Revised Sheet Nos. 12A and 12B to FERC Gas Tariff, Ninth Revised Volume No. 1, which reflects a 45.95¢ per Mcf rate increase. The filing reflects increased purchased gas costs, revised curtailment credits, reduced R&D costs and a reduction in Louisiana First Use Tax rates. Tennessee proposes July 1, 1979 as the effective date for these revised tariff sheets.

Tennessee proposes an increase of 21.44¢ per Mcf in the surcharge to recover accumulated amounts in the deferred account and further proposes a surcharge to recover a balance of $1,942,545 in the Curtailment Demand Credit Account.[1] Tennessee also reflects an adjustment related to the Louisana First Use Tax, based upon Tennessee's purchases for the twelve months ended February 28, 1979, as adjusted for new purchases and changes in the level of existing purchases which would have been subject to the First Use Tax if the tax had been in effect for that period.

Based upon a review of Tennessee's filing, the Commission finds that the proposed PGA rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Tennessee's Twenty-Fifth Revised Sheet Nos. 12A and 12B to FERC Gas Tariff, grant waiver of the 30

[1] Tennessee's tariff provides that in those instances in which Tennessee is unable to deliver to a buyer the volumes requested and receipt to which the buyer is entitled, Tennessee will credit such buyer's monthly bill by an amount representing the volumes curtailed multiplied by a demand charge adjustment rate.

day notice requirements and suspend the effectiveness such that it shall become effective, subject to refund, on July 1, 1979.

Tennessee's filing includes gas purchases from producer affiliated, Tenneco Exploration Corporation and Tenneco Oil Company. The Commission has not yet determined the appropriate price to be assigned to pipeline production under the Natural Gas Policy Act (NGPA) of 1978. The Commission shall therefore require that the costs associated with Tennessee's pipeline production be collected subject to refund and subject to the Commission's final NGPA Regulation (on rehearing) governing this issue.

The acceptance of this filing is further conditioned upon the elimination by Tennessee of those costs from its producer and pipeline suppliers which those suppliers were not actually authorized to charge as of July 1, 1979, pursuant to the Natural Gas Act and the regulations thereunder, and the NGPA and the regulations thereunder. Tennessee shall be required to submit data in response to the items listed in Appendix A to this Order. It is further noted that this filing includes producer rate changes pursuant to areas rate clauses in the applicable contracts between the respective producers and Tennessee. The Commission's acceptance of the subject filing shall not constitute a final determinaton that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order No. 23, issued March 13, 1979, as amended by order issued April 30, 1979, and Order 23-B issued June 22, 1979, in Docket No. RM79-22. Should the Commission ultimately determine that a producer was not entitled to an NGPA price under the area rate clause, the refunds which would be made by the producer to Tennessee would be flowed through to Tennessee's customers in accordance with the procedures prescribed in Tennessee's PGA clause.

This filing also reflects three emergency purchases made by Tennessee from R. H. Engelke, Gulf Energy Producing Company and the Integral Energy Corporation. Amounts associated with these purchases have been included in Tennessee's deferred account for the period prior to December 1, 1978. Upon review of these emergency purchases and the information contained in Tennessee's supplemental data filing made on June 18, 1979, with this Commission,[2] the Commission finds that Tennessee has demonstrated that these emergency purchases satisfy the "prudent pipeline" criteria.

Tennesesee has included in this filing $55 million in costs related to five purchases from intrastate pipelines made pursuant to §§ 311b and 312 of the NGPA.[3] Tennessee was previously requested by the Office of Pipeline and Producer Regulation to supply information and documentation in support of these intrastate purchases, but has not yet supplied such data. Our review of these purchases indicates that the gas may not be flowing by July 1, 1979, the proposed effective date herein. Accordingly, we shall require Tennessee in its refiling to eliminate those costs and volumes associated with gas purchases not flowing by July 1, 1979.

Tennessee has reflected a 0.03¢ per Mcf decrease relating to its existing Research and Development (R&D) projects. These R&D projects were the subject of proceedings in Docket Nos. RP75-13, RP75—113, RP76-137 and RP77-62. By Commission order issued May 1, 1978 in the above dockets, the Commission reserved for hearing the issue of whether certain gas supply projects qualify for research and development. Accordingly, the R&D adjustment associated with certain R&D expenditures related to contested projects shall be permitted in Tennessee's rates subject to refund and the outcome of the proceedings in Docket No. RP75-13, *et al.*

The Commission orders:

(A) Subject to the conditions of the Ordering Paragraphs below, Tennessee Gas Pipeline Company's proposed Twenty-Fifth Revised Sheet Nos. 12A and 12B to FERC Gas Tariff, Ninth Revised Volume No. 1, is accepted for filing and suspended, and waiver of notice requirements is granted such that the filing shall become effective July 1, 1979, subject to refund.

(B) Tennessee shall file within 15 days of issuance of this order revised tariff sheets to become effective subject to refund on July 1, 1979, reflecting (1) the exclusion of costs and volumes associated with gas purchases not flowing by July 1, 1979, and (2) the elimination of costs from producer and pipeline suppliers which those suppliers are not authorized to charge Tennessee on or before July 1, 1979 pursuant to applicable Commission orders, the NGPA, the Natural Gas Act and the Regulations thereunder. This filing shall be accompanied by the data prescribed in Appendix A to this order.

(C) The costs associated with Tennessee's purchases from producer affiliates shall be collected subject to refund, in accordance with Ordering Paragraph (A) above. The ultimate determination as to the just reasonable rate to be charged for such purchases from producer affiliates shall be governed by the Commission's final NGPA Regulations on rehearing governing this issue.

(D) The R&D adjustment shall be made subject to refund and a final determination as to the status of these contested projects in the proceedings at Docket Nos. RP73-13, RP75-113, RP76-137 and RP77-62.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21554 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[2] The Data reflected in the supplemental June 18, 1979, filing was necessary to the evaluation of certain of the emergency purchase costs reflected in Tennessee's filing. Because the data necessary to evaluate those purchases was not included with its May 31, 1979, filing, a tremendous burden was placed upon the Commission and its Staff because of the necessity to evaluate this data in a relatively short period of time. Accordingly, pipelines in the future should submit appropriate data in their respective PGA filings to justify emergency purchase and other costs reflected therein to avoid imposing similar burdens upon the Commission and its Staff in the future.

[3] Purchases were made by Tennessee from the following intrastate pipelines: Delhi Gas Pipeline Corporation, Louisiana Intrastate Corporation, Lone Star Gas Company and Southwestern Gas Pipeline, Inc.

[Docket No. RP75-73 (AP78-3)]

Texas Eastern Transmission Corp.; Certification of Settlement

July 5, 1979

Take notice that on May 31, 1979, the Presiding Administrative Law Judge certified a settlement agreement in the above-referenced docket. The settlement agreement resolves all issues in this proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 20, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21555 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-483]

Union Electric Co. Filing

July 6, 1979

The filing Company submits the following: take notice that on June 29, 1979 Union Electric Company (Union) tendered for filing an Amendment dated June 26, 1979, to the Electric Service Agreement dated May 14, 1975, between Missouri Edison Company and Union. Said Amendment primarily provides for a new delivery point, additional equipment at an existing delivery point and increased delivery point capacity.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21537 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-133 (PGA79-2)]

United Gas Pipe Line Co.; Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Subject to Conditions, Granting Intervention, Initiating Hearing, and Establishing Procedures

Issued: June 29, 1979.

On May 21, 1979, United Gas Pipeline Company filed two alternative revised tariff sheets, both proposed to be effective July 1, 1979, to reflect a rate increase pursuant to the Company's PGA clause. One alternative filing reflects overall purchased gas costs of $1.478 billion.[1] The second alternative filing reflects overall purchased gas costs of $1.457 billion.[2]

The higher alternative filing reflects: (1) increased purchased gas costs of 41.38¢ per Mcf (from 120.58 to 161.96¢ per Mcf) or approximately $378 million and (2) a 31.26¢ per Mcf increase (from 1.91¢ to 33.17¢ per Mcf) in the surcharge to recover deferred gas costs of $122.4 million. This alternative tracks the higher of two alternative rates filed by its supplier Sea Robin Pipeline Company (Sea Robin). The increased surcharge on deferred gas costs in this filing includes estimates of $29.6 million for producer purchases pursuant to Section 102, 103 and 107 of the Natural Gas Policy Act (NGPA) for April through June 1979, allowed by Commission Order No. 18.

The lower cost alternate filing reflects (1) increased purchased gas costs of 39.08¢ per Mcf (from 120.58¢ to 159.66¢ per Mcf) or approximately $356.8 million and (2) a 23.27¢ per Mcf surcharge increase (from 1.91¢ to 25.15¢ per Mcf) to recover deferred gas costs of $92.8 million. This alternative reflects lower costs because in it United has not included estimates for purchases under the NGPA allowed by Order No. 18. Further, United has tracked the lower cost filing of Sea Robin's alternate rates.

Both alternatives are based on a rolled-in systemwide average cost of gas which includes among other things, (1) emergency purchases in its deferred account for the period prior to December 1, 1978, (2) certain allegedly non-jurisdictional purchases (3) five purchases from intrastate pipelines purportedly pursuant to Section 311(b) of the NGPA amounting to 113 million Mcf of gas at a cost of $254 million, and (4) purchases from a producer affiliate at prices accorded an independent producer under the NGPA. Both filings also include a 1.08¢ per Mcf reduction, amounting to $9.8 million, in costs attributable to the Louisiana First Use Tax.

Public notice of the filings was issued on May 25, 1979, with petitions to intervene due June 7, 1979. Protests with petitions to intervene were filed by Laclede Gas Company (Laclede), United Municipal Distribution Group (MDG), Clark-Mobile Counties Gas District, Mobile Gas Service Corporation, Entex Inc., and Mississippi Valley Gas Company. All have asserted an interest in the proposed rates which justifies their participation in this case. Accordingly, intervention by these parties shall be granted.

Laclede, in its filing, requests a one day suspension of United's lower cost alternate filing, and rejection of the higher alternative. Laclede further seeks removal of any claimed NGPA increases from United's deferred gas cost computation for the six month period ended March 1, 1979 if those increases have not actually been paid during that period. Moreover, Laclede urges removal from United's current PGA Adjustment of any producer rates or charges not acutally being paid by United as of July 1, 1979.

MDG also advocated a one day suspension in light of the potential impact of producer area rate clauses in producer contracts and final determination of RM79-22 governing the pricing of gas under the NGPA.

Based on a review of United's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing United's higher alternate filing subject to conditions and suspend its effectiveness such that it shall become effective, subject to refund, on July 1, 1979. In addition, we shall set the issue of the prudence of the emergency pruchases for hearing.

United's alternative PGA rate increase are identical with the exception that United's higher alternative tracks the higher of alternative rates filed by Sea Robin and includes estimated NGPA producer costs in its derferred account for the period April through June 1979. Order No. 18 permits such an estimate on a one-time basis. United has not previously included such an estimate in its filings. If United did not include estimated costs in the subject filing, the costs would be reflected in United's deferred account and would incur carrying charges until their recovery in a subsequent surcharge adjustment. As the higher alternative filing reflecting estimated producer costs is consistent with Order No. 18, it shall be accepted subject to the following conditions and suspended for one day.

United's filing also reflects repricing of gas received from a producer affiliate from an area or national rate basis to a basis equal to that which would be received by independent producers for similar vintages under the NGPA. The Commission has not yet determined the appropriate treatment of the gas cost component of United's rates that is attributable to the pipeline's affiliate production. Accordingly, United's filing is accepted and suspended subject to the condition that the costs related to the pipeline affiliate purchases shall be collected subject to refund and subject

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[1] Forty-Ninth Revised Sheet No. 4 to FERC Gas Tariff, First Revised Volume No. 1.

[2] Alternate Forty-Ninth Revised Sheet No. 4 to FERC Gas Tariff First Revised Volume No. 1.

to the final outcome of the pipeline affiliate production pricing issue in the Commission's final NGPA regulation governing that issue.

United has in recent years used a systemwide average cost of gas for ratemaking purposes. In this filing United has reflected increased costs for purchases from producers not presently selling under certificates issued pursuant to Section 7 of the Natural Gas Act. Whether these sales should have been certificated under the Natural Gas Act is at issue in a pending show cause proceeding.[3] Determination of whether these sales are committed or dedicated to the interstate market will affect the determination of the appropriate sale prices under the Natural Gas Act prior to December 1, 1978 as well as under the Natural Gas Policy Act of 1978 on or after December 1, 1978. Inclusion of these anticipated costs is hereby made subject to the outcome of the show cause proceeding in CP76-238. Further, as these costs are merely anticipated, they will be accepted subject to downward revision if United does not actually incur all anticipated producer increases by July 1, 1979.

Our review indicates that the subject filing includes three emergency purchase made prior to December 1, 1978, which United has not shown to be consistent with the prudent pipeline standard. Accordingly, we shall set this matter for hearing.

In addition, United has reflected other costs from producer and pipeline suppliers in its current adjustment which are anticipated to become effective on or before July 1, 1979. These include five purchases from intrastate suppliers purportedly pursuant to Sections 311(b) and 312 of the NGPA. All of these volumes may not be flowing by July, 1979. Further, United has not established the level of costs these suppliers will be entitled to collect under the NGPA as of July 1, 1979. Accordingly, we shall require United to file a revised tariff sheet reflecting elimination of costs from producer and pipeline suppliers which those suppliers are not authorized to charge United on or before July 1, 1979, pursuant to applicable Commission orders, the Natural Gas Act and the Regulations thereunder, and the Natural Gas Policy Act of 1978 and the Regulations thereunder. In particular, United shall be allowed to flow-through only those costs of purchases under Sections 311(b) and 312 of the NGPA which the seller is allowed to charge pursuant to Commission Regulations implementating the NGPA. Notice requirements shall be waived to allow the revised rates to take effect July 1, 1979, subject to refund.

This filing reflects Section 104 NGPA prices under area rate clauses in the applicable contracts between the respective producers and United. The Commission's acceptance of this PGA filing shall not constitute a final determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order No. 23, issued March 13, 1979, as amended by order issued April 30, 1979, and Order No. 23-B, issued June 22, 1979, in Docket No. RM79-22. Should the Commission ultimately determine that a producer was not entitled to an NGPA price under the area rate clause, the refunds which would be made by the producer to United would be flowed through to United's customers in accordance with the procedures prescribed in United's PGA clause.

The Commission orders: (A) Subject to the conditions of Ordering Paragraphs (B), (C), (D) below, United's proposed Forty-Ninth Revised Sheet No. 4 to FERC Gas Tariff, First Revised Volume No. 1, is accepted for filing, suspended, and waiver of notice requirements is granted such that the filing shall become effective on July 1, 1979, subject to refund.

(B) United shall file within 15 days a revised tariff sheet to become effective subject to refund on July 1, 1979, reflecting: (1) elimination of cost from producer and pipeline suppliers which those suppliers are not authorized to charge United on or before July 1, 1979, pursuant to applicable Commission orders, the Natural Gas Act and the Regulations thereunder, and the Natural Gas Policy Act of 1978 and the Regulations thereunder; (2) elimination of costs associated with purchased volumes not flowing by July 1, 1979. The revised filing shall submit the additional information specified below.

(C) United may include anticipated increased costs for purchases from producers presently making uncertificated sales, provided that the company files actual cost data as of July 1, 1979, to demonstrate that the anticipated costs did in fact materialize, and provided further, that the inclusion of these costs in rates shall be dependent on the outcome of proceedings in Docket No. CP76-238, to determine whether the sales are jurisdictional and what costs for such sales should be reflected in United rates, and upon further proceedings in this docket after the resolution of CP76-238.

(D) United shall collect the costs paid to its producing affiliate subject to refund and subject to the Commission's final NGPA regulation (on rehearing) governing the pipeline affiliate production pricing issue.

(E) United's proposed Alternate Forty-Ninth Revised Sheet No. 4 to FERC Gas Tariff First Revised Volume No. 1 is hereby rejected.

(F) Pursuant to the authority of the Natural Gas Act, Section 4, 5, 8 and 15, and the Commission's rules and regulations, a public hearing shall be held concerning the prudence of the emergency purchases made by United as discussed in the body of this order.

(G) The Commission Staff shall prepare and serve top sheets in the emergency purchase proceeding on all parties on or before September 27, 1979.

(H) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff in the consolidated emergency purchase proceeding in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(I) The above-named petitioners are permitted to intervene in the captioned proceeding subject to the Commission's rules and regulations; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding. To the extent not granted by this order, all other relief requested by the intervenors in their filed petitions is hereby denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

The revised filing should clearly indicate the adjustments to the original submittal and for those sources of supply covered by maximum lawful prices prescribed under Sections 102, 103, 107 and 108 of NGPA and included in the revised rates, the following information should be provided for both the

[3] In the matter of United Gas Pipe Line Company and Certain Producer Respondents, Docket No. CP76-238.

current adjustment and for amounts to be recouped through the surcharge:

(1) Identification of each source of supply, including the well indentification number or other information sufficient to identify the well and the contract date or rate schedule number where the gas was committed or dedicated to interstate commerce on November 8, 1978;

(2) Where multiple wells are metered through a common delivery point or where production from multiple wells is sold under single contract, identify each well where the gas is priced as new natural gas and certain OCS natural gas, natural gas from onshore production wells, high-cost natural gas or stripper well natural gas;

(3) Identify each source of supply being priced under the Commission's transitional rule and include statement, under oath, that to the best of pipeline purchaser's knowledge the filing requirements for collection of the price have been met;

(4) Identify each source of supply where a maximum lawful price is being paid pending determination of eligibility by the jurisdictional agency and provide date of receipt of producer filing under the interim collection procedure;

(5) Identify each source of supply where a jurisdictional agency determination has been made and provide date of receipt of notice from producer of election to collect the applicable price;

(6) Describe basis for payment of the above prices and show for each source of supply whether payment is in response to area rate clause, clause related to Congressional action, contract amendment or other (explain).

For those prices escalated under Sections 104 and 106(a) of NGPA and included in the revised rates, the pipeline should provide explanation for the payment of these escalated prices. Where payment is in response to area rate clauses, clauses related to Congressional action, contract amendments or other agreements the explanation should so indicate.

[FR Doc. 79-21556 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER 79-480]

Virginia Electric & Power Co.; Contract Supplement

July 6, 1979.

The filing Company submits the following: Take notice that on June 28, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing two Contract Supplements dated April 16, 1979 and May 16, 1979 to the Rate Contract between VEPCO and Central Virginia Electric Cooperative.

Said Supplements request the Commission's Authorization for connection of the new delivery points (Curdsville and Scottsville), located in Buckingham County, Virginia.

VEPCO requests an effective date for each delivery point as that for connection of facilities which is expected to occur some time in August 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21538 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-488]

Virginia Electric & Power Co.; Contract Supplement

July 6, 1979

The filing Company submits the following: Take notice that on July 2, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement dated May 16, 1979 to the Rate Contract between VEPCO and the Virginia Electric Cooperative.

Said Supplement requests the Commission's authorization for connection of the new delivery point designated as Venter Delivery Point, located in King William County, Virginia.

VEPCO requests an effective date for the new delivery point as that of the date of connection of the new facilities which is expected to occur sometime in August, 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21539 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of June 4 Through June 8, 1979

Notice is hereby given that during the week of June 4 through June 8, 1979, the Notices of Objections to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before August 1, 1979, any person who wishes to participate in the proceedings which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before August 13, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in these proceedings, and will prepare official service lists which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service lists as non-participants for good cause shown. All requests regarding these proceedings shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Dated: July 6, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Addie Fuel and Drum Co., Gloverville, S.C., DRO-0027, motor gasoline

On June 5, 1979, Addie Fuel and Drum Company (Addie), P.O. Box 1564, Augusta, Georgia, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) to which the Southeast District Office of Enforcement of the Department of Energy issued to the firm on May 25, 1979. In the IROIC, the District Manager ordered Addie to supply motor gasoline to Boylston Brothers, Inc. (Boylston), a wholesale purchaser-reseller. The IROIC was based upon a finding that a supplier/purchaser relationship existed between Addie and Boylston, and that Boylston was

therefore entitled to purchase the volume of motor gasoline equal to the amount furnished by Addie during the corresponding months of the November 1977 through October 1978 base period.

Atlantic Richfield Co., Los Angeles, Calif., DRO-0229, motor gasoline

On June 8, 1979, the Atlantic Richfield Company, 515 S. Flower Street, Room 3077, Los Angeles, California 90071 (ARCO), filed a Notice of Objection in which it indicates that it will contest an Interim Remedial Order for Immediate Compliance (IROIC) which the DOE Office of Special Counsel issued to it on May 25, 1979. In the IROIC, the Special Counsel found that (i) during May 1979 ARCO violated the DOE Mandatory Petroleum Allocation Regulations by refusing to supply Meier Oil Service, Inc. of Ashkum, Illinois (Meier) with volumes of motor gasoline which Meier had certified as necessary to supply its customers that are engaged in agricultural production, (ii) the violation was continuing, and (iii) Meier's customers would be irreparably harmed unless an IROIC were issued immediately. The IROIC directed ARCO to make available to Meier 100,000 gallons of motor gasoline.

Tenneco Oil Co., Houston, Tex., DRO-0226, crude oil

On June 5, 9179, Macmillan Ring-Free Oil Co., Inc., 90 Park Avenue, New York, New York 10016, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Southwest District Office of Special Counsel issued to Tenneco Oil Company on May 24, 1979. In the Interim Remedial Order for Immediate Compliance, the Office of Special Counsel ordered Tenneco to make available to Kern County Refinery 5,000 barrels per day of crude oil from its Yowlumne Field properties, in addition to the 2,000 barrels per day of crude oil which Tenneco is already supplying to Kern.

Wilshire Oil Co., of Tex., Oklahoma City, Okla., DRO-0225, crude oil

On June 5, 1979, Wilshire Oil Company of Texas, (Wilshire), 7th Floor, 200 North Harvey, Oklahoma City, Oklahoma 73102, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Enforcement District issued on April 27, 1979. In the Proposed Remedial Order, the Enforcement District found that during the period from February 1976 through December 1976, Wilshire committed pricing violations in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Wilshire's violations resulted in overcharges to its customers of $119,685.

[FR Doc. 79-21574 Filed 7-11-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1270-5]

Enforcement Policy Regarding Failures To Report Information Under Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act

AGENCY: Environmental Protection Agency.

ACTION: Notice setting forth a general statement of the Agency's policy concerning the exercise of its enforcement discretion to regard as unactionable some failures to report, or delays in reporting, information required to be reported by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), 7 U.S.C. § 136 d(a)(2).

SUMMARY: This Notice describes a number of circumstances in which the Agency will not seek or recommend civil or criminal penalties against pesticide registrants who fail to report information concerning the risks or benefits of their registered pesticide products, despite the fact that reporting is required according the Agency's interpretation of FIFRA § 6(a)(2).

DATES: July 12, 1979.

Effective Date:

Comments will be most helpful if they are received on or before October 10, 1979.

FOR FURTHER INFORMATION CONTACT:

John J. Neylan III, Office of Enforcement (EN-342), Environmental Protection Agency, 401 M Street, S.W., Room 3632, Washington, D.C. 20460, Telephone: (202) 755-0630.

or

Edward C. Gray, Office of General Counsel (A-132), Environmental Protection Agency, 401 M Street, S.W., Room 535, Washington, D.C. 20460, Telephone: (202) 755-0638.

SUBMIT COMMENTS TO: John J. Neylan III, Office of Enforcement (EN-342), Environmental Protection Agency, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION:

Introduction

Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136d(a)(2), provides that,

> If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, he shall submit such information to the Administrator.

On August 23, 1978, EPA published in the Federal Register a memorandum prepared by the EPA General Counsel and adopted by the Administrator entitled "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act." 43 FR 37611 *et seq.* The memorandum, which was prepared in response to a directive by the Administrator, explained in detail the Agency's views concerning proper interpretation of the statutory reporting requirement established by Section 6(a)(2).

The conclusions in the August, 1978 memorandum were based on the pertinent legislative history and on the principle that the language of Section 6(a)(2) should be construed consistently with the overall regulatory approach established by Congress. The General Counsel concluded that section 6(a)(2) requires each registrant to submit any item of information in his possession which pertains to a pesticide product for which he holds a registration and which, if true, would be relevant to an evaluation of the risks and benefits of the pesticide product, unless such information consists solely of unsolicited lay opinion or has been previously submitted.

Though the August, 1978 memorandum rejected the notion that Congress intended that Section 6(a)(2) be given a narrow or restrictive interpretation, the memorandum noted that,

> The Agency might conclude that although information of a certain kind is subject to the § 6(a)(2) reporting requirement (as interpreted by this memorandum), registrant reporting of that kind of information is not essential to the Agency's functions * * * In such a case, it would be appropriate for the Agency to announce publicly (by Federal Register notice or otherwise) that it will not consider a registrant's failure to submit that kind of information to be an actionable violation of § 6(a)(2).

This Notice constitutes EPA's first statement regarding particular types of information which, though arguably pertinent to evaluation of risks and benefits and otherwise reportable under section 6(a)(2), are not currently needed by EPA in order to properly discharge its statutory responsibilities under FIFRA, and thus need not be submitted by registrants. By publishing this Notice, EPA does not intend to alter or amend in any way its interpretation of the requirements imposed on registrants by section 6(a)(2), but rather to specify, until further notice, certain instances in which a registrant's failure to submit information to EPA will not be treated as an actionable violation of section 6(a)(2).

The provisions of this Notice are based to a large extent on assumptions about the resources EPA will have available in the near term future for the review of information submitted under FIFRA § 6(a)(2), and on the Agency's plans concerning review of the continued registrability of currently-registered pesticides. We have attempted in this Notice to discriminate between information we feel can be usefully reviewed, given currently-available resources, and information which could only be properly reviewed if the Agency had considerably more resources. Routine examination of all information concerning a registered pesticide's risks and benefits would serve useful purposes. However, given a level of resources which does not permit this degree of day-to-day scrutiny, it would not be appropriate to require registrants to submit information that could not be reviewed promptly because other matters are of higher priority.

This Notice is designed to give clear and explicit guidance to registrants in determining whether or not EPA will regard failure to submit a given item of information concerning any toxicological study, incomplete toxicological study, epidemiological study, efficacy study, incident involving toxic or adverse effects, incident involving failure of efficacy, or other matter as an actionable violation of section 6(a)(2). EPA may issue supplementary notices later concerning types of information not specifically considered in this Notice.

A registrant who violates FIFRA § 6(a)(2) commits an unlawful act, see FIFRA § 12(a)(2(N), 7 U.S.C. 136j(a)(2)(N), and is subject to civil or criminal penalties under FIFRA § 14, 7 U.S.C. 1361. Whenever this Notice states that a given failure to submit information will not be treated by EPA as an actionable violation of Section 6(a)(2), it means that EPA will not recommend or seek to impose a civil or criminal penalty, under Section 14 or otherwise, on the grounds that such a failure to submit information violates Section 6(a)(2).

Effective immediately, in exercise of its enforcement discretion, EPA will not commence any civil penalty action based on FIFRA § 6(a)(2), or seek criminal prosecution of any registrant based on FIFRA § 6(a)(2), with regard to any failure by a registrant to submit any information which this Notice says need not be submitted, until at least 30 days after modification or revocation of this Notice. This Notice will be modified or revoked only by publication in the Federal Register of a supplementary notice which clearly states which failures to submit information which were previously permitted will subsequently be treated as actionable violations of section 6(a)(2). Any modification of this Notice will be applied prospectively only.

This policy will be effective on July 12, 1979. Because this Notice is a "general statement of policy," it is exempted from the notice and comment provisions of the Administrative Procedure Act by 5 U.S.C. 553(b)(3)(A). Nevertheless, interested parties are encouraged to submit comments on or suggested modifications of this policy. We are especially interested in receiving comments and recommendations pertaining to the types of information discussed in Section III of this Notice. Comments will be most helpful if they are received on or before October 10, 1979. After expiration of the ninety day period, EPA will evaluate the comments which have been received and consider appropriate modifications of this Notice.

I. Study and Experimental Data Reporting

A. Toxicological Studies

Policy

Failure to submit information to EPA which concerns the results of a completed study of the toxicity to any organism of a registered pesticide product or any of its ingredients, impurities, metabolites, or degradation products and which is otherwise reportable according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act," 43 FR 37611, will not be considered an actionable violation of FIFRA § 6(a)(2) unless the information concerns any study in which:

(1) The substance tested was associated with a kind of toxic or adverse effect, or an effect on an organ or tissue type, not observed in any study concerning the substance previously reported to EPA;

(2) The substance tested was associated with any toxic or adverse effect at a lower dosage, after a shorter exposure period, or after a shorter latency period than in any study concerning that effect of the substance previously reported to EPA;

(3) The substance tested was associated with a more severe toxic or adverse effect, or a higher incidence or frequency of a toxic or adverse effect, than in any study concerning that effect of the substance previously reported to EPA;

(4) The substance tested was associated with a toxic or adverse effect in a different species, strain, sex, or generation of test organism than in any study concerning that effect of the substance previously reported to EPA;

(5) The substance tested was associated with a toxic or adverse effect involving a route or medium of exposure not associated with such an effect in any study concerning the substance previously reported to EPA, if humans or other non-target organisms could conceivably be exposed to the substance by that route or medium during manufacture or distribution, or by an approved manner of use, of the pesticide product;

(6) It appears that a substance produced a toxic or adverse effect by means of a pharmacokinetic, metabolic, or biological mechanism different than any mechanism postulated or proposed for that effect in any study concerning the substance previously reported to EPA; or

(7) The substance tested was associated with *any* toxic or adverse effect, if the substance is a pesticide, or an ingredient, impurity, metabolite, or degradation product of a pesticide, which is the subject of a reregistration proceeding, generic standard proceeding, Rebuttable Presumption Against Registration proceeding, suspension proceeding, or cancellation proceeding.

EPA will not consider a delay in submission of information on a completed study which is otherwise reportable under paragraphs (1)–(7) above to be an actionable violation of FIFRA § 6(a)(2) if the delay is for a reasonable period, no longer than 30 days from the date the registrant first receives the apparently reportable information. In addition, EPA will not consider failure to submit such information to be an actionable violation of FIFRA § 6(a)(2) if, prior to the expiration of the period mentioned in the preceding sentence:

(i) The registrant discovers that any analysis, conclusion, or opinion which would have caused the information to be reportable was predicated on data that were erroneously generated, recorded, or transmitted, or on computational errors;

(ii) Every author of each such analysis, conclusion, or opinion has acknowledged in writing that the analysis, conclusion, or opinion was improper because of the use of the erroneous data, and has corrected the original analysis, conclusion, or opinion accordingly; and

(iii) After such corrections, the information no longer need be reported under any provision of this Notice.

Discussion

The result of any controlled study in which exposure to a pesticidal substance is associated with a toxic or adverse effect are clearly pertinent to evaluation of risk and are thus legally reportable under Section 6(a)(2). However, unless new toxicological information suggests that reliance on material previously submitted to EPA may have resulted in underestimation of risk, or that prior information was otherwise inaccurate, misleading, or incomplete, submission of such new information is not likely to materially affect the registration status of products containing the substance tested. EPA will not treat failure to submit toxicological information which is essentially corroborative as an actionable violation of Section 6(a)(2), but will insist on submission of any toxicological data which indicates that a pesticide may present different or greater hazards than previously identified.

However, when a particular pesticide product is involved in an RPAR proceeding under 40 CFR 162.11, or in suspension or cancellation proceedings under FIFRA § 6(b) or 6(c), or where reregistration is underway, the scope of EPA's information needs is considerably broader. In such circumstances, the ultimate status of the pesticide depends on a comprehensive Agency reevaluation of the pesticide's risks and benefits, including an assessment of the reliability of previously submitted material and extent to which it has been corroborated. Thus, if a particular substance is the subject of a reregistration, RPAR, suspension, or cancellation proceeding, EPA will treat failure to submit any toxicological information linking that substance with any toxic or adverse effect as an actionable violation of Section 6(a)(2), regardless of whether or not such information merely confirms or corroborates prior data.

By the time a study is "completed", checking and validation of data should normally also be complete. We will nonetheless allow the registrant a reasonable period, not to exceed 30 days, to check for data errors which the registrant believes may have formed the basis for an opinion about what the data signify, and to seek a corresponding modification of the opinion.

On the other hand, if it is not the data, but the expert analysis, conclusion, or opinion *itself* with which the registrant disagrees, the registrant's remedy is not to withhold the information from EPA, but to submit with the § 6(a)(2) report his own analysis of the information's significance.

B. Incomplete Toxicological Studies

Policy

Failure to submit information to EPA which concerns the results of an incomplete study of the toxicity to any organism of a registered pesticide product or any of its ingredients, impurities, metabolites, or degradation products and which is otherwise reportable according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act," 43 FR 37611, will not be considered an actionable violation of FIFRA § 6(a)(2) unless the information concerns:

(1) An acute effects study or other study utilizing a testing regimen lasting 90 days or less, in which all testing has been completed, a preliminary data analysis or gross pathological analysis has been conducted, final analysis has not been completed, and a reasonable period for completion of the final analysis (not longer than 90 days following completion of testing) has elapsed, if comparable information concerning the results of a complete controlled study would be reportable under paragraphs I. A(1)–(7) of this Section;

(2) A chronic effects study or other study utilizing a testing regimen lasting more than 90 days, in which all testing has been completed, a preliminary data analysis or gross pathological analysis has been conducted, final analysis has not been completed, and a reasonable period for completion of final analysis (not longer than one year following completion of testing) has elapsed if comparable information concerning the results of a completed controlled study would be reportable under paragraphs I. A(1)–(7) of this Section; or

(3) Any study in which testing or analysis of results is not yet complete but in which serious adverse effects have already been observed which may reasonably be attributed to exposure to the substance tested, because the affects observed in exposed organisms differ from effects observed in control organisms, are atypical in view of historical experience with the organism tested, or otherwise support a reasonable inference of causation.

Discussion

In developing a policy regarding which failures to submit otherwise reportable information from incomplete toxicological studies should be treated as actionable violations of Section 6(a)(2), EPA has determined that it is not necessary at this time to require submission of preliminary or incomplete toxicological information, except in certain specific circumstances. The criteria selected are designed to accomplish two fundamental regulatory objectives. The first objective is to provide an incentive to registrants to complete analysis of toxicological data within a reasonable time, especially if a preliminary appraisal suggest that a pesticide may present different or greater hazards than previously identified. The second objective is to insure that any preliminary findings are reported to EPA as soon as there is a reasonable basis for concern, even though further testing or analysis may be necessary before the observed hazard can be defined or quantified.

We do not believe that it would be currently useful to insist on submission of preliminary or inconclusive data on a routine basis. On the other hand, no registrant who fears that submission of a completed study might jeopardize any of its registrations should be permitted to indefinitely defer or postpone completion of analysis of potentially significant data. Accordingly, we have designated an appropriate period—up to 90 days for acute studies, up to one year for chronic studies—during which the registrant may engage in further analysis designed to refine the data prior to submission.

Example

A registrant conducts the first study of the acute effects of ingestion of a certain pesticide on rabbits. A prior acute study of the same pesticide using mice found that exposed mice experienced increased mortality due to liver damage. The registrant notes increased mortality of unknown origin in the exposed rabbits. Following completion of the test regimen, the registrant may take a reasonable period, not exceeding an additional 90 days, for investigation of the significance and cause of the increased mortality. After that period has elapsed, failure to submit information concerning the study to EPA will be treated as an actionable violation of Section 6(a)(2), regardless of whether or not the analysis is yet complete, because information concerning a completed study in which toxic effects have been observed in a different species than previously reported would be reportable. Of course, the registrant will always be entitled to supplement any initial submission with the results of subsequent analysis.

Certain types of preliminary experimental observations and findings are sufficiently serious that they should be reported to EPA immediately. In general, we will not treat failure to submit information concerning any incomplete study in which testing is still underway, or for which the prescribed period for analysis of results has not yet expired, as an actionable violation of Section 6(a)(2) unless serious adverse effects have been observed which are sufficiently different from effects observed in control organisms or in prior experience with the species tested that the registrant may reasonably assume that the adverse effects are associated with the pesticidal substance being tested. Even though preliminary information may not always be sufficiently complete or definitive to warrant immediate regulatory action, preliminary data may indicate a need for immediate modifications of or additions to the study protocol, provide a basis for requests for further information under FIFRA § 3(c)(2)(B), or convince EPA to conduct or sponsor additional research.

Examples

(1) A registrant conducts a two-year study of the effects of chronic exposure to a certain pesticide on rats. Nine months after the study commences, study personnel observe that a large percentage of the exposed rats have developed ocular opacity of the type associated with formation of cataracts. None of the control mice exhibit a comparable abnormality. Though the test is incomplete and the evidence that the pesticide is inducing cataracts is not yet definitive, the registrant may reasonably conclude that the ocular abnormalities are attributable to exposure to the pesticide, and the observed effects must be reported to EPA.

(2) A registrant conducts a two-year controlled study of the effects of chronic exposure to a certain pesticide on mice. Six months after the study commences, several of the exposed animals die. Upon dissection, study personnel observe that the dead animals have developed a type of tumor which is rarely observed in the strain of mice being tested. Though a substantial portion of the test regimen has not been completed, pathological evaluation of the tumors is also incomplete, and the evidence that the pesticide is tumorogenic is not definitive, a reasonable inference arises that the unusual tumors are attributable to exposure to the pesticide, and the observed effects must be reported to EPA.

C. Epidemiological Studies

Policy

Failure to submit information to EPA which concerns any completed epidemiological study (or portion thereof) involving correlation or association between exposure to a registered pesticide (or any of its ingredients, impurities, metabolites, or degradation product) and adverse effects in humans, and which is reportable according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act." 43 FR 37611, will be considered an actionable violation of FIFRA § 6(a)(2) regardless of whether or not the registrant considers any observed correlation or association to be significant.

Discussion

Unlike most studies, which can be designed and controlled in advance, epidemiological studies are generally retrospective in character. As a consequence, it is often difficult to assess the impact of various uncontrolled variables on the magnitude of any observed correlation, and competent experts can reasonably disagree regarding the practical significance of epidemiological findings. On the other hand, epidemiological studies can be an indispensable source of information on the critical issue of the risks associated with human exposure. Thus, it is important that EPA be able to independently examine for relevance any epidemiological information concerning pesticide exposure, and we will consider any failure to submit such information to be an actionable violation of Section 6(a)(2). Registrants may supplement any submission of epidemiological information with a statement describing any reservations they might have concerning the information's validity or significance.

D. Efficacy Studies

Policy

Failure to submit information to EPA which concerns any study of the efficacy of a registered pesticide product and which is otherwise reportable according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act," 43 FR 37611, will not be considered an actionable violation of FIFRA § 6(a)(2) unless:

(1) The information demonstrates that the pesticide may not perform in accordance with any claim by the registrant regarding use to control organisms which may pose a risk to human health, including any of the uses identified in 40 CFR 162.18-2(d)(2), (3)(i), 44 FR 27932, 27942, May 11, 1979; or

(2) The information concerns any deficiency or reduction in the claimed efficacy of any use of a registered pesticide, if such use is subject to a Rebuttable Presumption Against Registration proceeding, suspension proceeding, or cancellation proceeding.

EPA will not consider a delay in submission of information which is otherwise reportable under paragraph (1) or (2) above to be an actionable violation of FIFRA § 6(a)(2) if the delay is for a reasonable period, no longer than 30 days from the date the registrant first receives the apparently reportable information. In addition, EPA will not consider failure to submit such information to be an actionable violation of FIFRA § 6(a)(2) if, prior to the expiration of the period mentioned in the preceding sentence:

(i) The registrant discovers that any analysis, conclusion, or opinion which would have caused the information to be reportable was predicated on data that were erroneously generated, recorded, or transmitted, or on computational errors;

(ii) Every author of each such analysis, conclusion, or opinion has acknowledged in writing that the analysis, conclusion, or opinion was improper because of the use of the erroneous data, and has corrected the original analysis, conclusion, or opinion accordingly; and

(iii) After such corrections, the information no longer need be reported under any provision of this Notice.

Discussion:

In most instances, EPA will not treat the failure to submit information concerning the efficacy of a registered pesticide product as an actionable violation of Section 6(a)(2) unless such information indicates that the pesticide may not perform as claimed when used to control organisms which pose a potential threat to human health. We have taken the position that the utility and efficacy of many pesticide products can best be verified by the mechanism of the marketplace. See 44 FR 27932, 27938-40, May 11, 1979. However, in some instances where use of a particular pesticide appears to involve substantial hazards, EPA must evaluate the efficacy of the pesticide, in addition to the magnitude and value of its use and the feasibility of substitutes, before determining whether or not the risks associated with use of the pesticide are acceptable. Accordingly, whenever any use of a registered pesticide is the subject of an RPAR, suspension, or cancellation proceeding, EPA will treat failure to submit any study which concerns any deficiency or reduction in the efficacy of the product for the use in

question as an actionable violation of Section 6(a)(2).

II. Incident Reporting

A. Toxic or Adverse Effects

Policy

Registrants may receive information, other than the results of controlled studies, concerning specific incidents in which toxic or adverse effects have been attributed to exposure to the registrant's pesticide product. This information may come to the registrant's attention through a variety of sources, including but not limited to: product liability claims and complaints; information obtained directly, or through field representatives, from dealers, growers and pesticide users; reports from agricultural extension agents and federal and state regulatory agencies; information received from the general public; information received from a poison control center; and information reported by plant managers and employees. Failure to submit information of this type which is otherwise reportable according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act," 43 FR 37611, will not be considered an actionable violation of FIFRA § 6(a)(2) unless one of the following three sets of criteria apply:

(1) *Human Incidents*, The information concerns an incident in which: (a) The registrant has been informed that some person suffered an adverse physiological or behavioral effect (other than local damage to or irritation of the skin of the type commonly associated with dermal exposure, when the lable provides adequate notice of such a hazard);

(b) The registrant has been informed that the affected person may have been exposed to the pesticide, or to one or more of its ingredients;

(c)(i) The registrant has verified that the person did suffer an adverse effect and was exposed to the pesticide, *or*

(ii) The registrant has received sufficient information to enable investigation of whether or not the reported adverse effect and exposure occurred, a reasonable period of time for investigation has elapsed, and the registrant is not aware of facts which establish that the reported adverse effect or reported exposure did not occur; and

(d)(i) The registrant has concluded that the effect may have resulted from the exposure, *or*

(ii) The registrant has been advised by any individual whose opinion is reportable under Section 6(a)(2)—i.e., and employee, consultant, or qualified expert—that the effect may have resulted from the exposure, and is not aware of facts which conclusively establish that the reported adverse effect and reported exposure were unrelated.

(2) *Incidents Involving Other Non-Target Organisms.* The information concerns an incident in which:

(a) The registrant has been informed of an adverse effect on non-target fish or wildlife, domestic animals, or plants;

(b) The registrant has been informed that the affected fish, wildlife, domestic animals, or plants may have been exposed to the pesticide, or to one or more of its ingredients;

(c)(i) The registrant has verified that the reported adverse effect and exposure did occur, *or*

(ii) The registrant has received sufficent information to enable investigation of whether or not the reported adverse effect and exposure occurred, a reasonable period of time for investigation has elapsed, and the registrant is not aware of facts which establish that the reported adverse effect or reported exposure did not occur; and

(d)(i) The registrant has concluded that the effect may have resulted from the exposure, *or*

(ii) The registrant has been advised by any individual whose opinion is reportable under Section 6(a)(2)—i.e. an employee, consultant, or qualified expert—that the effect may have resulted from the exposure, and is not aware of facts which conclusively establish that the reported adverse effect and reported exposure were unrelated; *and*

(e)(i) The registrant cannot demonstrated that the pesticide exposure resulted from improper use, *or*

(ii) The labeling of the pesticide does not provide reasonable notice of the risk of adverse effects of the kind reported.

(3) *Series of Incidents.* The information concerns any *series* or *pattern* of individual incidents as to which:

(a) The registrant has been informed of the same kind of adverse effect on humans, non-target fish and wildlife, domestic animals, or plants;

(b) The registrant has been informed that the affected organisms may have been exposed to the same pesticide or to one or more of its ingredients;

(c) For each individual incident, either

(i) The registrant has verified that the reported adverse effect and reported exposure did occur, *or*

(ii) The registrant has received sufficient information to enable investigation of whether or not the reported adverse effect and exposure occurred, a reasonable period of time for investigation has elapsed, and the registrant is not aware of facts which establish that the reported adverse effect or reported exposure did not occur;

(d) For each individual incident, the registrant is not aware of facts which conclusively establish that the reported adverse effect and reported exposure were unrelated; and

(e) The series or pattern of incidents would not be expected unless the reported adverse effects were caused by the reported exposures.

Discussion

Information concerning incidents in which toxic or adverse effects are attributed to pesticide exposure varies considerably in specificity and accuracy. Some reports received by registrants are so vague or implausible that they would be unlikely to provide a basis for administrative action. On the other hand, some incident reports may contain unique and valuable information on the hazards and environmental impacts associated with actual use and practice, information which cannot be readily derived from laboratory data alone. Thus, we have endeavored to select sets of criteria which will give practical assistance to each registrant in identifying those types of incident information which are currently needed by EPA in order to properly discharge its statutory responsibilities. Each set criteria contains the following elements: (1) a report of a toxic or adverse effect, (2) a report of pesticide exposure, (3) an opportunity for investigation of the accuracy of the reports, and (4) a basis for an inference that the toxic effect and the pesticide exposure were related.

Demonstrably inaccurate incident information need not be submitted to EPA under Section 6(a)(2). If a registrant can clearly demonstrate that a reported toxic effect or pesticide exposure did not occur, or that the effect and exposure were unrelated, we will not treat any failure to report an alleged incident as an actionable violation of Section 6(a)(2). However, failure to investigate the accuracy of any report or allegation which could be investigated will not be considered to excuse non-compliance with Section 6(a)(2). By adopting this policy, EPA does not intend to attempt to impose any sort of

duty or obligation on the registrant to investigate incident reports, but rather to accord the registrant a reasonable opportunity to investigate incident information. In any event, the responsibility for determining the significance of any potentially useful incident information which has not been either verified or rebutted must ultimately reside with EPA.

Information concerning incidents in which humans exposed to a pesticide have experienced toxic or adverse effects is extremely useful in, e.g., evaluating the occupational risks associated with pesticide use, or deciding whether a method of applying the pesticide should be prohibited. Receipt of incident information regarding adverse effects in humans is particularly important because of the ethical unacceptability of deliberate clinical exposure and the difficulties associated with predicting human toxicity on the basis of animal data. Thus, we may consider any failure to submit incident information concerning any toxic or adverse effect in humans (except for local skin damage or irritation warned against on the label). which includes the basic elements previously identified and which is otherwise reportable under Section 6(a)(2) to be an actionable violation of FIFRA, regardless of the circumstances which resulted in the pesticide exposure. In contrast, we will not treat failure to submit information on any single incident involving toxic or adverse effects on other non-target organisms as an actionable violation of Section 6(a)(2) if the registrant can demonstrate that (1) the pesticide was used improperly, and (2) the label provides reasonable notice of the risk of adverse effects of the kind reported.

Incident information concerning toxic or adverse effects has little current utility for regulatory purposes and need not be submitted to EPA under Section 6(a)(2) unless the information is predicated on a conclusion, opinion, or reasonable inference that the reported effects were related to pesticide exposure. Failure to submit information regarding any *single* incident of this type will not be treated as a violation of Section 6(a)(2) unless the registrant has concluded that the reported effect may have been caused by the reported pesticide exposure, or has been advised by any individual whose opinion is reportable (according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act," 43 FR 37611) that a causal relationship may have existed.

Examples

(1) A registrant receives a report from an unidentified source indicating that an agricultural employee experienced respiratory difficulties after working in a field where a pesticide manufactured by the registrant had recently been applied. The report is sufficiently detailed to enable investigation of its accuracy. A few days later, the registrant discusses the alleged incident with a toxicologist, who states that, in his opinion, the reported respiratory symptons could have been caused by exposure to the registrant's pesticide. The registrant will be given a reasonable time to investigate the incident. If the registrant subsequently discovers facts which establish that the reported adverse effects or reported exposure did not occur, or which conclusively establish that the respiratory difficulties experienced by the exposed individual were caused exclusively by some factor other than pesticide esposure, the incident need not be reported. Otherwise, information concerning the incident must be submitted to EPA, because the toxicologist is a qualified expert whose opinion is reportable under Section 6(a)(2).

(2)A registrant receives a report from an agricultural extension agent indicating that fish were killed in a creek adjacent to a field where a pesticide manufacture by the registrant had recently been applied. After investigation, the registrant concludes that the reported fish kill probably resulted from exposure to the registrant's pesticide. However, the registrant also discovers facts which establish that the pesticide was improperly applied, by an individual who disregarded a statement on the label expressly warning against use in circumstances where contamination of surface waters might result. Any *single* incident of this sort need not be reported under Section 6(a)(2).

If a registrant has been informed of a series or pattern of incidents in which the same kind of toxic or adverse effects have followed exposure to the same pesticide, a reasonable inference of a causal relationship may arise from the existance of the series or pattern itself, even in the absence of a specific conclusion or expert opinion to that effect. In such circumstances, any requirement that the registrant specifically conclude or be advised that a causal relationship exists is superflous, and registrants will be held legally accountable under Section 6(a)(2) for failure to submit information regarding any significant series or pattern of incidents involving the same kind of toxic or adverse effect and the same pesticidal substance. Moreover, even if a series or pattern consists of incidents which would otherwise not be reportable under this policy, because each incident involves predictable effects on nontarget organisms resulting from improper use, we will likely treat failure to report such information in an aggregate form as an actionable violation of Section 6(a)(2). EPA needs this type of incident information because the existence of widespread or routine misuse of pesticide products may be a basis for changes in labeling, additional restrictions on use, or other regulatory action.

Example

The registrant has received a number of reports, from various sources, of unusually high mortality in birds feeding in or near fields where the registrant's pesticide has been applied. Though some of these reports were not specific enough to enable investigation of their accuracy, the registrant has identified a series of specific investigable incidents in which it appears that an unusual number of birds died following use of the registrant's pesticide. However, the registrant has not determined whether or not the pesticide was responsible for the observed increase in bird mortality, and no employee, consultant, or qualified expert has indicated that a causal relationship may exist. Nevertheless, if the existence of the series of unexplained incidents is sufficient to support a reasonable inference of a causal relationship, failure to submit information concerning the incidents will be considered an actionable violation of Section 6(a)(2).

B. Failure of Efficacy

Policy

Registrants may also receive information concerning specifc incidents in which it is asserted that the registrant's pesticide product failed to perform as claimed against designated target organisms. Failure to submit information of this type which is otherwise reportable according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act," 43 FR 37611, will not be considered an actionable violation of FIFRA § 6(a)(2) unless one of the following two sets of criteria apply:

(1) *Immediate Hazard to Life.* The information concerns an incident in which:

(a) The registrant has been informed that a pesticide product did not perform as claimed against target organisms;

(b)(i) The registrant has verified that the reported failure of efficacy did occur, *or*

(ii) The registrant has received sufficient information to enable investigation of whether or not the reported failure of efficacy occurred, a reasonable period of time for investigation has elapsed, and the registrant is not aware of facts which establish that the reported failure of efficacy did not occur; and

(c) The failure of the pesticide to perform as claimed involved any use against organisms which, unless controlled, may pose an immediate hazard to human life.

(2) *Health Risk.* The information concerns any *series* or *pattern* of individual incidents as to which:

(a) The registrant has been informed of the same type of failure to perform as claimed against target organisms;

(b) For each individual incident, either

(i) The registrant has verified that the reported failure of efficacy did occur, *or*

(ii) The registrant has received sufficient information to enable investigation of whether or not the reported failure of efficacy occurred, a reasonable period of time for investigation has elapsed, and the registrant is not aware of facts which establish that the reported failure of efficacy did not occur; and

(c) The failure of the pesticide to perform as claimed involved any use to control organisms which may pose a risk to human health, including any of the uses identified in 40 CFR 162.18-2(d)(2), (3)(i).

Discussion

We will not treat any failure to submit information concerning incidents in which a pesticide did not perform as claimed against target organisms as an actionable violation of Section 6(a)(2) unless the reported failure of efficacy involved organisms which pose a potential threat to human health. This policy reflects a judgement by EPA that the efficacy of pesticide products which are not used to protect public health can usually be adequately tested by the dictates of a competitive marketplace. See 44 FR 27932, 27938-40, May 11, 1979. Moreover, except in those instances where a reported failure of efficacy involved use against organisms which may pose an immediate hazard to human life, it is not likely that we would consider any single reported incident of failure of efficacy to be a proper basis for regulatory action. Therefore, we will not treat any failure to submit incident information concerning failure of efficacy against organisms which may pose a risk to public health, but do not pose an immediate hazard to human life, as an actionable violation of Section 6(a)(2) unless such information concerns any significant series or pattern of comparable failures of efficacy. As in the case of incident information involving toxic or adverse effects, registrants will be afforded a reasonable opportunity to investigate any reported failure of efficacy before such information will be considered reportable.

III. Reporting of Other Information

Policy

EPA will not consider failure to submit information of any kind other than those kinds of information described in Sections I and II of this Notice as an actionable violation of FIFRA § 6(a)(2) even though such information would otherwise be reportable according to the "Agency Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act," 43 FR 37611, unless:

(1) After a reasonable period of time for verification or investigation of the information has elapsed, the registrant is not aware of facts which establish that the information is incorrect; and

(2) The registrant knows, or reasonably should know, that if the information should prove to be correct, EPA would regard the information, alone or in conjunction with other information about the pesticide, as raising serious questions about the continued registrability of one or more uses of any of the registrant's pesticide products, or about the proper terms and conditions of registration of any such product.

Discussion

In Sections I and II of this Notice, we have established policies concerning the types of information which, insofar as we are aware, have been the subject of most of the inquiries made and concern expressed by registrants with regard to FIFRA § 6(a)(2). There are, however, many other categories of information which may be reportable under FIFRA § 6(a)(2), including additional information concerning: the identity and amount of impurities and degradates of pesticide products in the product as sold; degradation and fate of pesticides in the environment after application or use; soil, plant, and animal metabolism; bioaccumulation by various life forms; identity and quantity of pesticide residues on raw and processed agricultural commodities and foods; levels of exposure to applicators, farm workers, bystanders, food consumers, and other persons; drift of pesticides to non-target areas; and a variety of other information which might affect EPA decisions concerning the continued registrability of a product or the appropriate terms and conditions of registration.

In this Notice we have not attempted to establish with specificity, for each category of such information, which failures to report information we will not treat as actionable violations of FIFRA § 6(a)(2). In part, this is because we are interested in receiving the views of the pesticide industry and other interested persons concerning what our policy regarding such information should be. It is likely that we will modify this Notice in the future to announce a more specific Section 6(a)(2) enforcement policy concerning some or all of these types of information.

However, in order to provide some immediate guidance to registrants, we have set forth in this Notice a general policy covering all information not described by Sections I and II of the Notice. It allows registrants a reasonable period to verify or investigate apparently reportable information, prior to actual submission. In deciding whether a delay in reporting was reasonable, we will take into account the seriousness of the problem suggested by the information, as well as the kind and amount of verification that would be desirable. If, during this period, the registrant learns of facts showing that the information is incorrect, the information need not be submitted and failure to report will not be considered an actionable violation of Section 6(a)(2).

In addition, we will not treat a failure to report information as an actionable violation of FIFRA § 6(a)(2) unless the registrant knew, or reasonably should have known, that EPA would regard the information as pertinent to the question of whether the product's registrations should be cancelled, suspended, or modified in some respect.

Example

The registrant knows that the original EPA decision to register his product for use as a soil insecticide in corn fields (the only registered use) was based on the belief that no residues of a particular, highly-toxic metabolite of the product would appear in corn planted in fields treated with the product during the spring. In January the registrant learns of a study conducted by a university scientist showing that residues of the metabolite in question have appeared in corn grown in fields which were properly treated with the product. If true, this report would indicate that use of the product may pose a serious hazard to food consumers. Accordingly, the information must be reported to EPA unless, during a reasonable period of time for investigation or verification, the registrant learns of facts establishing it is untrue. One means of verification would be to conduct independent field trials during the coming growing season. However, waiting for the results of field trials would require a delay of at least 9-10 months in reporting. Given the serious import of the information already available, a 9-month

delay would be unreasonably long. Alternatively, the registrant could contact the scientist who conducted the study and review the raw data for errors. A review of this type would probably require 10 days or less. The Agency would regard the latter delay as reasonable, since, even though the information could conceivably warrant an emergency suspension of the product's registration, this could be accomplished in time to prevent use of the product during the growing season.

IV. Previously Reported Information

Any information shall be considered to have been previously reported to EPA under Section 6(a)(2) of FIFRA for the purposes of this notice if such information is contained completely in:

(1) Documents previously submitted to EPA by the registrant;

(2) Any scientific article or publication which has been abstracted in Biological Abstracts, Chemical Abstracts, Index Medicus, or Pesticides Abstracts, if the abstract in question clearly identified the active ingredient or the registered pesticide(s) to which the information pertains. [Information received by or known to the registrant prior to publication of an abstract concerning the information must be reported and may not be withheld pending such publication.];

(3) EPA publications, EPA hearing records, or publications cited in EPA Federal Register notices;

(4) Reports or publications which have been made available to the public by any of the following federal agencies: Center for Disease Control, Consumer Products Safety Commission, Department of Agriculture, Department of Interior, Food and Drug Administration, National Institutes of Health, or Occupational Safety and Health Administration. [Otherwise reportable information concerning research which was performed, sponsored, or funded by the registrant which may also appear in a forthcoming government report or publication must be reported and may not be withheld pending publication.]; or

(5) Any other documents which are contained in the official files and records of the EPA Office of Pesticide Programs.

Discussion

Section 6(a)(2) applies only to "additional" information. Thus, if a registrant has previously submitted information concerning a given study, document, or incident, the same information need not be submitted again. In addition, we do not believe that it would serve any useful purpose to insist that registrants submit information which is already in EPA files or is otherwise readily accessible to EPA. Accordingly, we have specified a number of objectively defined categories of information which need not be submitted. Failure to submit information in any of these categories will not be treated as an actionable violation of Section 6(a)(2). While the specified categories are not intended to encompass all information which could conceivably come to the attention of Agency personnel, they do indicate which types of information are most likely to be routinely examined or reviewed by EPA.

V. Case-by-Case Exercise of Prosecutorial Discretion

EPA will not automatically seek or recommend civil or criminal penalties whenever it discovers an apparent violation of FIFRA § 6(a)(2) of a type which is considered actionable under this Notice. Decisions in such cases will be based on a careful evaluation of all pertinent information, including any explanation offered by the registrant.

Dated: July 6, 1979.

Marvin B. Durning,

Assistant Administrator for Enforcement.

[FR Doc. 79-21564 Filed 7-11-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1270-6]

Illinois State Implementation Plan; Notice of Deficiency

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Deficiency; Illinois State Implementation Plan.

SUMMARY: As a result of Illinois Appellate Court action on September 27, 1978 which vacated regulations pertaining to particulate and sulfur dioxide emission standards USEPA finds the Illinois State Implementation Plan to be deficient.

FOR FURTHER INFORMATION CONTACT: Maxine Borcherding, Air Programs Branch, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2205.

SUPPLEMENTAL INFORMATION: This notice contains a summary of the findings of the EPA Regional Administrator for Region V from an assessment of deficiency of the implementation plan for the State of Illinois.

On May 31, 1972 (37 FR 10862) under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator substantially approved Illinois' control strategy for the attainment and maintenance of the national primary and secondary standards for sulfur dioxide emissions and particulate emissions in the State of Illinois. In April of 1972, the Illinois Pollution Control Board (PCB) initially adopted regulations numbers 203 (particulate emission standards) and 204 (sulfur dioxide emission standards). These regulations were adopted pursuant to the Illinois Environmental Protection Act of 1970, *Ill. Rev. Stat.*, ch. 111 1/2 sections 1001 *et seq.* (1975) and superseded other air quality regulations promulgated under prior acts.

The validation of Rules 203(g)(1), 204(a)(1) and 204(c)(1)(A) was challenged in court and, as a result, the Illinois Appellate Court found that the PCB had not followed the correct procedure in its adoption of those Rules. The Court remanded the cause to the PCB for further consideration. (*Commonwealth Edison Co.* v. *Pollution Control Board*, 25 Ill. App. 3d 271, 323 N.E. 2d 84.) The Illinois Supreme Court affirmed the Illinois Appellate Court's decision instructing PCB to validate Rules 203(g)(1), 204(a)(1) and 204(c)(1)(A) according to Section 27 of the Illinois Environmental Protection Act or to prepare proper rules as substitutes. (*Commonwealth Edison Co.* v. *PCB*, 62 Ill. 2d 494, 343 N.E. 2d 459 (January, 1976).)

On August 2, 1976, the EPA Regional Administrator, Region V, formally issued a Notice of Deficiency requesting that a revision to the Illinois State Implementation Plan (SIP) be developed or that appropriate action be taken to correct the SIP deficiencies noted by the Illinois courts. (41 FR 149, August 2, 1976.) Authority for the Notice of Deficiency was provided in Sections 110(a)(2)(H) and 110(c) of the Clean Air Act.

On July 7, 1977, the Illinois PCB issued an order "validating" Rules 203(g)(1), 204(a)(1) and 204(c)(1)(A), to become effective September 1, 1977. The validation of the regulation was subject to a public comment period running 45 days from the date of the order. This action by the PCB was challenged by Ashland Chemical Company, one of the sources affected by the Rules.

On September 27, 1978, the *Illinois Chemical Company* v. *Pollution Control Board* (No. 77-362), —— Ill. App. 3d ——. The Court held that the PCB did not follow the instructions of the Illinois Supreme Court in *Commonwealth Edison Co., supra*, for either "revalidating" the rules or adopting "substitute" rules. The Court found that

the PCB did not consider intermittent control systems, that no economic study was prepared, and that no opportunity was provided for Ashland or others to respond to the Marder Report, a study which the PCB had commissioned. The Appellate Court held that sulfur dioxide and particulate rules as they apply to power plants in Illinois should again be vacated and remanded to the PCB for further proceedings.

The cumulative effect of these actions is that at the present time the Illinois SIP does not contain validated rules for the following:

(1) Particulate Emission Standards and Limitations for Fuel Combustion Emission Sources Using Solid Fuel Exclusively;

(2) Sulfur Dioxide Emission Standards and Limitations for New Fuel Combustion Emission Sources with Actual Heat Input Greater than 250 Million BTU per Hour, Solid Fuel Burned Exclusively; or

(3) Sulfur Dioxide Emission Rates for Existing Fuel Combustion Sources Located in the Chicago, St. Louis (Illinois), and Peoria Major Metropolitan Areas, Solid Fuel Burned Exclusively.

The EPA Regional Administrator for Region V hereby finds that the lack of enforceable portions of the Illinois regulations as hereinabove set forth constitutes a SIP deficiency pursuant to Section 110(a)(2)(H) of the Clean Air Act. Accordingly, EPA requests that a revision to the Illinois plan be developed or other appropriate action taken to correct these deficient areas.

We are requesting that within 60 days from the date of this Notice the Governor submit a schedule to the Regional Administrator, EPA Region V, detailing the actions necessary for the validation of Rules 203(g)(1), 204(a)(1) and 204(c)(1)(A) according to the instructions of the Illinois Supreme Court in *Commonwealth Edison Co., supra*. The schedule should identify the agencies that are responsible for the plan revisions and the dates that action will be completed by the various agencies.

This notice is not subject to rulemaking procedures. The need for a plan revision is based on a finding by the Regional Administrator that the Illinois Appellate Court's remand of Rules 203(g)(1), 204(a)(1) and 204(c)(1)(A) requires action on the part of the State. Authority of this finding is provided in Section 110(a)(2)(H) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of SIP deficiencies will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA.

[Section 110(a)(2)(H) of the Clean Air Act, 42 U.S.C. § 7410(a)(2)(H)]

Dated: July 5, 1979.

John McGuire,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 79-21561 Filed 7-11-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1269-8; PP 6G1802/T214]

Pesticide Programs; Extension of Temporary Tolerance; Oryzalin

On April 13, 1978, the Environmental Protection Agency (EPA) announced (43 FR 15487) the establishment of a temporary tolerance for residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) in or on the raw agricultural commodity wheat at 0.1 part per million (ppm). This tolerance was established in response to a pesticide petition (PP 6G1802) submitted by Elanco Products Co., Div. of Eli Lilly & Co., Inc., PO Box 1750, Indianapolis, IN 46206. This temporary tolerance will expire July 9, 1979.

Elanco Products Co. requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permits 1471-EUP-58 & 69 that have been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on condition that the pesticide is used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires July 9, 1980. Residues not in excess of 0.1 ppm remaining in or on wheat after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerance. This temporary tolerance may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460 (202/755-7013).

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: July 5, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-21563 Filed 7-11-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL-1270-4]

Report to Congress: EPA-Measured vs. In-Use Fuel Economy; Solicitation of Public Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Opportunity for Public Comment.

SUMMARY: Section 404 of the National Energy Conservation Policy Act (NECPA) requires the Environmental Protection Agency to report to Congress on the degree to which the EPA fuel economy estimates provide a "realistic estimate" of average in-use fuel economy. EPA is required to submit this report to Congress after consultation with the Departments of Energy and Transportation and after providing an opportunity for public comment. This announcement is to provide public notice of the areas that EPA will be studying in the report and to request that interested parties submit comments to EPA.

DATES: EPA will accept comments until August 27, 1979.

ADDRESS: Persons wishing to submit comments should mail them to: Director, Emission Control Technology Division, U.S. Environmental Protection Agency, Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wilson, Office of Mobile

Source Air Pollution Control (ANR-455), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0596.

SUPPLEMENTARY INFORMATION: In consultation with the Departments of Energy and Transportation, and after providing an opportunity for public comments, EPA is required by § 404 of the NECPA to submit a report to Congress "on the degree to which fuel economy estimates required to be used in new car fuel economy labeling and in the annual fuel economy milege guide required under § 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006) provide a realistic estimate of average fuel economy likely to be achieved by the driving public." However, EPA is specifically prohibited from recommending in this report changes to the fuel economy testing and calculation procedures used by the Agency to determine fuel economy pursuant to the Motor Vehicle Information and Cost Savings Act.

The Agency has taken the following steps toward preparation of the §404 report and has identified the issues below for consideration during preparation of the report:

(1) *Identification and collection of data addressing EPA fuel economy estimates and in-use fuel economy.* We will use this information as the basis for the analysis of the degree to which EPA fuel economy test results provide a realistic estimate of the average fuel economy likely to be achieved by the driving public. Major components of this data base are EPA fuel economy test results and data gathered by the Department of Energy (DOE) on the differences between EPA estimated mileage and in-use vehicle fuel economy performance. A number of other sources of pertinent information, such as EPA reports and studies, data collected by and for auto manufacturers, and Society of Automotive Engineers (SAE) papers have been identifed.

(2) *Identification of the causes of differences between EPA test results and in-use fuel economy performance.* The Agency has found the following five categories of information to be germane to this issue, and has identified certain mechanisms for obtaining and analyzing data in these categories:

(a) *Differences between EPA test vehicles and production vehicles:* This might provide information concerning the frequently-observed decrease in measured fuel economy between the prototypes used to generate EPA fuel economy ratings and production vehicles.

(b) *Assessment of differences in fuel economy between dynamometer and track vehicles operation:* This is determined by comparing dynamometer results with data gathered from the same vehicles on the road when all other factors (such as the driving cycle) are kept constant. This information will aid in the assessment of the degree to which the differences between EPA test results and in-use fuel economy are attributable to the fact that EPA uses laboratory tests conducted on a dynamometer.

(c) *Assessment of differences in fuel economy performance attributable to traffic conditions:* Such differences may be analyzed by comparing test results obtained form the same vehicle, using the test used to gather fuel economy data required by the Motor Vehicle Information and Cost Savings Act, with data from other tests using other driving cycles, e.g., "New York City cycle," steady state operation, etc. More purely analytical approaches can also be used to assess this issue, e.g., computer simulation of vehicle operation or analytical data collected by surveys of actual driving characteristics.

(d) *Assessment of fuel economy performance due to the condition of the vehicle:* This would include consideration of the influence of such aspects of a vehicle's physical condition as odometer mileage, maintenance and state of tune, tire type and pressure, wheel alignment, brake drag, and presence and use of optional accessories, e.g., air conditioning.

(e) *Assessment of fuel economy differences due to certain characteristics of the in-use vehicle's driving environment:* This would include the study of the effects on fuel economy of such influences as temperature, road surface and condition, terrain, precipitation, wind condition, etc.

EPA invites comments on any of the issues identified above.

Copies of major sources of data that are currently in EPA's possession will be available for public inspection and duplication at the Motor vehicle Emission Laboratory in Ann Arbor, Michigan (see address above) and in Washington at the EPA Public Information Reference Unit. When the report has been drafted, a copy of all comments and a copy of the report will be available for public inspection and duplication in the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.

Dated: July 5, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-21582 Filed 7-11-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

Long Term Care Committee Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 92-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Committee will hold a meeting on Monday, August 6, 1979 from 9:30 a.m. to 12:30 p.m. in Room 423A-425A, Hubert Humphrey Building, 200 Independence Avenue, S.W. Washington, D.C. 20201.

The agenda will consist of a discussion with Federal officials on the issues and problems in long term care.

Further information on the Council may be obtained from the FCA, Secretariat, Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441. FCA meetings are open for public observation.

Dated: July 5, 1979.

Nelson H. Cruikshank,

Chairman,

Federal Council on the Aging.

[FR Doc. 79-21453 Filed 7-11-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 334]

California; Order Providing for Opening of Public Lands

July 3, 1979.

1. In a gift of lands made under Section 8(a) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g) the following parcel of land has been conveyed to the United States:

San Bernardino Meridian

That portion of the Southwest Quarter of Sec. 32, T. 6 S., R. 22 E., S.B.M., according to United States Government Survey approved October 6, 1856 and described as Tract 57 in

deed to the County of Riverside recorded December 14, 1948 in Book 1035, page 520 of Official Records of Riverside County, LYING Southerly of the Southerly right-of-way of State freeway 11-Riv-10-147.2, said Southerly right-of-way line being described as follows:

Beginning at a point on the Westerly line of said Southwest Quarter distant along said Westerly line N. 0°15'58" W., 1232.00 feet from the Southwesterly corner of said Sec. 32; thence (1) N. 89°16'30" E., 2633.56 feet to a point in the Easterly line of said Southwest Quarter, distant along said Easterly line N. 0°36'30" W., 1233.13 feet from the Southeasterly corner of said Southwest Quarter.

The area aggregates approximately .20 of an acre in Riverside, County, California.

2. The subject land is located approximately 8 miles west of Blythe, California in the vicinity of the Blythe Airport and abuts Interstate 10 freeway. The parcel has no physical access and will be managed together with adjoining public lands under principals of multiple land use.

3. At 10 a.m. on August 13, 1979, the land shall be open to operation of the public land laws, generally, subject to valid existing rights, the provisions of existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received on or prior to 10 a.m. on August 13, 1979, shall be considered as simultaneous filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Harold R. Dietz,

Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-21482 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

Canon City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Canon City District Grazing Advisory Board will be held on August 17, 1979.

The meeting will being at 10:00 a.m. at the Four-Mile Community Hall adjacent to the BLM District Office in Canon City, Colorado.

The agenda for the meeting will include: (1) expenditure of range betterment funds for range improvements; (2) discussion of Allotment Management Plans implementation in the San Luis Valley; (3) Proposed Allotment Management Plan development in the Royal Gorge Resource Area, and; (4) arrangements for for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 a.m. and 12:00 noon on August 17, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 3080 Main Street, Canon City, Colorado 81212, by August 10, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and available for public inspection and reproductions during regular business hours. (Monday through Friday, 7:45 a.m.-4:30 p.m.) within 30 days following the meeting.

Stuart L. Freer,

Acting District Manager.

[FR Doc. 79-21461 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

Idaho: Wilderness Inventory—Great Rift Instant Study Area; Notice of Decision

Notice is hereby given that the Bureau of Land Management has completed wilderness inventory on certain public lands in Idaho. The inventory, following guidelines established by the Bureau, was conducted in advance of the statewide inventory in order to obtain a decision on an area known as the Great Rift (Grassland Kipuka) Instant Study Area in the BLM Idaho Falls and Shoshone districts.

The Great Rift inventory unit (33-1) contains two separate parcels totalling 452,700 acres, located in the Snake River Plain between Arco and the Snake River. The 160-acre Grassland Kipuka Instant Study Area and its contiguous roadless acreage occupy the northernmost parcel, the Craters of the Moon Lava Flow. The southernmost parcel is the Wapi Lava Flow. Both of these large lava fields are approximately 2,000 years old and erupted from a series of large fissures in the earth's crust. They are known collectively as the Great Rift.

Unit 33-1 was intensively inventoried following BLM inventory procedures with 351,450 acres originally recommended as meeting the wilderness criteria. The proposed decision on this inventory was announced in the March 27, 1979, Federal Register. A 60-day comment period was conducted, including nine public meetings/open houses. Public comment generally supported the recommendation. However, several comments were received indicating impacts on naturalness in the fringe areas of the inventory unit. Additional comments were directed toward the correct application of BLM wilderness criteria to portions of the fringe area originally proposed for deletion.

After analysis of public comment, a complete re-evaluation was made of the proposed boundary of the wilderness study area (WSA) resulting in the deletion of those lands where the imprint of man's work is substantially noticeable, thus affecting the naturalness, and those relatively small areas of the lava flow where the opportunities for solitude and primitive or unconfined recreation are not outstanding. Acreage on the fringe was retained or brought back in to the WAS where naturalness was not impaired and where the size and configuration was such that solitude-recreation opportunities were outstanding.

The above changes resulted in a Wilderness Study Area based on public comment and the District Managers' recommendations as follows:

Unit 33-1 Great Rift
452,700—Total acres
78,300—Acres lacking characteristics
374,400—Acres with characteristics

Unit 33-1 is therefore identified in part (374,400 acres) as a Wilderness Study Area. Other BLM lands included within this inventory are dropped from the inventory process, with management limitations imposed by Section 603 of the Federal Land Policy and Management Act of 1976 no longer applying.

This decision becomes final on August 10, 1979, unless formally and publicly amended and published by the State Director based on new information received as a result of final publication.

For further information, contact: William L. Mathews, State Director, Idaho State Office—BLM, 550 W. Fort St., Federal Building, box 042, Boise, Idaho 83724.

Dated: July 2, 1979.

William L. Mathews,

Idaho State Director, Bureau of Land Management.

[FR Doc. 79-21483 Filed 7-11-79; 8:45 am]

BILLINC CODE 4310-84-M

Idaho: Wilderness Inventory—Sun Valley Area; Notice of Decision

Notice is hereby given that the Bureau of Land Management has completed wilderness inventory on certain public lands in Idaho. The inventory, following guidelines established by the Bureau, was conducted in advance of the statewide inventory in order to obtain decisions to utilize as input to the Bureau's planning system reports for the Sun Valley ES area in the BLM Shoshone District.

The proposed decision on this inventory was announced in the February 7, 1979, Federal Register. A 90-day comment period was conducted including public meetings in Hailey, Fairfield, and Carey, Idaho. After analysis of public comments and the District Manager's recommendation, the State Director's final decision is as follows:

Unit 51-1 9,430 acres—no wilderness characteristics.
Unit 51-2 11,340 acres—no wilderness characteristics.
Unit 51-3 6,600 acres—no wilderness characteristics.
Unit 52-1 40,710 acres—no wilderness characteristics.
Unit 52-2 16,590 acres—no wilderness characteristics.
Unit 52-3 (Bunker Hill) 11,220 acres—no wilderness characteristics.
Unit 52-4(Ohio Gulch) 6,720 acres—no wilderness characteristics.
Unit 52-5 (Sheep Creek) 9,163 acres—no wilderness characteristics.
Unit 52-6 (Dry Canyon) 5,410 acres—no wilderness characteristics.
Unit 52-7 (Lookout Mountain) 7,244 acres—no wilderness characteristics.
Unit 53-1 52,140 acres—no wilderness characteristics.
Unit 53-2 1,020 acres—no wilderness characteristics.
Unit 53-3 2,710 acres—no wilderness characteristics.
Unit 53-4 (Little Wood River)
4,265—total acres
4,265—acres with characteristics
Unit 53-5 (Friedman Creek)
9,700—total acres
287—acres lacking characteristics
9,413—acres with characteristics
Unit 53-6 13,790 acres—no wilderness characteristics.
Unit 53-7 (Mountain End) 5,665 acres—no wilderness characteristics.
Unit 53-8 5,740 acres—no wilderness characteristics.
Unit 53-9 6,640 acres—no wilderness characteristics.
Unit 53-10 9,980 acres—no wilderness characteristics.
Units 51-1, 51-2, 52-1, 52-2, 53-1, 53-2, and 53-3 consist of numerous isolated parcels of BLM land that are roaded and/or less than 5,000 acres.
Units 51-3, 53-6, 53-8, 53-9, and 53-10 were found to be bisected by roads and therefore do not meet the wilderness size criteria.
Units 52-3 (Bunker Hill) and 52-4 (Ohio Gulch) were intensively inventoried and found not to meet the naturalness criteria due to extensive mining and logging impacts.
Units 52-5 (Sheep Creek), 52-6 (Dry Canyon), 52-7 (Lookout Mountain), and 53-7 (Mountains End) were intensively inventoried and were originally recommended as meeting the wilderness criteria. Public comment on these units indicated the feeling that solitude and primitive recreation opportunities, if they exist in the units, were not outstanding. BLM now concurs with the public comment that these units do not offer outstanding solitude or outstanding primitive recreation opportunities.
Unit 53-4 (Little Wood River) was intensively inventoried and found to meet the wilderness criteria, contingent on the contiguous RARE II area 4-201, Pioneer Mountains, remaining in either the wilderness or further planning category. Public comment generally supported this recommendation. Several comments were received requesting the inclusion of additional small acreage to the south (Elk Mountain area); however, public land on Elk Mountain is not contiguous to the Little Wood River Unit, as required by BLM inventory procedures.
Unit 53-5 (Friedman Creek) was intensively inventoried and found to meet the wilderness criteria. Public comment generally supported this recommendation.

The following units are therefore identified as Wilderness Study Areas:

Unit 53-4 Little Wood River 4,265 acres
Unit 53-5 Friedman Creek 9,413 acres

Other BLM lands included within the Sun Valley inventory are dropped from the inventory process, with management limitations imposed by Section 603 of the Federal Land Policy and Management Act of 1976 no longer applying.

This decision becomes final on August 10, 1979, unless formally and publicly amended and published by the State Director based on new information received as a result of final publication.

For further information, contact: William L. Mathews, State Director, Idaho State Office—BLM, Federal Building, Box 042, 550 W. Fort St., Boise, Idaho 83724.

Dated: July 2, 1979.

William L. Mathews,

Idaho State Director, Bureau of Land Management.

[FR Doc. 79-21484 Filed 7-11-79; 8:45 am]
BILLING CODE 4310-84-M

[Tentative Sale No. 59]

Mid-Atlantic Outer Continental Shelf; Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Purpose of Call

Section 102 of the Outer Continental Shelf Lands Act Amendments of 1978 describes the purposes of that Act. One of the purposes is to establish policies and procedures intended to expedite exploration and development of the Outer Continental Shelf in order to achieve national economic and energy policy goals, assure national security, reduce dependence on foreign sources, and maintain a favorable balance of payments in world trade. Equally important purposes include balancing energy resource development with the protection of the human, marine and coastal environments, as well as assuring States and local governments the opportunity to review and comment on decisions relating to OCS activities. To assist the Secretary of the Interior in carrying out these purposes, and pursuant to 43 CFR 3301.3, nominations are hereby requested for areas on the Mid-Atlantic Outer Continental Shelf for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343). Pursuant to 43 CFR 3301.4, the Secretary is also requesting comments on the possible environmental impact and potential use conflicts in specified areas.

Description of Areas

The Area of the Call for Nominations and Comments in the Mid-Atlantic Outer Continental Shelf being considered is known as the Baltimore Canyon. The area is approximately 350-miles long by 100 miles wide with its center about 60 miles southeast of Atlantic City. The most seaward portion is about 145 miles from shore. The proposed sale area is offshore the States of New York, New Jersey, Delaware, Maryland, Virginia and North Carolina.

OCS Official Protraction Diagrams

Description	Date of latest edition in stock
1 NJ 18-2 Wilmington	Oct. 31, 1974
2 NJ 18-3	Oct. 31, 1974
3 NJ 18-5 Salisbury	Oct. 31, 1974
4 NJ 18-6	Oct. 31, 1974
5 NJ 18-8 Chincoteague	Dec. 2, 1976
6 NJ 18-9 Baltimore Rise	Dec. 6, 1976
7 NJ 18-11 Currituck Sound	Apr. 25, 1978
8 NJ 19-1 Block Canyon	June. 22, 1977
9 NK 18-12 New York	Oct. 31, 1974

These Protraction Diagrams may be purchased for $2.00 each from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10007.

Nominations and Comments will be considered for any or all of that part of the following Official Protraction Diagrams described below and excluding blocks previously leased:

(1) NK 18-12: All blocks south and east of a line from the SE corner of block 305; thence west to the SE corner of block 301; thence south to the SE corner of block 389; thence west to the SE corner of block 382; thence south to the SE corner of block 426; thence west to the SE corner of block 423; thence south to the SE corner of block 643; thence west to the SE corner of block 628; thence south to the SE corner of block 980; thence west to the federal-state boundary line.

(2) NJ 18-2: All federal blocks.

(3) NJ 18-3: All blocks except numbers 827, 828, 871, 872, 915, 916, 959, 960, 1003 and 1004.

(4) NJ 19-1: All blocks west of a line beginning at the NE corner of block 30; thence south to the SE corner of block 294; thence west to the SE corner of block 284; thence south to the SE corner of block 460; thence west to the SE corner of block 454; thence south to the SE corner of block 762; thence west to the SW corner of block 758.

(5) NJ 18-5: All federal blocks.

(6) NJ 18-6: All blocks west of a line beginning at the NE corner of block 26; thence south to the SE corner of block 246; thence west to the SE corner of block 240; thence south to the SE corner of block 504; thence west to the SE corner of block 498; thence south to the SE corner of block 982; thence west to the SE corner of block 979.

(7) NJ 18-8: All federal blocks.

(8) NJ 18-9: All blocks west of a line beginning at the NE corner of block 11; thence south to the SE corner of block 187; thence west to the SE corner of block 180; thence south to the SE corner of block 664; thence west to the SW corner of block 661.

(9) NJ 18-11: All blocks west of a line beginning at the NE corner of block 36; thence south to the SE corner of block 476; thence west to the federal—state boundary line.

Instructions on Call

Nominations must be described in reference to the Outer Continental Shelf Leasing Maps or Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

Those nominating twelve blocks or more that they wish to see considered for offering in this proposed lease sale, are requested to arrange their nominations into three groups according to the priority of their interest.

In addition to nominations, we are seeking comments about particular geological, environmental, biological, archaeological, socioeconomic conditions or problems or other information which might bear upon potential leasing and development of particular blocks where available. Comments should be as specific as possible in identifying individual blocks or areas which should received special concern and analysis.

Nominations and comments must be submitted not later than September 7, 1979 in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf—Mid-Atlantic," or "Comments on Leasing in the Outer Continental Shelf—Mid-Atlantic," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies should be sent to the Conservation Manager, Geological Survey, 1725 K Street, N.W., Suite 204, Washington, D.C. 20006, and to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10007.

Use of Information From Call

Nominations will be evaluated and used along with geologic and geophysical information to determine what, if any, tracts should be tentatively selected for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and the OCS Lands, Act, as amended. Generally becuase of limits on the geographic scope of areas which can be successfully planned for a single sale, only a small fraction of the tracts nominated are selected for further envirnomental analysis and possible leasing.

Comments will be considered along with other relevant information available to the Secretary to determine what tracts should be designated for further environmental analysis and study. As a general rule, tracts which are believed to have potential for the production of hydrocarbons are not excluded from fruther environmental study unless the Secretary has sufficient information to conclude that it is not possible for those tracts to be developed in an environmentally safe manner.

In any event, selection of tracts for further environmental analysis does not insure that the tracts will be subsequently offered for lease or that they will be deleted for environmental or use conflicts. It simply insures that more information will be available when that decision is made. In performing the further environmental analyses leading to a sale decision, the Department will take into account comments received as it determines particular areas and issues for attention.

Final selection of tracts for competitive bidding will be made only at a later date after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

July 6, 1979.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Approved:

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-21453 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Announcement of Special Project Wilderness Review in Eastern Part of State

The Bureau of Land Management's Ely District Office has completed a special project wilderness inventory on seven units covering 419,720 acres of public land in Eureka, Nye, and White Pine Counties, Nevada. Based on this intensive inventory, the BLM is recommending that the areas be released from further wilderness consideration because they lack wilderness characteristics specified by Congress.

A 90-day public comment period is open until October 3, 1979. An open house is scheduled on July 27, 1979, from 9 to 11 a.m. at the Ely District Office, Star Route 5, Box 1, Ely, 89301, to acquaint the public with the inventory findings. Public comments can be mailed to the Ely District or to the Nevada State Office, 300 Booth Street, Room 3008, Reno, Nevada 89509.

The special, accelerated intensive inventory was requested by two mining operators who desire to begin open pit mining operations within the units to extract gold and barite.

The units involved and the major reasons for the BLM's recommendations to release them from further wilderness consideration are listed below:

1. Ruby Valley (NV-040-023): The majority of the unit is unnatural due to fences, corrals, stock tanks, and access routes associated with ranching operations. In the portions that are natural, opportunities for solitude are not considered outstanding because of minimal topographic and vegetative screening. Primitive and unconfined recreational opportunities are also not considered to be outstanding.

2. Big Bald (NV-040-024): The majority of the unit is unnatural due to mining scars as well as stock tanks, reservoirs, corrals, cabins, trailers, and numerous access routes associated with ranching operations. In the portions that are natural, opportunities for solitude are not considered outstanding because of minimal topographic and vegetative screening. Opportunities for a primitive and unconfined type of recreation are also not considered to be outstanding.

3. Buck Pass (NV-040-035): The unit is generally in an unnatural condition due to access routes, evidence of mining activities, a gravel pit, fences, and a water tank. Opportunities for solitude and a primitive and unconfined type of recreation are also not considered outstanding because of the prevalent evidence of man's activities.

4. Alligator Ridge (NV-040-036): The majority of the unit is in an unnatural condition due to access routes, evidence of mining activities, and ranching-related improvements such as water tanks, corrals, and fences. Opportunities for solitude are not considered outstanding due to the unit's configuration and minimal topographic and vegetative screening. Opportunities for a primitive and unconfined type of recreation are also not considered to be outstanding.

5. Yelland Acres (NV-040-037): A portion of the unit is in an unnatural condition due to access routes, developed springs, and fences. In the portion of the unit that is natural, solitude is not considered outstanding because of small size, combined with minimal vegetative and topographic screening. Opportunities for a primitive and unconfined type of recreation are also not considered outstanding.

6. Black Point (NV-040-141): The majority of the unit is in an unnatural condition due to evidence of past mining activities as well as the presence of an active barite mine. Access routes and a transmission line are also present. Opportunities for solitude are not considered outstanding due to minimal vegetative and topographic screening. Opportunities for a primitive and unconfined type of recreation are also not considered outstanding.

7. Bull Creek (NV-040-147): The majority of the unit is in an unnatural condition due to evidence of mining and ranching activities, as well as access routes, a gravel pit, and a cemetery. In the portions that are natural, opportunities of solitude are not considered outstanding due to size and minimal vegetative and topographic screening. Opportunities for a primitive and unconfined type of recreation are also not considered outstanding.

Additional information and maps of these units can be obtained from either the Reno or Ely BLM offices.

Dated: July 5, 1979.

E. I. Rowland,

State Director, Nevada.

[FR Doc. 79-21485 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Termination of Proposed Withdrawal

July 6, 1979.

The U.S. Department of the Interior, National Park Service, has cancelled application Nev-051733 to withdraw the area known as Devil's Hole, part of the Death Valley National Monument, from the operation of the mining laws. The application, published in the Federal Register on October 4, 1962, as FR Doc. 69-9930, affected the following land:

Mount Diablo Meridian

T. 17 S., R. 50 E.,
Sec. 36, SW¼SE¼.

The area described contains 40 acres.

The lands remain withdrawn from the public land laws under Presidential Proclamation 2961 and are withdrawn from the mining laws under the Act of September 28, 1976 (90 Stat. 1342; 16 U.S.C. 1901).

William J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 79-21436 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Proposed Leasing of Federal Lignite Coal at Camp Swift Military Reservation in Bastrop County, Tex.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management's (BLM's) New Mexico State Office will prepare an environmental impact statement (EIS) to assess the effects of proposed leasing and development of 6,740 acres of federally-owned lignite reserves at Camp Swift Military Reservation, Bastrop County, Texas. The proposed lease area was identified in an emergency coal lease application (NM A-29460) submitted to the BLM New Mexico State Director on December 1, 1976, by the Lower Colorado River Authority (Austin, Texas). The proposed competitive lease sale is tentatively scheduled for December 1980 and would be conducted pursuant to section 12(b) of the Federal Coal Leasing Amendments Act of 1976.

Alternatives which may be included in the EIS include no action, other owner (successful bidder other than the applicant), delay the proposed lease offering, modify the proposed lease offering to include a larger area and (as appropriate) alternative methods of mining or transporting the lignite.

A public meeting has been scheduled in Bastrop County to seek assistance in defining the range of actions, alternatives, impacts, and issues to be considered in the EIS. The meeting will be held on July 19, 1979, at 7:00 p.m., in the Bastrop County Commissioner's Court Room, Bastrop County Court House, Bastrop, Texas.

Interested parties may also submit written comments on the scope of the EIS to the address shown below, no later than July 27, 1979. For information concerning the proposed action or the EIS, please contact the following individual:

Carol MacDonald, Team Leader, Camp Swift Coal EIS, USDI, Bureau of Land Management, New Mexico State Office, P&ECS, P.O. Box 1449, Santa Fe, New Mexico 87501.

Commercial Telephone No.: (505) 988-6214 FTS 476-1214.

Arthur W. Zimmerman,

State Director.

[FR Doc. 79-21458 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37661 and 37665]

New Mexico; Notice of Applications

July 6, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 23 S., R. 24 E.,
Sec. 26, W½SW¼;
Sec. 27, SE¼NE¼ and N½SE¼.
T. 18 S., R. 27 E.,
Sec. 28, N½NE¼, SW¼NE¼ and S½NW¼.

These pipelines will convey natural gas across 1.665 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-21487 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37495, 37524, 37526, 37527, 37622]

New Mexico; Notice of Applications

July 5, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 24 N., R. 2 W.,
Sec. 8, N½NE¼.
T. 24 N., R. 3 W.,
Sec. 3, S½SW¼.
T. 28 N., R. 6 W.,
Sec. 12, SE¼SE¼.
T. 28 N., R. 8 W.,
Sec. 21, W½SW¼.
T. 30 N., R. 9 W.,
Sec. 3, N½S½;
Sec. 4, SW¼NW¼; and N½S½;
Sec. 5, S½NE¼.
T. 31 N., R. 9 W.,
Sec. 35, lots 9 and 16.

These pipelines will convey natural gas across 3.133 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-21488 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37115]

New Mexico; Notice of Application

July 3, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 27 E.,
Sec. 22, SW¼NW¼ and N½S½.

This pipeline will convey natural gas across 1.019 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-21489 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37074] New

Mexico; Notice of Application

July 3, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gulf Oil Corporation has applied for one 8-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 34 E.,
Sec. 21, NE¼NE¼;
Sec. 22, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 26, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 35, NE¼NE¼.

This pipeline will convey natural gas across 3.096 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be appproved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-21490 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37493]

New Mexico; Notice of Application

July 5, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Petroleum Development Corporation has applied for one 3-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 32E.,
Sec. 33, NE¼SE¼;
Sec. 34, W½SW¼ and SE¼SW¼.

This pipeline will convey natural gas across 0.560 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-21491 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37078 and 37497]

New Mexico; Notice of Applications

July 5, 1979.

Notice is hereby given than, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has filed rights-of-way applications for 6 and 8-inch natural gas pipelines across the following lands:

New Mexico Prinicpal Meridian, New Mexico

T. 22 S., R. 26 E.,
Sec. 34, SW¼NE¼.
T. 18, S., R. 27 E.,
Sec. 28, N½N½;
Sec. 29, N½NE¼.

These pipelines will convey natural gas across 1.376 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-21492 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

Rawlins District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Rawlins District Grazing Advisory Board will be held on August 10, 1979, at 1:00 P.M., in the conference room of the Bureau of Land Management Office at 1300 Third Street, Rawlins, Wyoming.

The agenda for the meeting will include: (1) a discussion of proposed expenditures of range betterment funds during the 1980 fiscal year; (2) review the Allotment Management Plans in the Seven Lakes Environmental Statement Area; and (3) the arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:00 and 2:00 P.M., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the Rawlins District Manager, Bureau of Land Management by August 8, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Elbert W. Spencer,

District Manager.

[FR Doc. 79-21493 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the Grasslands Water District; Intent To Initiate Negotiations for an Amendatory Water Supply and Management Agreement

The Department of the Interior, through the Bureau of Reclamation and the Fish and Wildlife Service, intends to negotiate an amendatory agreement with the Grasslands Water District for habitat management in the Grasslands area of central California.

The Grasslands Water District, formed in 1953, encompasses approximately 46,000 acres in the trough of the San Joaquin Valley near the city of Los Banos, California. The area is one of the more important resting and breeding areas of the Pacific Flyway.

In 1956, the United States and the district entered into a contract which provided up to 50,000 acre-feet of water annually to be delivered between September 15 and November 30. During critical water supply years, the amount is not to exceed 25,000 acre-feet and the period is limited to October and November. The rate to be paid by the district was established at $1.50 per acre-foot.

In 1969, the United States and the district entered into a *Cooperative Agreement and Habitat Management Plan* which required participation of the district and its landowners in a program designed to maintain and improve the waterfowl habitat within the district boundaries. In consideration, the United States agreed to reduce the charge for water service to $.10 per acre-foot from the prevailing $1.50 per acre-foot.

The Fish and Wildlife Improvement Act of 1978 (Public Law 95-616) amended the Act of August 27, 1954 (64 Stat. 879), making the cost of water nonreimbursable. The agreement discussed above must be modified to reflect this change in the law.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. Execution of the proposed contract will be subsequent to, and dependent upon, the approval of the Commissioner of Reclamation, the Director of the United States Fish and Wildlife Service, and the Secretary of the Interior.

For further information about scheduled meetings and copies of the proposed contract form, please contact Mr. John Budd, Repayment Specialist, Repayment Branch, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone No. (916) 484-4380. All meetings scheduled by the Bureau of Reclamation or the Fish and Wildlife Service with the district for the purpose of discussing terms and conditions of a proposed contract shall be open to the general public as observers. Advance notice of such meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified above, at least one week prior to any meeting. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: July 3, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-21243 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Canaveral National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Canaveral National Seashore Advisory Commission will held at 7:30 p.m. on August 16, 1979, at the Holiday Inn, 4951 South Washington Avenue (US 1), Titusville, Florida 32780.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior on all matters of planning, development, and operation of the Canaveral National Seashore. The Commission will review and discuss the Draft General Management Plan and Wilderness Study Report for the Canaveral National Seashore.

The members of the Advisory Commission are as follows:

Mr. Ney C. Landrum (chairman)
Ms. Doris Leeper
Mr. T. C. Wilder
Mr. Sion Faulk
Mr. Ralph Stroud
Mr. Thomas K. Wetherell

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Donald Guiton, Superintendent, Canaveral National Seashore, P.O. Box 2583, Titusville, FL 32780, Telephone 305-867-4675. Minutes of the meeting will be available for public inspection at park headquarters approximately four weeks after the meeting.

Dated: July 3, 1979.

Joe Brown,

Regional Director, Southeast Region.

[FR Doc. 79-21473 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

National Environmental Policy Act; Agency Implementing Procedures

AGENCY: International Communication Agency.

ACTION: Correction to Proposed Agency Internal Implementing Procedures.

SUMMARY: In FR 79-18432 issue of Wednesday, June 13, 1979, page 33979, the date for comments and suggestions was incorrectly published.

DATE: Comments or suggestions should be submitted in writing on or before July 13, 1979.

ADDRESS COMMENTS TO: Mr. R. Wallace Stuart, Assistant General Counsel, Office of the General Counsel, International Communication Agency, Washington, D.C. 20547.

FOR FURTHER INFORMATION CONTACT: Mr. R. Wallace Stuart (AC 202-724-9054).

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 79-21518 Filed 7-11-79; 8:45 am]

BILLING CODE 8230-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-69]

Certain Airtight Cast-Iron Stoves; Notice of Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 23, 1979, and supplemented on June 14, 1979, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Jotul, Inc., Oslo, Norway; Kristia Associates, Portland, Maine; and the Jotul Stove Dealers of the United States, alleging that unfair methods of competition and unfair acts exist in the importation of certain airtight cast-iron wood- and coal-burning stoves into the United States, or in their sale, by reason that such stoves are (a) violating Jotul's common law trademarks because such stoves are visually identical copies of Jotul's stoves; (b) being passed off as Jotul's product; (c) violating Jotul's registered U.S. trademarks; and (d) being deceptively advertised and marketed.

The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States. Complainants request that, after a full investigation, a permanent exclusion of the imports in question be ordered, or alternatively, that a cease and desist order be issued.

Having considered the supplemented complaint, the U.S. International Trade Commission, on June 21, 1979, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine under subsection (c) whether, on the basis of the allegations set forth in the complaint and supplemented with additional information provided to the U.S. International Trade Commission, there are violations of subsection (a) of this section in the unlawful importation of certain airtight cast-iron wood- and coal-burning stoves into the United States, or in their sale, by reason that such stoves are—

(a) violating Jotul's common law trademarks because such stoves are visually identical copies of Jotul's stoves;

(b) being passed off as Jotul's product;

(c) violating Jotul's registered U.S. trademarks; and

(d) being falsely advertised,

the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to restrain trade and commerce in the United States.

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Aksjeselskapet Jotul (Jotul, Inc.), P.O. Box 6206-ET, Oslo 6, Norway (02).
Kristia Associates, 343 Forest Avenue, P.O. Box 1118, Portland, Maine 04104.

(b) The respondents are the following companies alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, and are parties upon which the complaint and the supplementary material are to be served:

1. Genial Jade Industrial Co., 20-4 Lane 40, San Ming Road, Taipei, Taiwan.
2. Cathay-Overseas Trading Company, 3rd Fl. Tai Hsin Bldg., 32 Sec. 2 Chi-Nan Road, Taipei, Taiwan.
3. Pyramid International Co., Ltd., 96-1 Jen A. Road, Sec. 3, Taipei, Taiwan.
4. Taiwan Active Enterprises Co., Ltd., Room 1, 10th Floor 303 Tung Hwa North Road, Taipei, Taiwan.
5. Justin Taiwan Industrial Co., Ltd., 4th Fl. 101, Sec. 3 Nanking Road, East, Taipei, Taiwan.
6. Tinpin Trading Co., P.O. Box 59072, Taipei, Taiwan.
7. Nan Shang Enterprises Co., Ltd., P.O. Box 59072, Taipei, Taiwan.
8. Formosa May Inc., P.O. Box 17343, Taipei Cheng-Kung Building 4th Fl., 1531 Cheng An E. Rd., Taipei, Taiwan.

9. Linmore Enterprise Co., Ltd., P.O. Box 27-69, Taipei, Taiwan.
10. Hermix Industries Corp., P.O. Box 43-82, Taipei, Taiwan.
11. Firebird Hardware Inc., No. 66-2 Yen Chi Street, Taipei, Taiwan.
12. Lee-Lin Enterprise Co., Ltd., P.O. Box 27-121, Taipei, Taiwan.
13. Oriental Kingsworld Industrial Co., Ltd., P.O. Box 26-333, Taipei, Taiwan.
14. Yulsan Industries Co., Ltd., #250, 2KA Taepyong-Ro, Joong-Ku, Seoul, Korea.
15. Blaze, 1717 Seventeenth Street, San Francisco, CA 94103.
16. Borneo Sumatra Trading Co., Inc., 75 Union Avenue, Rutherford, NJ 07070.
17. Crane Industries, 20 North Wacker Drive, Chicago, IL 60606.
18. Heritage Stove Company, 5900 Empire Way South, Seattle, WA 98118.
19. Great Eastern Trading Co., Inc., P.O. Box 177, Springtown, PA 18081.
20. Hearth Craft, 10035 N.E. Sandy Blvd., P.O. Box 20584, Portland, OR 97220.
21. Mr. BAR-B-Q, Inc., 50 Lexington Avenue, Bethpage, NY 11714.
22. Lou Ehrlich Inc., 225 Underhill Blvd., Syosset, NY 11791.
23. Radke Imports, Ltd., P.O. Box 545, Emmett, ID 83617.
24. Prebilt Corp., 876 Jenkintown Road, Elkins Park, PA 19117.
25. Lechmere Sales, 88 1st Street, Cambridge, MA 02141.

(c) Donald R. Dinan, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the U.S. International Trade Commission's Rules of Practice and Procedure, as amended (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the U.S. International Trade Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the U.S. International Trade Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, as supplemented, and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint and the supplementary material are available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission's New York City Office, 6 World Trade Center, New York, N.Y. 10048.

By order of the Commission.

Issued: July 6, 1979

Kenneth R. Mason,

Secretary.

[FR Doc. 79-21444 Filed 7-10-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-52]

Certain Apparatus for the Continuous Production of Copper Rod; Order Denying Motion for Extension of Time

On June 19, 1978, Fried. Krupp GmbH and Krupp International Inc., through counsel, requested that the Commission extend by one week the date upon which the recommended determination is due in investigation No. 337-TA-52. (Motion Docket No. 52-263). The subject motion was neither addressed to the presiding officer nor certified by the presiding officer to the Commission with a recommendation.

Section 210.24 of the Commission's *Rules of Practice and Procedure* provides, in pertinent part, as follows: "During the time an investigation is before a presiding officer, all motions therein shall be addressed to the presiding officer. . . . When the presiding officer is not the Commission . . . any motion upon which the presiding officer has no authority to rule shall be certified by him to the Commission with his recommendation, and the Commission shall then rule on the motion." (19 C.F.R. 210.24).

Investigation No. 337-TA-52 was assigned to a presiding officer on May 22, 1978 (43 FR 21591). Accordingly, Motion Docket No. 52-263, not being properly before the Commission under the provision of section 210.24 of the rules, is denied.

So ordered.

Issued: July 5, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-21445 Filed 7-10-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-63/65]

Certain Precision Resistor Chips; Notice and Order Designating Consolidated Investigation as "More Complicated"

Procedural History

On May 15, 1979, the Commission investigative attorney filed a motion to declare investigation No. 337-TA-63 to be a "more complicated" investigation (Motion Docket No. 63-18). Since that date, investigation No. 337-TA-63 was consolidated with investigation No. 337-TA-65 by the Administrative Law Judge (ALJ) pursuant to the authority delegated to the ALJ by the Commission on May 1, 1979. (44 FR 25522). On May 29, 1979, the ALJ issued an order recommending that consolidated investigation No. 337-TA-63/65 be designated by the Commission as "more complicated" and certified Motion Docket No. 63-18 and all related papers to the Commission. The purpose of this notice and order is to provide for the disposition of Motion Docket No. 63-18.

Order

Having considered Motion Docket No. 63-18 and all related papers certified to the Commission by the ALJ, the Commission, by action of July 3, 1979, ORDERED:

1. That consolidated investigation No. 337-TA-63/65 is designated as "more complicated" within the meaning of 19 U.S.C. 1337(b)(1) and 19 CFR 210.15; and

2. That a period of six additional months is provided for Commission completion of consolidated investigation No. 337-TA-63/65 which period will expire on July 17, 1980.

Discussion

This action is based upon consideration of Motion Docket No. 63-18 in the context of (1) the legislative history of 19 U.S.C. 337(b)(1); (2) precedents with respect to motions under section 210.15 of the Commission's Rules of Practice and Procedure; and (3) the effect of granting this motion upon the consolidated investigation.

A. *Legislative history.* Section 210.15 of the Commission's rules provides a means whereby the one year time limitation for Section 337 investigations may be extended, in "more complicated" cases, to 18 months. Section 210.15 is based upon the statutory requirement of section 337(b)(1) which provides, in pertinent part, that—

The Commission shall conclude any such Section 337 investigation, and make its determination under this section, at the earliest practicable time, but not later than one year (18 months in more complicated cases) after the date of publication of notice of such investigation. The Commission shall publish in the Federal Register its reasons for designating any investigation as a more complicated investigation (19 U.S.C. 1337(b)(1)).

Section 337(b)(1) does not provide any criteria for designating an investigation as "more complicated". However, the Senate Committee on Finance, in explaining this section, provided as follows:

The Committee intends for the term "more complicated investigation" to refer to investigations which are of an involved nature due to the subject matter, difficulty in obtaining information, or large number of parties involved (S. Rep. No. 1298, 93d Cong., 2d Sess. at p. 194 (1974)).

In section 210.15, the Commission explicitly adopted the criteria enumerated by the Committee on Finance. In considering the instant motion to make this investigation "more complicated," we have considered these criteria.

The Commission investigative attorney has argued essentially that (1) the complex subject matter of this investigation, (2) the complex substantive and procedural aspects of a consolidated investigation and (3) the compelling need for more discovery if we are to have an adequate record upon which to base our decisions, all warrant designating this investigation as "more complicated". In addition, as the ALJ stated in the May 29, 1979 order recommending that this investigation be designated "more complicated," discovery in this case has been further complicated due to the sensitive nature of the trade secrets involved and intergovernmental negotiations respecting proposed discovery in France.

We agree with the Commission investigative attorney and with the ALJ that the complexities of the instant consolidated investigation warrant its designation as a "more complicated" investigation under section 337(b)(1).

B. *Commission precedents.* The Commission has granted section 210.15 motions on several occasions since the enactment of the Trade Act of 1974. For example, in *Certain Color Television Receiving Sets* (investigation No. 337-TA-23), the involved nature of the subject matter at issue, the difficulty in obtaining information, and the number of parties all justified designating the investigation "more complicated." Likewise, in Doxycycline (investigation No. 337-TA-3) the Commission granted a Section 210.15 motion due to the voluminous discovery, difficulty in obtaining information, and complexity of issues raised. The instant motion is similar to those which the Commission granted in Color Televisions and Doxycyline. Moreover, the record in this consolidated investigation has certainly become "more complicated" and meets the Senate Finance Committee criteria referred to above. Accordingly, we have granted Motion Docket No. 63-18 and have designated consolidated investigation No. 337-TA-63/65 as "more complicated," under section 210.15.

C. *Possible Effects.* Inasmuch as this is a consolidated investigation comprising investigation Nos. 337-TA-63 and 337-TA-65, the question arises as to which time period should six months be added? The options are twofold: either (1) add the six months to the time period for investigation No. 337-TA-63, thereby establishing July 17, 1980 as the completion date for the consolidated investigation, or (2) add the six months to the time period for investigation No. 337-TA-65, thereby establishing November 1, 1980 as the completion date for the consolidated investigation. The ALJ recommended that the additional six months be added to the time period for investigation No. 337-TA-63 rather than to the time period for investigation No. 337-TA-65. Inasmuch as (1) this matter is committed to the exercise of the Commission's sound discretion in conformity with the legislative history discussed above and (2) there is no reason to disagree with the ALJ's recommendation, we have added six additional months to the time period for investigation No. 337-TA-63, thereby providing a new statutory deadline of July 17, 1980, for the completion of consolidated investigation No. 337-TA-63/65.

By order of the Commission.

Issued: July 3, 1979

Kenneth R. Mason,

Secretary.

[FR Doc. 79-21443 Filed 7-10-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-68]

Certain Surveying Devices; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: July 3, 1979.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 79-21442 Filed 7-10-79; 8:45 am]

BILLING CODE 7020-02-M

[AA1921-202]

Methyl Alcohol From Canada

Determination

On the basis of the information obtained in the investigation, the Commission determines (Vice Chairman Alberger and Commissioner Stern dissenting), that an industry in the United States is likely to be injured by reason of the importation of methyl alcohol from Canada, which the Department of the Treasury has determined is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Background

On March 29, 1979, the United States International Trade Commission received advise from the Department of the Treasury that methyl alcohol from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act. Accordingly, on April 4, 1979, the Commission instituted investigation No. AA1921-202 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of the public hearing held in connection therewith was published in the Federal Register of April 11, 1979 (44 FR 21718). The public hearing was held in Washington, D.C.,

on May 15 and 16, 1979, and all persons who requested the opportunity were permitted to appear in person or by counsel.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested persons and information adduced at the hearing, provided by the Department of the Treasury, and obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

Statement of Reasons of Chairman Joseph O. Parker and Commissioners George M. Moore and Catherine Bedell

The Commission instituted this investigation on April 4, 1979, upon receipt of advice from the Department of the Treasury that methyl alcohol from Canada is being, or is likely to be, sold in the United States at less than fair value. This investigation (No. AA1921-202) by the Commission is conducted pursuant to section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. In an earlier preliminary investigation, the Commission had determined that there was a reasonable indication of injury or likelihood of injury by reason of the importation of such merchandise, allegedly sold at less than fair value, which resulted in a full investigation of the matter.

Determination

On the basis of the information obtained in this investigation, we have determined that an industry in the United States is likely to be injured by reason of the importation of methyl alcohol from Canada which Treasury has determined is being, or is likely to be, sold at LTFV.

The investigation by the Department of the Treasury of the pricing of methyl alcohol imported from Canada covered the 6-month period from January 1, 1978, through June 30, 1978. The investigation was limited to sales by Alberta Gas Chemicals Limited (AGCL), which accounted for virtually all imports of methyl alcohol from Canada. Fair-value comparisons were made on approximately 72 percent of the sales of the subject merchandise, and dumping margins ranging from 9.9 percent to 108.6 percent were found on all the sales compared. The weighted average margin of dumping as determined by the Department of the Treasury was 59.2 percent.

The domestic industry which is the subject of this investigation consists of eight firms with nine plants producing methyl alcohol. They are located principally in Texas and Louisiana. The industry is capital intensive and highly competitive.

Prior to 1975, the principal Canadian exporter, AGCL, did not produce methyl alcohol. The company brought on stream two producing units in early 1975 and in May 1976, respectively, in Medicine Hat, Alberta. These production facilities, when combined with those of the other Canadian producer, had the capacity to produce methyl alcohol in quantities far exceeding Canadian internal demand. This excess capacity was used to produce methyl alcohol for export, the majority of which was sold in U.S. markets at prices which the Department of the Treasury has determined were at less than fair value.

In July 1976, AGCL obtained approval from the Energy Resources Conservation Board of Alberta to use natural gas as a raw material in the production of methyl alcohol which would be produced in two additional facilities to be constructed at the Medicine Hat, Alberta site. Natural gas is the principal raw material used in the production of methyl alcohol and since AGCL has access to natural gas at a price much lower than that at which it is available in the U.S., AGCL is assured of a low cost supply of the primary raw material necessary for its expanded production. Although AGCL has not made a final determination on whether to proceed with this construction, the outcome of this investigation conceivably may be a factor in the final decision. If AGCL is permitted to continue to sell at LTFV in this market and the additional capacity under consideration is brought into being, about 700 million pounds of methyl alcohol will be available for export to the United States. The additional supply is the equivalent of more than 10 percent of current U.S. consumption. The U.S. market is a logical market for any increased Canadian production.

Imports of methyl alcohol from Canada increased from about 70 million pounds in 1975 to 357 million pounds in 1977. Imports during the first 6 months of 1978 continued at a record pace, but after the filing of the antidumping petition, imports decreased and the total for the year 1978 was slightly below that for 1977. The ratio of imports from Canada to apparent open-market consumption increased from 8 percent in 1976 to 13 percent in 1977, but decreased to about 11 percent in 1978.

Several factors facilitate this penetration of the U.S. market by LTFV imports from Canada. After the establishment of its producing facilities, AGCL established a wholly owned subsidary in the United States to market its products. This subsidary has a trained sales staff in place which is familiar with the U.S. market. In addition, the proximity of the U.S. market provides the Canadian producer with good access by railcar to the major U.S. markets. AGCL also maintains a terminal facility at the Port of New York to receive ocean-going shipments.

Because methyl alcohol is a fungible product, it is sold principally on the basis of price. It is clear that without the signficant dumping margins (in some cases over 100 percent) at which the Department of the Treasury determined that AGCL sold in the United States, these imports would not have undersold U.S.-produced methyl alcohol or suppressed U.S. producers' prices. If AGCL has increased capacity and additional product availability and is able to continue to sell at LTFV to the U.S. market, the likelihood of increased penetration, price suppression, and injury to the domestic industry is apparent.

Aggregate data for seven U.S. producers reveal a sharply deteriorating trend in profitability since 1976. Net operating profit decreased steadily from $55.6 million in 1976 to $40 million in 1978, and in the first quarter of 1979, profit declined by 63 percent in comparison with that in the corresponding period of 1978. The ratio of net operating profit to net sales also declined, decreasing from 22.2 percent in 1976 to 17.4 percent in 1977 and 15.2 percent in 1978. The ratio of net operating profit to net sales was 5.2 percent in January-March 1979 compared with 16.6 percent in January-March 1978. This sharp decline in profitability is the result of rapidly increasing production costs (principally those for natural gas) without corresponding increases in selling price. These trends indicate that the domestic industry in increasingly vulnerable to import competition and that continued sales at less than fair value of expanding supplies from Canada will suppress or depress U.S. producers' prices and will be almost certain to cause injury to the U.S. industry.

Statement of Reasons of Commissioners Bill Alberger and Paula Stern

On the basis of information obtained in this investigation, we determine, pursuant to Section 201 of the Antidumping Act, as amended, that an industry in the United States is not being or likely to be injured, or

prevented from being established by reason of the importation of methyl alcohol from Canada at less than fair value. In reaching our decision that an industry in the United States is not being injured by less-than-fair-value imports, we recognize that the domestic industry producing methyl alcohol may be experiencing some economic difficulty, but we believe that the industry's present economic problems are not related to less-than-fair-value sales from Canada. With respect to our decision that an industry in the United States is not likely to be injured by less-than-fair-value imports, we are unable to ascertain any factors which would lead us to find that the likelihood of such injury is "real and imminent."

The Domestic Industry

Methyl alcohol, which is the sixth largest organic chemical commodity in the United States, is used primarily as a raw material in the manufacture of other chemicals and as a general solvent. Forty to fifty percent of the methyl alcohol consumed in the United States is used in the manufacture of formaldehyde which, in turn, is used extensively in the production of adhesives used to make plywood and particle board. Over the next several years, the market for methyl alcohol is forecasted to expand as methyl alcohol is used in a widening range of applications. Of particular significance are the potential uses of methyl alcohol as fuel for the generation of electricity in power plants and as a gasoline extender and base for synthetic gasoline.[1]

Prior to 1970, all synthetic methyl alcohol produced in the United States was made by a high pressure process that depended heavily upon natural gas. In view of the dramatic escalation in the price of natural gas, which nearly doubled between 1976 and 1979, domestic producers of methyl alcohol are now either building new plants which utilize the more cost-efficient lower-pressure process or converting existing high-pressure process plants to the low-pressure process.[2] In 1978, only 50 percent of domestic production was produced by the low-pressure process, as opposed to 100 percent of the Canadian imports.

At present, methyl alcohol is produced in the United States by eight large, diversified chemical firms in nine plants. Six of the domestic producers are also users of methyl alcohol in the production of derivative products.[3] Production plants are located in Louisiana, Texas, and Florida. Four domestic producers are expanding or planning to expand production capacity in the near future.

LTFV Sales

The Department of Treasury ("Treasury") investigation covered exports of methyl alcohol from Canada between January 1, 1978 and June 30, 1978. The investigation was limited to one Canadian manufacturer, Alberta Gas Chemicals Limited ("AGCL"), which accounted for virtually all Canadian exports of methyl alcohol to the United States during the period under investigation.[4] Fair value comparisons were made in approximately 72 percent of AGCL's sales and margins of less-than-fair-value ranged from 9.9 percent to 108.6 percent, with a weighted average margin of 59.2 percent.

No Injury by Reason of LTFV Sales

In order to make an affirmative determination, Section 201 of the Antidumping Act, as amended, requires the Commission to find that an industry is being or is likely to be injured and that such injury is "by reason of" less-than-fair-value imports.

An analysis of certain relevant domestic economic factors, such as profitability, capacity utilization and employment, indicates that the domestic industry may be experiencing some economic difficulty. On the other hand, analysis of domestic consumption, production, shipments and inventory levels points to stability and health on the part of the domestic industry. When all these economic indicators are analyzed in the context of market penetration, prices and lost sales, it is clear that the current economic problems confronting the domestic industry are not "by reason of" less-than-fair value sales of methyl alcohol from Canada.

While net sales have increased from $250.8 million in 1976 to $263 million in 1978, profits have steadily declined. Net operating profits decreased 21 percent from $55.6 million in 1976 to $43.9 million in 1977. In 1978, profits decreased another 9 percent to $40 million. In the first quarter of 1979, profits fell dramatically to $3.6 million from $11.4 million in the corresponding quarter of 1978, a decrease of 69 percent. However, it appears that this steady decline in profitability is directly related to rapidly increasing costs of production without corresponding increases in prices. Domestic producers report that their average cost of natural gas has risen continuously since 1976 from $.90 to $1.77 per million BTUs in the first quarter of 1979. In 1978, the cost of natural gas accounted for 55 percent of the cost of production.

According to testimony by a domestic producer, methyl alcohol production facilities should not operate below 85 percent of capacity for an extended period of time. Throughout the entire period under review by the Commission, aggregate capacity utilization ranged 76.1 percent in 1978 to 79.3 percent in 1977. While the domestic industry's capacity utilization has never reached the 85 percent level, it is important to note that four domestic producers have indicated to the Commission that they have begun to expand their production facilities.

Employment has declined steadily from 1976 through 1978 and continued to decline in the first quarter of 1979. Employment dropped by 15 percent from 563 in 1976 to 477 in 1978. In the first quarter of 1979, employment dropped another 6 percent to 446 from 476 in the corresponding period of 1978. On the other hand, it is important to note that the decline in employment has been paralleled by a steady increase in worker productivity, with a corresponding increase in production. Output increased from 5.1 thousand pounds per worker-hour in 1976 to 6.3 thousand pounds in 1978 and continued to increase in the first quarter of 1979.

During the period reviewed by the Commission, domestic apparent consumption has steadily increased. Total apparent consumption rose from 5.8 billion pounds in 1976 to 6.3 billion pounds in 1977 and 6.7 billion pounds in 1978. Consumption in the first quarter of 1979 increased to 1.8 billion pounds as compared to 1.7 billion pounds in the corresponding quarter of 1978. Most significant, demand for methyl alcohol is projected to grow at an annual rate of 6 to 7 percent through 1981.

As domestic consumption has increased, the domestic industry has been able to step up its production and shipments and, at the same time, to reduce inventory levels. Production has

[1] On February 24, 1979, the Environmental Production Agency approved methyl tertiary butyl ether, which contains methyl alcohol, as a gasoline additive to increase octane levels and to act as an antiknock agent.

[2] Information developed by the Commission indicates that the low-pressure system is approximately 10 percent more efficient in natural gas usage than the high-pressure system.

[3] Domestic producers consume approximately 55 percent of their total production of methyl alcohol in the manufacture of derivative products. The remainder of their production is shipped to unrelated companies. Such transactions are referred to as "open-market shipments".

[4] AGCL sells most of its methyl alcohol in the United States through its subsidiary, Alberta Gas Chemicals, Inc. ("AGCI"). AGCL's remaining sales are made directly to a domestic producer of methyl alcohol.

risen from 6,120.3 million pounds in 1976 to 6,353.9 million pounds in 1978. In addition, production during the first quarter of 1979 increased to 1,538.9 million pounds from 1,376.7 million pounds in the corresponding quarter of 1978, an increase of approximately 12 percent. Open market shipments increased steadily from 2,672.1 million pounds in 1976 to 2,848.9 million pounds in 1977 and 2,914.4 million pounds in 1978. In the first quarter of 1979, open market shipments rose dramatically to 1 billion pounds from 692.3 million pounds in the corresponding quarter of 1978, a 44 percent increase.

At the same time that production was increasing, domestic producers' inventories were declining. In 1978, inventories declined by 14 percent to 654 million pounds; inventories declined even further to 461 million pounds in the first quarter of 1979. The ratio of inventories to production fell from 9.9 percent in the first quarter of 1978 to 7.5 percent in the corresponding quarter of 1979.

Imports of methyl alcohol from Canada have decreased both in absolute terms and as a percentage of apparent domestic consumption. In 1977, imports from Canada amounted to 358 million pounds. In 1978, which includes the period covered by the Treasury LTFV investigation, imports decreased by 5 percent to 339.1 million pounds. The decrease of methyl alcohol imports is accelerating. In the first quarter of 1979, imports declined to 58.6 million pounds from 86.9 million pounds in the corresponding quarter of 1978, a decrease of 33 percent. As a percentage of total apparent domestic consumption, imports from Canada decreased from 5.7 percent in 1977 to 5.1 percent in 1978 and continued to drop in the first quarter of 1979 when compared with the corresponding quarter in 1978.

Price data indicates that AGCI prices were as high or higher, with few exceptions, than domestic producers' prices throughout the period under review. Admittedly, AGCL's prices to its direct customer were lower. However, those prices were established in a long-term contract originally negotiated in 1973 and renegotiated in 1975. Not only was that contract entered into prior to Treasury's LTFV investigation, but nearly all of the imports under the contract are consumed by the customer.

Finally, information developed in the Commission's investigation throws into question the two confirmed instances of lost sales to Canadian imports by reason of lower prices. Of the two firms cited as sources of sales lost to domestic producers, one firm, a distributor, indicated that Canadian methyl alcohol was purchased because the firm's regular domestic supplier failed to meet its customary price discount. The distributor's own customer was, in turn, being offered lower-priced methyl alcohol by another domestic producer. Therefore, if the distributor had not purchased the Canadian methyl alcohol it would not have been able to offer a competitive price to its customer. In the other instance, the firm cited as a source of lost sales acknowledged purchasing lower-priced Canadian methyl alcohol, but stated that on other occasions it has also bought domestic methyl alcohol in lieu of the Canadian product when lower prices were offered. Information developed by the Commission shows that 15 other domestic firms specifically indicated that the alleged lost sales to Canadian imports were, in fact, sales lost to other domestic producers because of lower prices. Price data collected by the Commission confirms that AGCI generally offered prices for methyl alcohol that were competitive with those offered by domestic producers. In addition, the Commission was not able to confirm any instance of loss of revenue by domestic producers on sales that were made at reduced prices because of price depression caused by Canadian imports.[5]

In summary, while the domestic industry appears to be in some economic difficulty, particularly in terms of profitability, the overall economic picture of the industry is not one of injury within the meaning of the Antidumping Act. Moreover, in the face of a declining market penetration, little, if any, relevant price suppression or depression and no real indication of lost sales attributable to LTFV imports, we have a case where even if injury did exist, it would not, in the context of the of the Antidumping Act, exist by reason of LTFV imports.

No Likelihood of Injury By Reason Of LTFV Sales

An affirmative determination that an industry is likely to be injured by LTFV imports must, according to the Senate Finance Committee, rest on "evidence showing that the likelihood is real and imminent and not on mere supposition, speculation, or conjecture." [6] In analyzing the body of Commission precedent, two preconditions for finding likelihood of injury, which are consistent with the "real and imminent" standard, emerge: (1) the industry is—and will continue to be—vulnerable to injury, and (2) the foreign producers have the capacity and the need to export significant amounts of goods at less than fair value.

In finding that an industry is vulnerable to injury, the Commission has usually noted a slackening of profits, shipments and capacity utilization which has coincided with the penetration of less-than-fair-value imports. In *Impression Fabric of manmade Fiber from Japan*, Inv. AA1921-176 (March 1978), the Commission found that gross profits had risen only slightly after declining for several years and that prices were increasing at a lower rate than for textiles in general; such sluggishness had not yet indicated injury, but it did show that the industry was sensitive to less-than-fair-value imports. In *Elemental Sulfur from Canada*, Inv. AA1921-127 (October 1973), the Commission noted that prices in a particular region—in which LTFV imports had been concentrated—were somewhat below prices in other regions and predicted that increased penetration could widen the disparity. In *Portland Cement from the Dominican Republic*, Inv. AA1921-25 (April 1963), the domestic industry was operating at significantly less than full capacity and the Commission concluded that further penetration would decrease production even more. In all these cases, the Commission detected early signs of injury and concluded that further penetration by less-than-fair-value imports would lead directly to injury within the meaning of the Antidumping Act.

Once it had been determined that the industry was vulnerable to injury, the Commission then assessed whether the foreign producer had—or would have had—the capacity to export large amounts of their goods at LTFV. In some cases, it was clear that foreign producers already had "a large unutilized annual productive capacity . . . . " *Instant Potato Granules from Canada*, Inv. AA1921-97 (September 1972). In other cases, foreign producers had been operating at near capacity, but had been unable to find local markets for the product and were facing mounting stockpiles. *Elemental Sulfur*.

The Commission has also found that even when a foreign industry is operating at near capacity, expected

[5] Three firms indicated that they bought Canadian imports of methyl alcohol in order to profit from duty drawback privileges. Such privileges are offered by the U.S. government to encourage exports. As no evidence was presented to indicate that AGCI offers different prices to firms that do *not* intend to collect drawback, we do not consider the issue relevant with respect to our determination in this investigation.

[6] S. Rep. No. 93-1298, 93rd Cong., 2d Sess. 180 (1974).

changes in the marketing patterns of foreign producers could lead to significant less-than-fair-value imports to the United States. For example, in *Canned Bartlett Pears*, Inv. AA1921–110 (March 1973), the Commission feared that the expected imposition of heavy duties by the European Economic Community would have encouraged foreign producers to divert exports from that market to the United States. A recent rise in less-than-fair-value imports, the Commission warned, was "a precursor of an effort to establish and develop the United States market as a replacement for the United Kingdom market." In *Printed Vinyl Film from Brazil and Argentina*, Inv. AA1921–117 and 118 (March 1973) and *Steel Reinforcing Bars from Canada*, Inv. AA1921–33 (March 1964), the ability of the producer "to alter production patterns" and to increase production of the goods in question constituted a threat to the domestic industry.

In all these cases, the Commission found that the foreign supplier had the *present* capacity to increase its shipments to the United States. In some cases, the supplier already had excess productive capacity; in others, a decline in home market consumption or in the profitability of exports to other foreign markets or a buildup of inventories signalled that the foreign supplier would soon be increasing its exports to the United States. In short, the Commission found that there was a "real and imminent" potential for increased importation of the product in question at less than fair value.

It is clear that in this case additional exports to the United States by AGCL are unlikely in the imminent future. First, AGCL is producing at virtually 100 percent of capacity and nearly all production is committed under contractual agreements to existing customers. Second, information supplied to the Commission indicates that AGCL's markets outside the United States are expanding [7] and that selling prices in those markets are higher than corresponding U.S. prices. Finally, combined inventories of methyl alcohol held by AGCL and AGCI on March 31, 1979, are relatively small and would not significantly increase U.S. import penetration even if the entire inventory was suddenly diverted to this country.

AGCL has an expansion plan under consideration that could add two additional plants to existing facilities. However, even if AGCL decides to expand its production facilities, information presented to the Commission clearly indicates that the impact of any such expansion would not be felt in the U.S. market for at least three years. If construction on the new facilities began immediately, AGCL reports that production would not commence until 1982. Furthermore, AGCL's expansion plans are uncertain at present. Financing for the expansion has yet to be obtained. In addition, AGCL has indicated that it would have to evaluate future Canadian energy policies, the results of the multilateral trade negotiations and potential new markets for methyl alcohol. We feel that, in view of all these factors, the length of time before any additional methyl alcohol could be exported to the United States is clearly not within the standard of "real and imminent."

In addition to the factors disclosed above with respect to whether the likelihood of injury is "real and imminent" it is significant to note that in this case market penetration is decreasing rather than increasing. Moreover, since market penetration is decreasing and AGCL is producing at virtually 100 percent capacity, there is little, if any, likelihood that Canadian imports, whether at less than fair value or not, could adversely affect prices in an expanding U.S. market.

Finally, reference has been made to the fact that AGCL enjoys the advantage of long-term supplies of natural gas at costs significantly lower than available to U.S. producers. There is no doubt that less expensive natural gas gives AGCL an economic advantage. However, this situation is a comparative as opposed to an unfair trade advantage and, therefore, is not an appropriate factor in terms of assessing whether or not a likelihood of injury exists in this case.

Conclusion

While there are some elements of injury apparent in the domestic industry, we cannot find a casual connection with LTFV imports from Canada. Nor can we find any likelihood of injury. However, if LTFV imports were to increase suddenly, a circumstance we cannot foresee, we believe that injury, within the meaning of the Antidumping Act, could result.

Issued: June 29, 1979.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 79-21441 Filed 7-11-79; 8:45 am]

BILLING CODE 7020-02-M

[7] This is the result, in part, of reduced availability of oil and gas products from Iran which are used to produce methyl alcohol.

NATIONAL COMMISSION ON SOCIAL SECURITY

Meeting

July 3, 1979.

The National Commission on Social Security will hold public meetings on July 31 and August 1 at the New Executive Office Building-Room 2010, 726 Jackson Place, N.W., Washington, D.C. The main subjects to be taken up at the meeting will be: (1) social security benefits for dependents and survivors and (2) the future work of the Commission.

On each day the meeting will begin at 9:00 a.m. and continue until Commission business is completed, but no later than 5:00 p.m. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office: Room 126-Pension Building, 440 G Street, N.W., Washington, D.C. 20218, Phone: 376–2622.

Francis J. Crowley,

Executive Director.

[FR Doc. 79-21471 Filed 7-11-79; 8:45 am]

BILLING CODE 6820-AC-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Services to the Field Section) to the National Council on the Arts will be held August 13, 14, and 15, 1979, from 9:00 a.m. to 6:00 p.m. each day, in room 1426, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-21495 Filed 7-11-79; 8:45 am]

BILLING CODE 7537-01-M

Federal Graphics Improvement Advisory Panel; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Improvement Advisory Panel to the National Endowment for the Arts will be held on July 19, 1979, from 9:30 a.m. to 4:30 p.m., in room 1125, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

This meeting will be open to the public on a space available basis. Accommodations are limited. Interested persons may submit written statements to the panel.

The agenda for this meeting will include a discussion of the Graphic material of the Consumer Product Safety Commission.

Further information with reference to this meeting can be obtained from Mr. Lance Jay Brown, Coordinator of Federal Graphics, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-4286.

Dated: July 9, 1979.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-21515 Filed 7-11-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident, Implications Re Nuclear Power Plant Design; Meeting

The ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design, will hold a meeting on July 26-27, 1979 in Room 1167, 1717 H St., NW, Washington, DC 20555.

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Thursday, July 26 and Friday, July 27, 1979, 8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendation to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will discuss with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, state and local officials, and other interested persons, the implications of the Three Mile Island, Unit 2 Accident.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Richard K. Major, (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning this nuclear station can be found in documents on file and available for public inspection at the NRC Public Documents Room, 1717 H Street, N.W., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, PA 17126.

Date: July 10, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-21788 Filed 7-11-79; 10:30 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-522 and 50-523]

Puget Sound Power & Light Co., et al. (Skagit Nuclear Power Project Units 1 and 2); Order for Evidentiary Hearing and Related Matters

1. Pursuant to agreement among the parties at a conference in Seattle, Washington, on April 24, 1979, the evidentiary hearing is scheduled to resume at 9:30 a.m., Tuesday, July 17, 1979. The location of the resumed hearing will be at Room 3038, New Federal Building, 915 Second Avenue, Seattle, Washington.

2. At the beginning of the hearing, limited appearances pursuant to 10 CFR 2.715 will be permitted. Paragraph (a) thereof is pertinent.

(a) A person who is not a party may, in the discretion of the presiding officer, be permitted to make a limited appearance by making oral or written statement of his position on the issues at any session of the hearing or prehearing conference within such limits and on such conditions as may be fixed by the presiding officer, but he may not otherwise participate in the proceeding.

3. Persons wishing to make a limited appearance at the hearing scheduled to begin on July 17, 1979, are requested to give advance notification to the Secretary, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Those planning to make a limited appearance at the hearing beginning on July 17 are directed to check with the Board's clerk at 9:00 a.m. that day at the hearing room.

Done this 5th day of July 1979, at Washington, D.C.

Atomic Safety and Licensing Board.

Valentine B. Deale,

Chairman.

[FR Doc. 79-21475 Filed 7-11-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-28]

Annual Report to Congress, Accident Reports, Safety Recommendations, and Responses; Availability

Annual Report to Congress.—The National Transportation Safety Board released its report on June 29 and copies are now available to the public. Single

copies of the report may be obtained free of charge, as long as limited supplies last, by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594; also, copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The 12th annual report, covering the Safety Board's activities for the year 1978, includes a review of Board actions to reduce the threat of in-flight collisions and an appraisal of safety problems in fields ranging from hazardous materials shipments to motorcycle accidents.

Over the last 22 years, U.S. civil aviation has had 537 in-flight collisions which accounted for 1,331 fatalities, or 4.3 percent of the total fatalities from all U.S. civil aviation accidents. Only 25 of the in-flight collisions involved air carriers, but the high occupancy rate of the air carrier aircraft means that many of the fatalities have occurred in those types of aircraft. The collision of last September 25 between a Pacific Southwest Airlines Boeing 727 and a light plane at San Diego, Calif., which claimed 144 lives highlighted a particular area of concern for the Board—the "mix" of high performance aircraft and the generally slower general aviation aircraft in the vicinity of air carrier airports.

As a result of its investigation of the San Diego accident, the Board made several recommendations, including one which specifically called for a Terminal Radar Service Area at Lindbergh Airport, and a review of the procedures at all airports used regularly by air carriers and general aviation aircraft to determine which other areas require either a terminal control area or a terminal radar service area.

This Safety Board annual report also suggests that the Federal Aviation Administration work with the Congress to reexamine the funding limitations of the Airport Development Aid Program to assure proper emphasis on a major program to increase the capacity of existing airports, and develop general aviation reliever airports.

As required by Congress, the Board's annual report includes its biennial appraisal and evaluation, and review and recommendations for legislative and administrative action and change in the filed of transportation safety.

Accident Reports

Aircraft

Las Vegas Airlines, Piper PA-31-350, N44LV, Las Vegas, Nevada, August 30, 1978 (NTSB-AAR-78-8).—Last August 30, Las Vegas Airlines Flight 44 Crashed in VFR conditions shortly after takeoff from runway 25 at the North Las Vegas Airport in Las Vegas. Flight 44 was a charter flight from Las Vegas to Santa Ana, Calif., with nine passengers and a pilot on board. After liftoff following a longer-than-normal ground roll, the aircraft pitched nose up, climbed steeply to about 400 ft above the ground, stalled, reversed course, and crashed 1,150 ft beyond and 650 ft to the right of the runway. There was no fire. All persons on board the aircraft were killed.

The Safety Board has determined that the probable cause of the accident was the backed out elevator down-stop bolt that limited down elevator travel and made it impossible for the pilot to prevent a pitchup and stall after takeoff. The Board was not able to determine conclusively how the down-stop bolt jam nut locking device came loose and allowed the stop bolt to back out.

When post-accident inspections showed backed-out bolts in three other PA-31's and four other planes, the Safety Board last March 12 recommended that the Federal Aviation Administration (1) require immediate inspection of all Piper aircraft equipped with similar control stop bolts and modification of such installations with safety wiring or some other positive nonfriction means of preventing rotation of the stop bolt under vibration, and (2) alert its general aviation inspectors to the possibility of loosened or maladjusted control stop bolts and suggesting spot-checking of bolts for proper security. (See also 44 FR 17606, March 22, 1979.)

Piper Aircraft urged stop bolt inspection in a March 29 service bulletin. On April 2, FAA issued an airworthiness alert to aircraft operators and mechanics urging periodic checks to be sure control surface travel meets aircraft specifications, and pilot inspection of range and freedom of control surface travel before each flight.

Highway

Stationwagon Penetration of Bridgerail, I-10, near Alhambra, California, November 11, 1978 (NTSA-HAR-79-5).—About 3:40 p.m. last November 11, a stationwagon with 13 occupants exited from Interstate 10 (San Bernardino Freeway) onto a branch connection ramp which lead to the southbound California State Route 7 (Long Beach Freeway). It was raining and the roadway was wet. As the stationwagon negotiated the ramp, the driver lost control of the vehicle which then crashed through the bridgerail and fell to the roadway below, landing on its roof. The driver and six passengers were killed and six passengers were injured.

The Safety Board has determined that the probable cause of this accident was the driver's loss of control of the stationwagon on the branch connection ramp, which resulted from (1) the road surface's low coefficient of friction, (2) the speed of the vehicle, (3) the degraded condition of the vehicle, and (4) the intoxication of the driver. The severity of the crash was magnified by the failure of the bridgerail, known to be inadequate by current standards, to retain the vehicle.

The bridge ramp has been the scene of 39 single-vehicle accidents from 1975 to November 1978. In the first 10 months of 1978, there were eight wet-weather accidents. At least two other vehicles also have breached the bridge railing; both were nonfatal crashes in which the vehicles landed on the their wheels. The Safety Board noted that the bridgerail damage has been repaired eight times in a 9-month period, and that, in each case, the same type of railing, rather than an improved system, was installed. The California Department of Transportation nearly a year ago classified the accident scene as a "high accident-concentration location," and proposed improvements, but the project is still short of completion, the Safety Board noted.

As a result of its investigation of this accident, the Safety Board on June 18 recommended that the State of California (1) install "Slippery When Wet" and speed advisory signs until the accident site is improved; (2) upgrade substandard bridge railing that has been crash-damaged; (3) expedite the accident scene improvement project; and (4) improve, on a priority basis, all bridge railings which do not meet Federal standards designed to minimize severity of impact, retain and redirect a vehicle, and minimize danger to traffic below. (Recommendations H-79-36 through 39; see also 44 FR 37702, June 28, 1979.)

Marine

Grounding and Capsizing of Clam Dredge PATTI-B at Ocean City Inlet, Ocean City, Maryland, May 9, 1978 (NTSB-MAR-79-9).—About 0400 e.d.t., the clam dredge capsized and sank in the Atlantic Ocean about 1,500 yards east of Ocean City. Two crewmen were killed; one crewman was rescued by a Coast Guard 44-foot motor lifeboat which was standing by; and one crewman was rescued by another fishing boat which had been called to the scene after the capsizing. The

PATTI-B has been salvaged and will be put back into service.

The Probable cause of this accident, as determined by the Safety Board, was the capizing of the PATTI-B due to the combined effects of water trapped on its deck, its being temporarily poised on a wave, and the overturning moment of the anchor line. Contributing to the accident were the decisions of the captain of the PATTI-B to anchor by the stern and to attempt to enter Ocean City Iinlet without sufficient water depth.

The accident was investigated jointly by the Safety Board and the U.S. Coast Guard. The Safety Board on June 25 recommended that the Coast Guard: Establish procedures to insure that persons aboard disabled vessels are wearing approved personal flotation devices during rescue operations; inform commercial fishermen of the adverse effects of anchoring by the stern, of water on deck, and of the effective loss of stability due to a boat being momentarily poised on a wave; and determine by design study whether current published intact stability criteria are adequate for vessels similar in design to the PATTI-B. (Recommendations M-79-67 through 69; see also 44 FR 39319, July 5, 1979.)

Sinking of the Offshore Supply Vessel M/V SABINE SEAHORSE in the Gulf of Mexico, January 31, 1978 (NTSB-MAR-79-10).—After loading a cargo of pipe, tools, drill water, diesel fuel oil, and various other supplies, the offshore supply vessel departed Intracoastal City, La., about 2200 on January 29, 1978, for South Marsh Island block 128 in the Gulf of Mexico. By 0030 on January 31, the vessel was secured starboard side to Pennzoil's Platform A in block 128. The vessel was docked at the platform's east side boat landing, which was fitted with four docking bumpers. The fenders were missing from the bumper near the vessel's engineroom, and the bumper was not attached to its underwater support. The SABINE SEAHORSE struck the bumper hard while redocking after a mooring line broke. The vessel's wing compartments, engineroom, and forward passageway flooded, and the SABINE SEAHORSE sank about 0600. No persons died, but the vessel, valued at $220,000, was lost.

Following investigation by the U.S. Coast Guard, the Safety Board analyzed the factual information developed, made an additional analysis, and determined that the probable cause of the accident was the breaching of the vessel's hull by a damaged docking bumper's lower support, which led to flooding of the vessel's engineroom, wing compartments, and forward passageway due to the failure of the crew to secure the engineroom's watertight doors and to take damage control action. Contributing to the accident, the Board also found, was the apparent malfunction of the high bilge water alarm.

As a result of its analysis of this accident the Safety Board on June 25 recommended that the agent of the SABINE SEAHORSE, Seahorse, Inc., instruct its offshore supply vessel crews to keep all watertight doors closed at all times except when actually being transited, and instruct engineers for its offshore supply vessels to test the operation of the high bilge water alarms before each voyage. (Recommendations M-79-70 and 71; see also 44 FR 39320, July 5, 1979.)

Copies of all of the above accident reports were made available to the public on July 2.

Safety Recommendation Letters

Aviation: A-79-55.—On January 3, 1978, at 1923 e.s.t., a Twin Cessna, N41037, en route from Fort Lauderdale, Fla., to Frankfort, Ill., crashed into a moutain south of McGhee-Tyson Airport, Knoxville, Tenn. The flight was VFR and was descending out of 10,500 feet over a sparsely populated area for a refueling stop at McGhee-Tyson. The flight had been receiving VFR advisory service from Atlanta ARTCC and was transferred to Knoxville Approach Control, which provides Stage-III radar service. The approach controller, who had the aircraft in radar contact, issued the Knoxville altimeter setting and told the flight to plan a left base for runway 22L. Knoxville approach control then made this transmission: "Descend at your discretion just not below 2,500 until advised. You're 34 miles south of the airport." Shortly after this transmission, the aircraft struck the side of a mountain at the 3,800-foot level, 1,300 feet above the altitude mentioned in the instruction. The weather was VFR and witnesses reported that "it was a dark night."

The Safety Board notes the pilot's responsibilities for insuring terrain clearance during VFR flight, but a review of Air Traffic Control handbook 7110.65A has led the Board to believe that the handbook is vague concerning guidance to controllers for altitude assignments from facilities with Stage-III radar service. This procedure currently states that altitude assignments should be issued "consistent with the provisions of FAR 91.79," with the following note:

"The minimum safe altitudes are (1) over congested areas, an altitude at least 1,000 feet above the highest obstacle, and (2) over other than congested areas, an altitude at least 500 feet above the surface."

Actually, 14 CFR 91.79 contains some exceptions, such as takeoff, landing, and helicopter operations. The Safety Board believes that although 14 CFR 91.79 appears adequate for pilots, the reference to it in the Air Traffic Control handbook in this context is unsuitable for use by controllers. The Board believes that any altitude assignments or instructions involving altitudes issued to VFR aircraft should be based on information currently in use by controllers, such as the minimum vectoring altitude or the minimum en route altitude. Further, if a VFR aircraft is issued an altitude assignment or instruction containing an altitude, that altitude should afford terrain protection comparable to that received by an IFR aircraft. Accordingly, on July 5, the Safety Board recommended that the Federal Aviation Administration:

Revise Air Traffic Control Handbook 7110.65A so that a VFR aircraft issued an latitude assignment or instruction is provided terrain protection comparable to that received by an IFR aircraft. However, sufficient latitude should be provided in the handbook so that the controller may approve a request of a pilot who wishes to exercise the provisions of and exceptions to 14 CFR 91.79. (Class II, Priority Action) (A-79-55)

Railroad: R-79-41.—Last March 29, westbound Union Pacific freight train Extra 3449 West struck the rear of westbound train Extra 3055 West as it was moving from a main track into a siding at Ramsey, Wyo. Two train crewmembers were killed. Property damage was estimated to be $1,121,000.

The Safety Board's continuing investigation of this accident has revealed that the main track involved was protected by wayside signals of a traffic control system with signal indications repeated by cab signals in the cab of the lead unit of Extra 3449 West. Beginning at a point about 8.3 miles from the accident location, Extra 3449 West passed three wayside signals that should have displayed progressively more restrictive indications, all of which would have been repeated by the cab signals. Failure of the engineer to acknowledge these more restrictive cab signal indications would have resulted in the continuous sounding of a whistle in the cab until the engineer acknowledged the signal by operating a lever. However, the whistle in the cab of Extra 3449 West had been muted by a rag tied around the orifice. This was effective enough to preclude hearing the whistle above the sound of the locomotive unit's engine working at full power. The cab

signal apparatus on this and other Union Pacific locomotives is not designed to fail safe by automatically applying the brakes if the engineer fails to acknowledge as required.

The last signal passed by Extra 3449 West was located 6,300 feet east of the point of impact. This signal should have been displaying a red-over-red "stop and proceed" indication which could be seen more than a half mile away. The caboose of Extra 3055 West had a lighted red marker light facing to the rear. This marker light should have been visible well in excess of 2,000 feet to the rear. Nevertheless, the collision occurred before the brakes were applied on the train.

The Safety Board believes that if the cab signal appartus had been so equipped to automaticaly apply the brakes if the engineer failed to acknowledge the more restrictive signal, Extra 3449 West would have been stopped after passing the first restrictive signal 8.3 miles from the accident location, and the accident would not have occurred. Therefore, the Safety Board on July 5 recommended that the Union Pacific Railroad:

Modify its locomotive cab signal apparatus to provide for an automatic penalty application of the automatic airbrake system whenever the engineer fails to acknowledge a more restrictive signal indication within the specified time. (Class II, Priority Action) (R-79-41)

Reponses to Safety Recommendations

Highway

H-78-71.—The Florida Department of Transportation on June 1 responded to the Safety Board's March 23 letter requesting accident statistics along the Amtrak corridor (Jacksonville to Tampa) and Florida DOT's criteria for the use of constant warning time devices. (See 44 FR 21909, April 12, 1979.) The subject recommendations were developed following investigation of the passenger train/pickup truck grade crossing collision at Plant City, Fla., October 2, 1977.

With reference to recommendation H-78-71, Florida DOT's June 1 letter provides an accident summary for the corridor for 1974 through 1978. The Department states that accidents have been reduced steadily since the Rail-Highway Grade Crossing Improvement Program began to have an effect, showing a 61-percent reduction since 1974. Fatalities have also been reduced, but the fatality statistic is not significant as it is dependent on the chance number of persons in each vehicle. The accident severity continues to decrease at a faster rate than the accidents. Florida DOT states that since the most hazardous grade crossings have been signalized first, the decrease in accidents should level off in the future. Work on the Amtrak project will begin in the near future.

Regarding H-78-78, Florida DOT reports their instructions given for constant time warning device use and notes that the criteria for these devices have been sent to the Districts since 1977. Florida DOT states that there have been no constant warning time devices installed because of objections from railroad companies. Three quotes are provided listing the railroads' objections. Florida DOT asks that the Safety Board use its influence to bring about a Federal study on the issue to discuss system reliability, maintenance, and design.

H-78-79.—This recommendation, also issued as a result of investigation of the grade-crossing accident at Plant City, was the subject of a response from The Family Lines System (Seaboard Coast Line Railroad Company) dated June 18 to the Safety Board's comments of March 2 (44 FR 21909, April 12, 1979). The recommendation asked that Seaboard cooperate with Plant City to expedite installation of the recommended reflectorized, lighted automatic railroad/highway grade crossing gates and cantilever light signals at the Turkey Creek crossing in Plant City.

The Safety Board on March 2 expressed a concern that Plant City was reluctant to enter into a maintenance agreement with the State and the railroad company, and noted that the roadway at the crossing is being transferred to county jurisdiction. The company's June 18 letter reports receiving advice from the Department of Transportation that the county has accepted that portion of the road between U.S. 92 and the Plant City city limits which does not include the crossing. Also, the company has a copy of a letter stating "Hillsborough County will sign such an agreement (which would include maintenance provisions) after the responsibility for the road has been assumed by the County." There has been no firm decision on the matter.

Pipeline

P-78-56.—On June 26 the Materials Transportation Bureau, U.S. Department of Transportation, responded to the Safety Board's comments of April 26 on the initial response (44 FR 28900, May 17, 1979) to a recommendation issued following investigation into the asphyxiation of Oklahoma National Gas Co. workers in Oklahoma City, Okla., April 24, 1978. The recommendation asked MTB to expedite its role in setting standards for gas company safety and health, promulgate necessary regulations, and coordinate all actions with the Occupational Safety and Health Administration to assure that regulations developed are compatible.

While, as previously stated, MTB will not issue gas company employee safety and health standards under the pipeline safety statutes administered by MTB, the Bureau's June 26 letter reports establishment of a close and continuous working relationship with OSHA in both the pipelines and hazardous materials employee safety fields. At a June 8 meeting with OSHA, MTB learned that an advanced draft of the NIOSH criteria document covering work in confined spaces was being reviewed at OSHA. Also, and advance notice of proposed rulemaking is scheduled to be published in the Federal Register in the very near future, and OSHA expects to complete rulemaking on this subject by the end of this year.

P-79-6.—The Materials Transportation Bureau letter of June 14 is in response to a recommendation issued following investigation of a liquefied petroleum gas (LPG) pipeline accident which occurred on August 4, 1978, near Donnellson, Iowa. The recommendation asked MTB to reevaluate all recommendations made by the Safety Board concerning LPG, and expedite those that require rulemaking. (See 44 FR 30180, May 24, 1979.)

MTB concurs generally with this recommendation, and has developed a system through which all Safety Board recommendations addressed to MTB are assessed and monitored on a continuing basis. MTB issued an advance notice of proposed rulemaking last February 5 to solicit comments on the need for more stringent requirements for a pipeline transporting highly volatile liquids.

Further, MTB expects to publish final rules on Dockets PS-51 (Safety Plans for Normal Operations and Emergencies for Pipelines Carrying Highly Volatile Liquids) and PS-53 (Standards to Reduce Spill Size Risks Associated with Pipeline Volatile Liquids such as LPG) in June 1979. Docket PS-55 (Standards to Reduce Pipeline Failure Rates in Pipelines Carrying Highly Volatile Liquids) will be issued as a final rule in September 1979. MTB notes that the Department of Transportation has proposed legislation to amend the 1968 Gas Pipeline Safety Act to strengthen MTB's safety programs for LPG and other highly volatile liquids.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

July 9, 1979

[FR Doc. 79-21505 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, 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 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 F. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Donald W. Barrowman—447-6202

New Forms

Economics, Statistics, and Cooperatives Service
1979 Cotton and Potato Pesticide use Survey
Single time
Sample of 4,490 cotton and potato farmers
4,490 responses; 1,720 hours
Office of Federal statistical Policy and Standard, 673-7974

Rural Electrification Administration
Application for Federal Assistance
AD 623
Single time
30 Firms having expertise in buried telephone cables
30 Responses; 60 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

Revisions

Departmental and Other
Contract Data Status Report
Monthly
AF contractors
192 responses; 1,536 hours
David P. Caywood, 395-6140

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252-5214

New Forms

Building Compliance Information Form
CS-198
Single Time
5,000,000 building owners and managers
5,000,000 responses; 416,667 hours
Jefferson B. Hill, 395-5867

Revisions

DOE Uniform Contractor Reporting System
EIA-188
On occasion
DOE Contractors
108,000 responses; 72,360 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Public Health Service
Consequences of Remaining Childless or Having Only One Child
Single time
1,500-2,000 households in Raleigh and Durham, N.C.
2,000 responses; 36 hours
Office of Federal Statistical Policy and Standard, 673-794

Revisions

Food and Drug Administration
Effect of PPI's as a function of critical variations
Single time
Patients filling RX's/consumers
5,384 responses; 1,661 hours
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—John T. Murphy—755-5190

Reinstatements

Housing Production and Mortgage Credit
Schedule of Land Development Lots—Title X
FHA 3554
On occasion
Individuals, firms, corp., seeking insured financing
30 responses; 30 hours
Arnold Strasser, 395-5080

Housing Production and Mortgage Credit
*Title I—Dealer/Contractor Application
FH-13
On occasion
Banks accept from dealers, contractors, suppliers
10,000 responses; 5,000 hours
Arnold Strasser, 395-5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426-1887

New Forms

Departmental and Other
U.S. Pilot Interview Survey
Single time
300 U.S. Pilots
300 responses; 120 hours
Susan B. Geiger, 395-5867

New Forms

Federal Highway Administration
Assessing the Long Term Effects of Relocation on Low-Income Groups—Questionnaire
Single time
250 Low-income persons who are highway relocatees
250 responses; 125 hours
Susan B. Geiger, 395-5867

Extensions

Federal Highway Administration
*Outdoor Advertising and Junkyard Report
FHWA-1424
Quarterly
State Highway Agencies
208 responses; 104 hours
Susan B. Geiger, 395-5867

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Agency Clearance Officer—Steve Goodrich—261-1376

Revisions

Application for Relocation Assistance Benefits
On occasion
Heads of household
3,500 responses; 5,250 hours
David P. Caywood, 395-6140

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389-2282

New Forms

Pretest of Survey of Drinking Behaviors Among VA outpatients
Single time
1,943 VA outpatients
1,943 responses; 608 hours
David P. Caywood, 395-6140

Reinstatements

*Home Counseling Analysis
26-8710
On occasion
Minority Homebuyers
4,000 responses; 2,000 hours
David P. Caywood, 395-6140

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-21577 Filed 7-11-79; 8:45 am]
BILLING CODE 3110-01-M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. 301-14]

Trade Policy Staff Committee; Soviet Marine Insurance Practices; Suspension of Section 301 Investigation

On January 26, 1978 a complaint by the American Institute of Marine Underwriters was published in the Federal Register alleging certain unfair discriminatory trade practices by the U.S.S.R. with respect to Marine Insurance Practices (43 FR 3635). A public hearing was held on the complaint on March 7, 1978, and the interagency committee chaired by the Special Trade Representative reviewed the allegation and information received.

On June 9, 1978 the President made a determination with respect to the practices of the U.S.S.R., determining that their practices respect to Marine Insurance on bilateral U.S.-U.S.S.R. cargoes constituted an unreasonable burden and restriction on U.S. commerce (43 FR 25212). Further consultations with the U.S.S.R. resulted in an understanding reached on October 26, 1978, committing both countries to immediate discussions for the purpose of developing procedures to accomplish the objective of reaching a resolution of the Marine Cargo Insurance issue whereby each party would have a substantial share of the marine cargo insurance resulting from the U.S.-U.S.S.R. bilateral trade. Further discussions were held on this issue in early 1979 and an agreement was signed on April 5, 1979 setting forth the implementing procedures to carry out the agreement. As part of that agreement it was agreed that there shall be an annual review of the placement of Marine Cargo Insurance in the bilateral trade of the two countries.

In light of this agreement, the Section 301 review is suspended until after the first year's review. At that time another assessment will be made as to the effectiveness of the agreement between the two countries.

Richard R. Rivers,
Chairman of the Section 301 Subcommittee.

[FR Doc. 79-21511 Filed 7-11-79; 8:45 am]
BILLING CODE 3910-10-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21135; 70-6329]

Central & South West Corp.; Proposed Issuance and Sale of Common Stock at Competitive Bidding

July 6, 1979.

Notice is hereby given that Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas 75250, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to issue and sell at competitive bidding up to 5,000,000 shares of its authorized but unissued common stock, par value $3.50 per share (the "Additional Shares"). The net proceeds from the sale of the Additional Shares will be used to retire a like amount of CSW's short-term debt and commercial paper (which aggregated $123,600,000 as of May 31, 1979) expected to be outstanding at the time of sale (estimated to aggregate $97,000,000 at such time).

None of the proceeds from the sale of the Additional Shares shall be utilized, directly or indirectly, to pay the cost of facilities which would not be needed to provide service to customers of CSW's operating subsidiaries if they were not part of the CSW System, nor will any

expenditures be made by such operating subsidiaries for the construction or acquisition of any facility not so needed prior to the time all funds covered by this declaration have been expended. For the purpose of the foregoing representation, there are included within the meaning of the term facilities all facilities, the construction or acquisition of which are or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951), which facilities would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the CSW System.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 27, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21568 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-15999; File No. SR-CSE-79-3]

Self-Regulatory Organizations; Proposed Rule Change by the Cincinnati Stock Exchange

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 5, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

CSE's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Rule 11.9(b) (Temporary) concerning multiple dealer trading, to extend the period of effectiveness of the Rule, and the duration of the program authorized thereby, to January 31, 1983, or such earlier date as the Exchange's Board of Trustees may determine. The proposed rule change would be effected by deleting the numerals "1980" and inserting in their place the numerals "1983" in the last sentence of the second paragraph of the Rule.

CSE's Statement of Basis and Purpose

The purpose of the proposed rule change is to extend the duration of the Exchange's utilization of the CSE Multiple Dealer Trading System ("CSE System") for an additional three years, until January 31, 1983. At the present time, with the Rule's expiration date approximately seven months away and with a history of having only relatively short periods of effectiveness of the Rule, it is difficult for the Exchange to attract order flow and to plan and implement enhancements to the CSE System.

In order for the CSE System to be successful, it must attract order flow and in order to attract order flow, additional organizations must be induced to become users of the System. However, if the CSE System is to be attractive to prospective users, the System must have an appearance of permanence. An appearance of permanence is needed because there is a certain amount of start-up effort (such as choosing and training employees to work with the System, along with the installation of certain equipment) which needs to be made by new users of the System and the Exchange believes that many prospective users are not willing to make such an "investment" without having some expectation that the CSE System will have a life of more than five or six months. It should be noted that if in the future the Exchange is granted only a series of one year extensions, prospective users will usually be in the *middle* of such one year periods when they are deciding whether to utilize the CSE System, and so, for all practical purposes, the life expectancy of the System would, at the time of each such decision, probably appear to be much less than a year.

There is also another reason why an appearance of permanence is particularly required at this time and that is that the Commission has, as a result of recent Releases (Release No. 34-15671; File No. S7-735-A and Release No. 34-15770; File No. S7-778), created the impression among prospective users of the CSE System that the System is no longer considered to be a viable and important method for the trading of multiply-traded securities. While the Exchange does not necessarily believe that the Commission intended to create such an impression, the fact is that the Commission's activities (or lack thereof) culminating in said Releases have created such an impression within the securities industry and this impression has become an obstacle to the Exchange's attempts to convince members of the industry to utilize the CSE System. By granting a three year extension, the Commission could do much to help eliminate the existence of this impression within the securities industry.

In a related area, without at least a three year extension of the Rule, it is very difficult to justify and plan modifications and enhancements to the CSE System. Control Data Corporation ("CDC"), the owner of the hardware and software used to operate the CSE System, is currently creating new software which will enable the System to create reports which will simplify the Commission's task of analyzing certain data (which is currently available from the System) relating to trading activity which has taken place through the use of the System. In addition, the Commission has encouraged the making of changes to the System so that quotations from the CSE System can be utilized by the Consolidated Quotation

System ("CQS")[1] and, in addition, the Commission has suggested that an effort be made to attempt to integrate the operations of the Intermarket Trading System ("ITS") with the CSE System. While initial discussions related to the latter topic have already taken place between representatives of the Securities Industry Automation Corporation ("SIAC") and CDC, it will be difficult to plan, implement and justify the cost of such modifications, not to mention future enhancements to the System, without the assurance that the CSE System will be allowed to operate for an additional three years.

Finally, it should be noted that the CSE System has been operating for approximately one year and the Exchange has not received any complaints from users of the System or their customers concerning the System or the quality of the executions obtained through the use of the System.

The basis for the proposed rule change is Section 6(b)(5) of the Securities Exchange Act, in that the principal purpose of the proposed rule change is to facilitate removal of impediments to and perfection of the mechanism of a free and open market and a national market system.

No comments on the proposed rule change have been received.

The Exchange believes that the proposed rule change imposes no burden on competition. Indeed, it believes that by providing a system whereby data processing hardware and software along with electronic communication equipment is utilized for trading in multiply-traded securities, it is fostering fair competition among brokers, among dealers and among exchange markets, as contemplated by Section 11A(a)(1)(C)(ii) of the Act.

On or before August 16, 1979, or within such longer period (i) as the Commission may designate, up to 90 days after such date, if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

July 6, 1979.

[FR Doc. 79-21571 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

[1] It should be noted that quotations from the CSE System are currently made available as a "constant stream" to other quotation vendors such as General Telephone and Electronics, Bunker Ramo and Instinet. While General Telephone and Electronics, Bunker Ramo and Instinet do utilize such quotations and Quotron can (but does not) utilize them on a "constant stream" basis, apparently the CQS can not utilize quotations which are furnished as a "constant stream", but can only utilize quotations on a "polled" basis. It could be argued that the CQS is "out of step" with the other systems and that SIAC should alter the technology of the CQS so that the CQS could accept quotations in the same manner as the systems used by the other quotation vendors, rather than have the CSE System modified to accommodate the peculiarities of the CQS.

[Rel. No. 21131; 70-6136]

The Columbia Gas System, Inc., and Columbia Gas System Service Corp.; Proposal for Automatic Adjustment of Rate of Return on Capital Stock Permitted Service Company

July 5, 1979.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Gas System Service Corporation ("Service"), 20 Montchanin Road, Wilmington, Delaware 19807, its wholly owned subsidiary, have filed with this Commission a post-effective amendment to the joint-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 13 of the Act and Rules 90 and 91 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Service provides accounting, rate, stationery, insurance, depreciation, research, tax, environmental, financial, legal, statistical, electronic data processing and general advisory services to the affiliated operating company subsidiaries of Columbia. Subsidiaries of Columbia are billed by Service on a monthly basis to cover their operating costs and a return on invested capital for services rendered.

By order dated October 11, 1978 (HCAR No. 20729), the Commission authorized an increase in the rate of return which Service is permitted to charge the other subsidiaries of Columbia and Columbia for services provided by Service. The Commission in that order authorized a return of 9.94%, the overall rate of return accepted by the Federal Energy Regulatory Commission ("FERC") for Columbia Gas Transmission Corporation by order of March 16, 1978, in settling rate proceedings in Docket Nos. RP 76-94, 76-95, 76-138 and 75-106.

Declarants now propose that Service's rate of return in the future be automatically adjusted, from time to time, to Columbia Gas Transmission's most recent overall rate of return on the net investment rate base authorized or permitted by FERC to take effect, from time to time, without investigation or provision for refund. It is stated that 72% of Columbia's investment in related subsidiaries is in transmission subsidiaries. Of this 72%, 52% is in Columbia Gas Transmission and 20% is in Columbia Gulf Transmission Company. The companies state it is reasonable to allow Service the same rate of return allowed by FERC for Columbia Gas Transmission, the largest regulated subsidiary in the System. With reference to Rule 91 under the Act, Service states that it believes such method of compensation is and would continue to be reasonable. Such new rates would become effective for Service either (a) upon the filing with this Commission of the FERC order authorizing such rate for Columbia Gas Transmission or (b) the effective date of such FERC order, whichever is later.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 30, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange

Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordred) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21569 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10760; 812-4477]

Investment Trust of Boston & Devonshire Street Fund, Inc.; Filing of Application

July 6, 1979.

Notice is hereby given that Investment Trust of Boston ("ITB"), one Winthrop Square, Boston, Massachusetts 02110, and Devonshire Street Fund, Inc. ("Devonshire"), One Winthrop Square, Boston, Massachusetts 02110, ("the Applicants" or "the Funds"), both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("the Act") filed an application on May 16, 1979, and an amendment thereto on June 25, 1979, requesting an order of the Commission (1) pursuant to Section 6(c) of the Act, exempting the proposed acquisition of Devonshire by ITB from the provisions of Section 22(c) of the Act, and Rule 22c-1 thereunder, to permit the proposed issuance of ITB shares at net asset value, but at a price other than the price next determined after receipt of a purchase order; (2) pursuant to Section 17(b) of the Act, exempting such acquisition from the provisions of Section 17(a) of the Act; and (3) pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the sharing of the expenses of such acquisition as provided in the Agreement and Plan of Reorganization ("the Agreement"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that ITB was organized on May 6, 1931. As of March 31, 1979, ITB had net assets of approximately 52.2 million dollars, beneficially owned by approximately 8,650 shareholders. ITB's investment adviser is ITB Management Company, a registered investment adviser under the Investment Advisers Act of 1940 ("ITB Management"). ITB's principal underwriter is ITB Distributors, Inc., a wholly-owned subsidiary of ITB Management, and a registered broker-dealer under the Securities Exchange Act of 1934.

Devonshire was organized in October, 1960 and was offered to the public as a "tax-free" exchange fund in 1961. As of March 31, 1979, Devonshire had net assets of approximately $8.4 million, beneficially owned by approximately 300 shareholders. ITB Management also acts as investment adviser to Devonshire. Devonshire is not currently offering its shares to the public, although shares are issued in connection with the reinvestment of distributions. Devonshire has followed the practice, and expects to continue to do so in the future if the transaction contemplated hereby is not consummated, of meeting shareholder redemptions by payments in kind instead of cash—that is, portfolio securties of Devonshire are issued to redeeming shareholders, except for the settlement of fractional shares which are paid in cash.

Applicants state that, pursuant to the Agreement, ITB will acquire substantially all of the assets and properties of Devonshire in exchange for shares of beneficial interest of ITB. Following the exchange of Devonshire's assets for ITB's stock, Devonshire will dissolve and liquidate. As part of the liquidation distribution, Devonshire will distribute to its shareholders in exchange for their shares of Devonshire Capital Stock the ITB shares it receives upon the transfer of its assets to ITB. Each Devonshire shareholder will be entitled to that portion of the ITB shares to be received by Devonshire that the number of Devonshire shares owned by each shareholder bears to the number of Devonshire shares outstanding on the Exchange Date. The Agreement provides that full shares and, to the extent necessary, a fractional share of ITB, of an aggregate net asset value equal to the value of the assets of Devonshire acquired are to be issued by ITB in exchange for such assets of Devonshire. Devonshire will distribute such shares to Devonshire's shareholders by redelivering the certificate received from ITB which represents such shares to ITB's transfer agent, which will set up accounts for each Devonshire shareholder pursuant to instructions received from Devonshire. Any Devonshire shareholder holding Devonshire certificates as of the Exchange Date must first surrender such certificates, or post adequate bond in the case of lost certificates, before such shareholder will be permitted to receive dividends or other distributions on his shares, receive ITB certificates, pledge such shares or redeem such shares. However, such dividends or other distributions will be credited to his account.

The net assets and net asset value per share of Devonshire as of March 31, 1979 were $8,409,476 and $10.47, respectively. ITB's net asset value per share on that date was $9.85. Had the Exchange Date occurred immediately following the close of business on March 31, 1979, each share of Devonshire's outstanding common stock would have been exchanged for 1.063 shares of ITB common stock and ITB would have issued a total of 853,874 shares for Devonshire's net assets. These computations are pro forma and do not include adjustments with respect to distributions prior to the reorganization, unreimbursed expenses of either ITB or Devonshire in carrying out its obligations under the Agreement, and any cash reserves retained by Devonshire for its final expenses.

The agreement states that the net asset value of ITB and Devonshire will not be adjusted for realized and unrealized gains and losses. As of March 31, 1979, Devonshire had no net operating loss carryover or capital loss carryover. For financial statement purposes, it had $1,941,660 of net unrealized capital gains and, for the year then ended, had net realized gains of $265,296, which has been distributed to its shareholders. For Federal income tax purpposes, Devonshire had net unrealized capital gains of $2,582,356 at March 31, 1979, and for the year then ended, had net realized capital gains of $312,689. As of February 28, 1979, ITB had no net operating loss carryover or capital loss carryover and had net unrealized capital gains of $4,916,205. For the nine months then ended, ITB had net realized gains of $638,491. As of February 28, 1979, the cost of investments of ITB for financial

statement purposes equaled the cost for Federal income tax purposes. Immediately before the Exchange Date, Devonshire will distribute all net investment income to its shareholders and will either distribute all realized but not previously distributed capital gains or will pay, or reserve sufficient assets to pay, the Federal income tax thereon for the account of the shareholders of Devonshire.

Fees and expenses to be incurred in connection with the proposed acquisition are currently estimated at $100,000. The Agreement states that ITB will not assume any liabilities of Devonshire in connection with the acquisition, except that ITB will assume fees and expenses, including legal, accounting, printing, filing, proxy soliciting and portfolio transfer taxes, If any, or other similar expenses incurred by Devonshire or ITB in connection with the acquisition up to an aggregate amount of $20,000 exclusive of those fees and expenses which ITB customarily incurs in the issuance and sale of its shares. All other fees and expenses, printing, filing, proxy solicitation and portfolio transfer taxes, if any, or other similar expenses incurred by either Devonshire or ITB in connection with the acquisition shall be borne by Devonshire. Devonshire shall promptly reimburse ITB in full for such fees and expenses in excess of $20,000 paid or assumed by ITB in connection with the transaction. Notwithstanding the foregoing, however, Devonshire will not reimburse ITB for (a) those fees and expenses which ITB customarily incurs in the issuance and sale of its shares or (b) any specific auditing expenses of ITB or Devonshire resulting from the requirement that the acquisition of Devonshire's assets be treated for accounting purposes as a pooling of interests. These auditing expenses are estimated not to exceed $2,500.

Applicants represent that it is expected that the reorganization will be submitted for approval to the stockholders of Devonshire in July, 1979, and that the acquisition will be consummated shortly thereafter. In addition to approval by the Devonshire stockholders, consummation of the reorganization is subject to other conditions, including satisfactory opinions of counsel, any necessary approvals of the Securities and Exchange Commission and the accuracy of representations and warranties of Devonshire and ITB on the Exchange Date.

Section 22(c) of the Act, and Rule 22c-1 thereunder together provide, in part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security which is next computed as of the close of trading on the New York Stock Exchange next following receipt of an order to purchase such security.

The Agreement contemplates that the assets of ITB and Devonshire will be valued as of the time of close of trading on the New York Stock Exchange on July 30, 1979, or such earlier or later date as may be agreed to by the parties ("the Valuation Time"), and the issuance of ITB shares in exchange for Devonshire assets will occur on the next full business day following the Valuation Time. Thus, the "forward pricing" requirement of Section 22(c) and Rule 22c-1 will not be met.

ITB contends that, in this instance, it will be impracticable to comply with Section 22(c) and Rule 22c-1, as the number of ITB shares to be issued is determined by diving the net asset value per share of ITB into the total net assets of Devonshire available for acquisition. Such computation can be made only after the close of business when both portfolios can be fully valued. ITB further contends that valuation of ITB's assets at the Valuation Time on the last business day immediately preceding the Exchange Date will be fair to the shareholders of ITB and Devonshire, and will not present any of the potential for abuse that Rule 22c-1 is intended to avoid.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that an order exempting ITB from the provisions of Section 22(c) and Rule 22c-1 thereunder to the extent necessary to enable valuations as of the time set forth above is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer.

Applicants state that ITB and Devonshire are not "affiliated persons" of each other on the basis of presumptive control within the meaning of Section 2(a) (9) of the Act. However, ITB Management is the investment advisor for Both ITB and Devonshire. In Addition, the Board of Directors of Devonshire and the Trustees of ITB are identical except that ITB has one additional Trustee who does not serve on the Devonshire Board. Further, the officers of the Funds are identical, although they hold different positions in each Fund. Accordingly, ITB and Devonshire might be deemed to be "affiliated persons" of each other within the meaning of Section 2(a) (3) of the Act and any disposition of portfolio securities by Devonshire to ITB or any acquisition by ITB of the portfolio securities of Devonshire pursuant to the Agreement might be deemed to be prohibited by Section 17(a) of the Act.

Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable 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 state that the terms of the Agreement provide that the acquisition of Devonshire's assets by ITB shall be accomplished on the basis of the net asset values of the Funds. No adjustment is to be made in the computation of each Fund's net asset value for the greater relative amount of unrealized appreciation inherent in Devonshire's assets, it having been determined by ITB's Trustees that the detriment, if any, to ITB's stockholders from such unrealized appreciation was too speculative and theoretical to justify any discount of Devonshire's net assets and, in any case, did not outweigh the advantages to ITB from consummation of the transaction. Specifically, the Trustees took into account the fact that it was impossible to predict whether the unrealized appreciation inherent in the securities of Devonshire to be purchased by ITB would ever be realized or if it were realized to what extent it would be so realized. The Trustees further concluded that even if all the unrealized appreciation inherent in Devonshire's assets which is disproportionately

greater than the amount inherent in ITB's own assets were to be realized shortly after consummation of the transaction, the detriment to existing ITB shareholders resulting from the additional taxes that might be owing would be offset by the lower projected expense ratios. Further, it is ITB's intention to hold the portfolio securities which it expects to receive from Devonshire for investment, provided, however, ITB reserves the same freedom, consistent with its investment objectives, to retain and/or sell the securities received from Devonshire as it has with respect to any other securities which it holds for investment. This fact will tend to further minimize the possible detriment to ITB's existing shareholders from such unrealized capital gains.

The cost of the transaction whereby ITB bears $20,000 of expenses, not including possible additional auditing expenses resulting from the transaction which are estimated not to exceed $2,500, and Devonshire bears the expenses in excess of that amount, which are estimated to be approximately $80,000, reflects an appraisal by both the Trustees of ITB and the Board of Directors of Devonshire as to the relative benefits to each Fund from the transaction. In this regard, the Trustees of ITB weighed the benefits to ITB's shareholders from projected reduced expense ratios and projected savings of brokerage commissions resulting from the transaction against the possible detriment resulting from Devonshire's disproportionate amount of unrealized capital gains. The Directors of Devonshire considered the substantial projected reduction in expense ratios for its existing shareholders, the fact that no discount was being applied to the value of Devonshire's shares as a result of its disproportionate amount of unrealized capital gains and the fact that its shareholders will become shareholders of larger Fund which has substantially similar investment objectives and portfolio securities and the same investment adviser. Both Funds were represented by separate, independent counsel in connection with such appraisal, as well as in connection with the transaction generally.

As mentioned above, the proposed transaction is expected to result in economies to the shareholders of both ITB and Devonshire in the form of reduced expense ratios. In addition to an immediate projected reduction in the expense ratio for shareholders of both Funds, the proposed transaction will allow Devonshire shareholders to become shareholders of a Fund which is approximately seven times larger, which is currently selling additional shares to the public and which is more capable of keeping expense ratios within reasonable limits.

Applicants also state that the transaction represents a rare opportunity on the part of ITB to acquire a substantial amount of portfolio securities without the necessity of paying brokerage commissions. ITB estimates that such brokerage savings will amount to approximately $20,000. Furthermore, the assets to be acquired by ITB are substantially identical to the assets already held by it, thus virtually eliminating the need to sell any of the securities purchased from Devonshire other than as a result of subsequent investment decisions.

The proposed merger is also consistent with the investment objective and policies of ITB and Devonshire. ITB's objectives is "to seek opportunities for long term growth of capital and income". Devonshire's investment objective is "possible long term capital growth and income". Their policies in pursuing these objectives are also substantially similar.

Applicants submit that in accordance with Section 17(b) of the Act, the terms of the proposed transaction are reasonable and fair to the Applicants and do not involve overreaching by either of the Applicants, and that the proposed transaction is consistent with the investment policies of each Applicant and consistent with the purposes of the Act.

Rule 17d-1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this Rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants. As noted above, ITB and Devonshire might be deemed "affiliated persons" of each other within the meaning of Section 2(a)(3) of the Act. Thus, the proposed sale of assets by Devonshire to ITB and the related allocation of expenses might be deemed to be a joint enterprise or arrangement prohibited by Section 17(d) of the Act and Rule 17d-1 thereunder without Commission approval.

The Applicants represent that the terms of the proposed transaction are reasonable and fair to all parties, do not involve overreaching, and are consistent with the investment objectives of each of the Funds and with the policies of the Act. The combination is deemed to be advantageous to each of the Applicants for the reasons set forth above. To the extent that ITB's participation in the transaction is different from that of Devonshire's, each Fund represents that its participation in the transaction is as advantageous as the participation of the other Fund. While Devonshire shareholders will bear a higher proportion of the expense of the transaction than will ITB shareholders, Devonshire shareholders (a) are expected to derive significant reductions in projected per share expense ratios, which reductions are expected to be substantially larger as compared to projected per share expense ratio reductions for ITB's shareholders, (b) will be able to sell their Fund's assets at net asset value without reduction for the disproportionate amount of unrealized capital appreciation inherent therein, (c) will become shareholders of a Fund which is approximately seven times larger, is currently selling additional shares to the public and is more capable of keeping expense ratios within reasonable limits, and (d) will become shareholders of an open-end Fund which has substantially similar investment objectives and portfolio securities, which has the same investment adviser as Devonshire and which redeems shares in cash instead of in kind. While ITB recognizes that it is purchasing assets which have a disproportionately

higher amount of unrealized appreciation inherent therein than its own assets and that it will pay approximately $20,000 of expenses, ITB anticipates that it will also have a reduction in its projected per share expenses as well as the opportunity to purchase, without the necessity of the payment of additional brokerage commissions, approximately $8 million of assets representing, in large part, portfolio securities which are the same as securities already held by ITB. Accordingly, the Applicants submit that the participation of the Funds in the proposed transaction is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and to the extent that participation by each Fund is different from the other, such participation is not less advantageous.

Notice is further given that any interested person may, not later than July 30, 1979, at 5:00 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-21565 Filed 7-11-79; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 21137; 70-6322]

Ohio Power Co.; Proposed Acquisition of Rail-Related Assets

July 6, 1979.

Notice is hereby given that Ohio Power Company ("Ohio Power"), 301 Cleveland Avenue, S.W., Canton, Ohio 44702, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Ohio Power proposes to acquire, for approximately $510,000 certain assets related to the repair of railroad cars, consisting of rail tracks, switches, buildings and other rail-related inventory, from Sewco, Inc. ("Sewco") pursuant to a contract between Sewco and American Electric Power Service Corporation, an affiliate of Ohio Power, acting as Ohio Power's agent, which contract is subject to approval of this Commission. Ohio Power also requests authorization to make additional expenditures for equipment and accessories related to rail car maintenance and repair in an amount not to exceed $375,000 through December 31, 1979.

It is stated that the rail-repair assets will be used to maintain the 1,765 railroad hopper cars which transport coal from the western United States to Ohio Power's Cook Coal Terminal ("Cook"), a rail-to-river coal transfer facility located near Metropolis, Illinois. These cars are part of the AEP system operating companies' fleet of 3,200 rail hopper cars which have been acquired through lease. The number of such cars used for western transport of coal to Cook is expected to increase to 2,350 in the near future.

Most coal-hauling railroads provided the hopper cars for transporting coal until recently, when shippers, especially utilities, were encouraged to provide their own rail cars. With the lease acquisition of 3,200 cars by members of the AEP system came the obligation to maintain them. Rail car maintenance may be divided into three types of repairs: (i) Running Repairs—those that are necessary during the course of a railroad trip and are generally performed by railroads at rates specified in tariffs filed with the Interstate Commerce Commission; (ii) Heavy Repairs—those which, because of the equipment that must be used, are usually made at rail maintenance shops; and (iii) Preventative Maintenance—those repairs which consist of work performed to keep the car in good condition by replacing parts that may soon wear out.

Ohio Power proposes to do Preventative Maintenance, as well as minor Running Repairs, at Cook. Previously such services were provided by Sewco, a rail maintenance company, pursuant to a contract which expired December 31, 1978. Since Ohio Power believed it could do the work better, and at less cost, than Sewco, the contract was not renewed. Ohio Power will continue to have Heavy Repairs, as well as some Preventative Mainenance, done by the Rail Car Maintenance Company ("RMC") at its rail car repair shop located near Alliance, Nebraska. Since termination of the agreement with Sewco, most maintenance for rail cars carrying coal to Cook has been performed by RMC.

In addition to doing Preventative Maintenance and minor Running Repairs, Ohio Power proposes to make at Cook periodic rail car inspections required once a year by regulation of the Federal Railroad Administration, which inspections must be made at a shop.

Ohio Power states that it believes the replacement value of the assets proposed to be acquired from Sewco is $560,334. The contract price is $510,000, subject to adjustments. In order to maintain rail cars during the period in which the Commission considers this application, the purchase agreement provides for the rental of the Sewco assets at Cook, at a rate of $8,500 per month for an initial three-month term and any renewal thereof, plus a monthly interest carrying charge on the $510,000 purchase price (reduced by any previous monthly payments of $8,500), with the $8,500 portion of all monthly rentals applied as a credit against the purchase price.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,500. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 2, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or

law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21567 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21134; 70-5259]

Middle South Utilities, Inc., et al.; Fifth Post-Effective Amendment Regarding Line of Credit Between Bank and Nonutility Subsidiary Company To Finance Fuel Procurement for Owner Associate Utility Companies

July 6, 1979.

In the matter of Middle South Utilities, Inc., System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205; New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, its public-utility subsidiary companies, Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi"), and the New Orleans Public Service Inc., ("NOPSI") (collectively referred to as "Operating Companies"), and System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of Operating Companies, have filed with this Commission a fifth post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated December 8, 1972, September 17, 1973, November 25, 1974, December 1, 1976, and December 7, 1978 (HCAR Nos. 17797, 18097, 18679, 19779, and 20820), the Commission authorized SFI to issue and sell its unsecured promissory notes, in an aggregate amount not exceeding $25,090,000 outstanding at any one time, to Hibernia National Bank in New Orleans ("Hibernia") from time to time for a period of eight years from the date of a loan agreement (December 8, 1972) among Hibernia, SFI, Operating Companies, and Middle South. Under the loan agreement, nine other banks are participating to the extent of $21,590,000 or 86.1% of the borrowings. It is stated that as of May 31, 1979, SFI had issued notes under the line of credit in the aggregate principal amount of $25,090,000, the proceeds of which were applied by SFI toward the purchase of oil for use as fuel by Arkansas, Louisiana, Mississippi, NOPSI, and Arkansas-Missouri Power Company.

It is now proposed that the maximum aggregate principal amount which SFI is authorized to borrow and reborrow through December 8, 1980, from Hibernia under a line of credit be increased from $25,090,000 to $75,000,000 at any one time outstanding and that the purposes for which the borrowings may be made be modified. To effect this proposed increase in the amount of borrowings by SFI, said agreement, dated as of December 8, 1972, as previously amended, will be further amended to provide for borrowings up to an aggregate principal amount not to exceed, at any one time outstanding, $75,000,000 and to provide that the borrowings be used to finance a portion of SFI's fuel oil inventory, SFI's acquisition of natural gas supplies, and other expenditures (exclusive of expenditures for the purchase of nuclear materials or services) in connection with SFI's fuel supply program.

The same nine commercial banks will continue to participate in the increased borrowings by SFI from Hibernia. The amount of their participation in the increased borrowings will equal 32.72% of such borrowings at any one time outstanding, up to a maximum of $24,540,000. Hibernia's participation will be the remaining 67.28%, up to a maximum of $50,460,000. All the other terms and conditions related to the borrowings remain the same.

SFI estimates that the market value of its fuel oil inventory at May 31, 1979, was $131,700,000 and that it will be required to maintain through December 31, 1979, fuel oil inventory varying from a minimum of 5,800,000 bbls. to a maximum of 7,800,000 bbls., subject to fluctuation from time to time due to seasonal factors, the availability of natural gas and purchased power, and Middle South System needs. The presen estimate of the market value of said projected maximum fuel oil inventory through December 31, 1979, is $145,000,000. The maximum value of SFI's fuel oil inventory in 1980 is estimated to be at least as high as the projected 1979 maximum value. SFI intends to finance this increase through a proposed increase in borrowings under the Acceptance Facility Line of Credit Agreement, which will be the subject of a subsequent post-effective amendment in File No. 70-6055 and the proposed increase in borrowings under the loan agreement in this proceeding.

Available borrowings authorized under the loan agreement are also proposed to be used by SFI to acquire natural gas, which has become available as a result of recently enacted Federal energy legislation and will be sold to Arkansas, Louisiana, Mississippi, NOPSI, or Ark-Mo for use as boiler fuel. In addition, SFI proposes to use borrowings under the loan agreement not then required for the above purposes to meet certain of SFI's capital expenditure requirements for its fuel supply program.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $12,500, including legal fees of $10,000.

Notice is further given that any interested person may, not later than July 30, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission

should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21570 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10759; 812-4494]

State Bond & Mortgage Co.; Application

July 6, 1979.

Notice is hereby given that State Bond and Mortgage Company ("Applicant"), 100-106 North Minnesota Street, New Ulm, Minnesota 56073, a Minnesota Corporation registered under the Investment Company Act of 1940 ("the Act") as a face-amount certificate company, filed an application on June 18, 1979, and an amendment thereto on July 3, 1979, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting from the provisions of Section 17(a)(3) of the act certain residential real estate loans made by State Bank & Trust Company of New Ulm ("State Bank") to officers, directors and employees of Applicant. All interested persons are referred to the application on file with the commission for a statement of the representations contained therein, which are summarized below.

Section 17(a)(3) of the Act, in part, provides that it is unlawful for affiliated persons of a registered investment company, or affiliated persons of affiliated persons of a registered investment company to borrow money or other property from any company which is controlled by the registered investment company. State Bank, a Minnesota chartered commercial bank, is a wholly-owned subsidiary of Applicant. Therefore, Section 17(a)(3) of the Act prohibits the officers, directors and employees of applicant and of State Bank from obtaining loans from State Bank. By order of the Commission dated May 25, 1971, Investment Company Act Release No. 6538, loans by State Bank to its officers, directors and employees are exempted from the provisions of Section 17(a)(3) of the Act, subject to certain conditions therein stated. However, loans by State Bank to officers, directors and employees of Applicant remain subject to the prohibitions of section 17(a)(3) of the Act.

Section 6(c) of the Act, provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that the proposed exemption is reasonable and fair and would not permit overreaching on the part of any person concerned. Specifically, Applicant states that the majority of its officers, directors and employees maintain their checking and savings accounts with State Bank; that both Applicant and State Bank are located in a small community in which there are only two other commercial banks and two savings and loan associations; that officers, directors and employees of Applicant find it difficult to obtain loans from other financial institutions with which they do not transact their personal savings and checking account business; and that State Bank is placed in a position of competitive disadvantage in the community by its inability to make loans to officers, directors and employees of Applicant. Further, Applicant states that the exemption requested is consistent with the exemption previously granted by the Commission for the making of loans by State Bank to its officers, directors and employees, and that the considerations bearing upon the determination of this application are not significantly different from those relative to the previous application. Applicant further states that the stock of State Bank held by Applicant is not deposited with a custodian as a qualified asset for purposes of meeting the certificate reserve requirements for face-amount certificate companies under the act, and that the holders of its face-amount certificates are, therefore, not dependent upon the financial condition of State Bank for the security of their investments. Finally, applicant states that under applicable federal statutes, loans to officers and directors of affiliate bank holding companies must be made with certain restrictions. Specifically, loans to such an individual when aggregated with all other loans to such individual, may not exceed 10% of capital and surplus; may not exceed $25,000 unless approved by the board of directors of the bank; may not involve more than the normal risk of repayment; and must be on substantially the same terms as those prevailing at the time for comparable transactions. Should the exemption herein requested be granted these restrictions would, of course, apply to loans made by State Bank to the officers and directors of Applicant.

Applicant is of the opinion that, because of the restrictions and circumstances cited above, and the conditions outlined below which Applicant has consented to, the requested exemption would not and could not result in overreaching on the part of affiliated persons, and that the investing public will continue to be fully protected from such overreaching. Applicant is of the further opinion that the requested exemption is in the public interest in that it would permit officers, directors and employees of applicant to obtain financing otherwise difficult to secure, and would remove State Bank from a position of competitive disadvantage in the community.

As conditions to the requested order, if issued pursuant to this application, Applicant consents to the following regarding any loans made by State Bank to any officer, director, or employee of Applicant:

1. State Bank shall not pay a finder's fee in connection with any loan covered by the requested order, nor shall Applicant pay to State Bank a fee for any such loan;
2. All loans will be restricted to residential real estate loans which are secured by the underlying residential real estate property;
3. All loans made pursuant to the requested order shall be issued only to those individuals who are affiliated with State Bank by reason of their positions as officers, directors or employees of Applicant;
4. All loans shall be made in accordance with the applicable State and/or Federal banking laws, and any rules and regulations

thereunder, including any applicable Federal Reserve Statutes;

5. Any loan which exceeds $25,000 to any one borrower shall be approved in writing by the board of directors of State Bank;

6. Unless the real estate securing the loan shall have a market value of at least 15% greater than the amount of the loan, State Bank shall require the borrower to file with it a statement of his financial condition at the time the loan is made. State Bank shall also require the borrower to file a statement of his financial condition at the time of any subsequent re-financing of the loan, and shall have complete authority to require a statement of the borrower's financial condition at any other time which State Bank, in its sole discretion, deems advisable.

7. All loans and the terms thereof made pursuant to the requested order shall be in accordance with the normal lending policies of State Bank, and shall not be inconsistent with any policy of State Bank or of Applicant.

Notice is further given, that any interested person may, not later than July 31, 1979, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following such 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 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. 79-21566 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

Advisory Committee on Oil and Gas Accounting

SUMMARY: The next meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting will be held on Tuesday, July 31, 1979 at the Commission's headquarters in Washington, D.C., beginning at 9:30 a.m., and will be open to the public.

FOR FURTHER INFORMATION CONTACT: James D. Hall, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-755-0222).

SUPPLEMENTARY INFORMATION: The next meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting has been scheduled to be held in Room 776 of the Commission's headquarters office at 500 North Capitol Street, Washington, D.C. on Tuesday, July 31, 1979, beginning at 9:30 a.m. The summarized agenda for the meeting is as follows:

Discussion of the form and content of the proposed supplemental earnings summary based on reserve recognition accounting.

Consideration of other matters coming to the committee's attention.

Dated: July 6, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21478 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 8-18333; Rel. No. 10757]

Oppenheimer & Co., Inc.; Filing of Application and Order of Temporary Exemption Pending Determination

Notice is hereby given that Oppenheimer & Co., Inc. One New York Plaza, New York, New York 10004 ("Oppenheimer") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 (the "Act") for an order exempting it, any person or company who is or in the future may become an affiliate of Oppenheimer and any person or company of which it is or in the future may become an affiliated person from the provisions of Section 9(a) of the Act and, without prejudice to the Commission's consideration of such application, has applied for an order of temporary exemption from Section 9(a) pending the Commission determination of the application for permanent exemption. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Oppenheimer, is a broker-dealer, 90% of the capital stock of which is owned indirectly by Oppenheimer & Co., registered under the Securites Exchange Act of 1934, as amended (the "Exchange Act"). It has acted or is now acting as principal underwriter of several investment companies registered under the Act and has acted, is now acting or may in the future act as despositor with respect to several unit investment trusts registered under the Act.

In addition, certain persons affiliated with Oppenheimer have been and are now acting as officers or directors of investment companies registered under the Act, and certain companies affiliated with Oppenheimer have been and are now acting as investment advisers or principal underwriters for investment companies registered under the Act and as depositors with respect to several unit investment trusts registered under the Act.

On July 5, 1979, the Commission commenced an action, pursuant to Sections 21(d) and (e) of the Exchange Act, against Ira J. Hechler ("Hechler") and another person unrelated to Oppenheimer, alleging that they engaged in acts, practices and courses of business which constitute violations of Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder. During the period covered by the complaint, Hechler was a consultant to Oppenheimer, allowed to use the title Director for Special Acquisitions and to use the facilities of Oppenheimer.

Simultaneously with the commencement of the action, and without admitting or denying any of the allegations of the complaint, Hechler consented to the entry of a final judgment of permanent injunction, enjoining him from violating Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to act in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor for any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certifcate company if such person is by reason of any misconduct enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase of sale of any security.

Section 9(c) provides that upon application the Commission shall grant

an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Oppenheimer submits pursuant to Section 9(c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of the entry of the consent judgment of permanent injunction against Hechler, would be unduly and disproportionately severe as applied to Oppenheimer and that the conduct of Oppenheimer has not been such as to make it against the public interest or protection of investors to grant this exemption. In support thereof, Oppenheimer represents that:

(1) The regulated investment companies and unit investment trusts serviced by Oppenheimer, and by the persons and companies affiliated with Oppenheimer, did not participate in the conduct upon which the judgment of permanent injunction against Hechler was based.

(2) Under existing law and absent an exemption, Hechler would be unable to continue his association with Oppenheimer. Oppenheimer would like Hechler to continue his association and believes that Hechler has been punished sufficiently. Accordingly, Oppenheimer should not be placed in the position of having to disassociate itself from Hechler in order for it and persons and companies affiliated with it to maintain their relationship with the regulated investment companies and unit investment trusts.

The Commission has considered the matter and finds that:

(1) The prohibitions of Section 9(a) may be unduly or disproportionately severe as applied to Oppenheimer in that the conduct of Oppenheimer has been such as not to make it against the public interest or protection of investors to grant the application by Oppenheimer for a temporary exemption from Section 9(a) pending determination of the application; and

(2) In order to maintain the uninterrupted services provided by Oppenheimer and its affiliates to the regulated investment companies and investment trusts involved, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, it is ordered, pursuant to Section 9(c) of the Act, that Oppenheimer, any person or company who is or in the future may become an affiliate of Oppenheimer and any person or company of which it is or in the future may become an affiliated person be and they are hereby temporarily exempted from the provisions of Section 9(a) of the Act operative as a result of the entry of the injunction against Hechler, pending final determination by the Commission of Oppenheimer's application for an order exempting Oppenheimer, any person or company who is or in the future may become an affiliate of Oppenheimer and any person or company of which it is or in the future may become an affiliated person from the provisions of Section 9(a) operative as a result of the entry of such injunction.

Notice is further given that any interested person may not later than August 3, 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 of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Oppenheimer at the address set forth above and its counsel Weil, Gotshal & Manges, 767 Fifth Avenue, New York, New York 10022, attn. Dennis J. Block, Esq. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21479 Filed 7-11-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Agency for International Development

Delegation of Authority No. 27; Amendment

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State dated November 13, 1961 (26 FR 10608), I hereby amend Delegation of Authority No. 27, dated October 25, 1978 (43 FR 52084), as follows:

1. Sections III and IV are designated Sections IV and V, respectively, and a new Section III is added to read as follows:

Section III. The Auditor General is hereby authorized to employ, appoint, detail or assign Auditor General personnel directly involved in audit, inspection and investigation pursuant to sections 625(d), 626(a) and 626(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with procedures established and agreed to by the Director, Office of Personnel Management, and the Auditor General.

2. Paragraph 1 of Section V (previously IV) is amended by deleting "and II" and inserting therefor "II and III."

3. Substitute "Director, Office of Personnel Management" for "Director, Office of Personnel and Training" wherever that term appears.

4. This amendment is effective immediately.

Dated: July 2, 1979.

Robert H. Nooter,

Acting Administrator.

[FR Doc. 79-21494 Filed 7-11-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-79-13]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: August 1, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on July 6, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19333	Graham Thompson, Ltd	14 CFR § 91.27	To permit a Glasflugel Hornet C to participate in the U.S. National Standard Class Soaring Championships without complying with current airworthiness certificate requirements of Section 91.27(a)(1).
19331	United States Air Racing Association (USARA)	14 CFR § 91.27(a)(1)	To permit the petitioner, on behalf of the foreign participants of the Cleveland 50th Anniversary National Air Races, to allow them to operate civil aircraft, that does not have within it a current and appropriate airworthiness certificate.
19330	Air Wisconsin	14 CFR § 65.53(a)	To allow Mr. Preston H. Wilbourne, Jr., to serve as a dispatcher on September 1, 1979, in domestic air carrier operations before reaching age 23.
19334	Rankin Aircraft	14 CFR § 37.193	To allow certification using the original certification basis of aircraft skis approved under Type Certificate 142.
19335	Rankin Aircraft	14 CFR § 21.17(a)(1)	To allow certification using the original certification basis of airplanes approved under Type Certificate A-720.
19336	Heussler Air Service	14 CFR § 135.149(c)	To permit petitioner to operate its Cessna Citation aircraft without the required third gyroscopic bank-and-pitch indicator.
19337	Island Air	14 CFR § 135.243(a)	To allow petitioner to operate its air taxi when the pilot-in-command has a commercial pilot certificate rather than an airline transport pilot rating.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19149	United States Parachute Association	14 CFR § 105.43	To allow foreign nationals to participate in the national parachuting championships without complying with the equipment and packing requirements of Section 105.43. *Granted 6/18/79.*

[FR Doc. 79-21459 Filed 7-11-79; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Petition To Commence Defect Proceeding; Denial

This notice sets forth the reasons for the denial of a petition to commence a proceeding to determine whether to issue an order pursuant to section 152(d) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1412(b).

On November 27, 1979, Larry R. Jones, Shop Steward, Conrock Company, Irwindale, California, on behalf of himself and others, petitioned NHTSA to commence a defect proceeding with respect to steering boxes on certain 2600 series trucks (Peterbilt Model 359A). The petition alleged that the steering boxes on these trucks were defective because of excessive hard steering and locking of the front steering axle. the NHTSA conducted a technical review which revealed that the trucks were sold to Conrock as glider kits, which Conrock assembled with standard Peterbilt manual steering gears. The maintenance manager of Conrock added "Air-O-Matic" power assist to some of the trucks, apparently the ones that were the subject of the complaint. The steering lock problems were caused by "bottoming out" the steering gear when the steering is turned to an extreme position during low speed maneuvering, and is caused when the wheel stops are not properly adjusted. When this condition occurs, Conrock replaces the appropriate components inside the steering gear box and adjusts the axle stops. Conrock, Peterbilt, and NHTSA consider this to be an internal service maintenance problem. As a result of the investigation it has been determined that there is no reasonable possibility that the order requested in the petition would be issued at the conclusion of the investigation. Accordingly, on May 18, 1979, the petition was denied.

(Sec. 124, 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410a, 1412); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 6, 1979.

Lynn L. Bradford,

Associate Administrator of Enforcement.

[FR Doc. 79-21578 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-59-M

National Highway Traffic Safety Administration

[Docket No. IP79-7; Notice 1]

Suzuki Motor Co. Ltd.; Receipt of Petition for Determination of Inconsequential Noncompliance

Suzuki Motor Co. Ltd. of Santa Fe Springs, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205, *Glazing Materials,* on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.4 of Standard No. 205 requires that each manufacturer who cuts a section of glazing material for use in a motor vehicle shall mark the material to identify it. Suzuki manufactured 700 windshields in February and April 1979 for its Model GS1000S motorcycle that were not marked AS-6 in accordance with the standard. Suzuki argues that the noncompliance is inconsequential as the windshields are certified as meeting Standard No. 205 and, in fact, other than the omitted marking, comply with all requirements.

Interested persons are invited to submit written data, views and arguments on the petition of Suzuki Motor Co. Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below. Comment closing date: August 13, 1979.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 5, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-21438 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-59-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. Law 92-463); (5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 11:00 a.m., July 26, 1979, O'Hare Hilton, adjacent to O'Hare Airport, Chicago, Illinois. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review of Corporation Programs; Closing Remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than July 23, 1979, and information may be obtained from Dennis E. Deuschl, Special Assistant to the Administrator, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202/426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued in Washington, D.C. on July 5, 1979.

D. W. Oberlin,

Administrator.

[FR Doc. 79-21398 Filed 7-11-79; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

AGENCY: Department of the Treasury.

ACTION: Proposed Implementation of the Federal Employees Part-time Career Employment Act of 1978.

SUMMARY: The Department of the Treasury is proposing to issue personnel instructions to implement the Federal Employees Part-time Career Employment Act of 1978, 5 U.S.C. 3401 et seq, by establishing a continuing program to provide career part-time employment opportunities within the Department. These instructions apply to all component organizations of the Department of the Treasury.

In accordance with 5 U.S.C. 3401, agencies are required to publish their instructions in proposed form and to provide an opportunity for interested parties to comment. After comments have been received and reviewed, the final instructions will be issued as Chapter 340 of the Treasury Personnel Management Manual. Copies of Chapter 340 will be available to the public and can be obtained by writing to the address indicated below. These instructions do not meet the Treasury criteria for significant regulations.

DATES: Written comments will be considered if received by the official named below on or before September 10, 1979. Provisions will be made for subsequent oral comment if sufficient need is indicated. The final instructions shall be effective on the date issued.

ADDRESS: Henry C. DeSeguirant, Assistant Director of Personnel (Executive Manpower and Employment), Room 2409, 15th and Pennsylvania Avenue, NW., Department of the Treasury, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT: Patricia G. Sandberg, Phone: 202-566-2707.

SUPPLEMENTARY INFORMATION: These regulations may be supplemented from time to time through the Treasury Personnel Management Manual System. Any such supplemental instructions will be issued to provide additional data, information, and/or guidance. In addition, changes in the program may be required to reflect additional policy issued by the Office of Personnel Management.

Part-Time Career Employment Program

340-I General Provisions
340-II Program Implementation
340-III Part-time Employment Practices

340-1 General Provisions

A. *Purpose.*—These regulations implement the Federal Employees Part-time Career Employment Act of 1978, 5 U.S.C. 3401 et seq, by establishing a continuing program to provide career part-time employment opportunities within the Department of the Treasury.

B. *Policy.*—It is the policy of the Treasury to provide career part-time employment opportunities to the maximum extent consistent with agency resources and mission requirements for positions in GS-1 through 15, for hourly paid blue collar positions, and any other

career positions which do not exceed a GS-15 equivalent. This policy recognizes the desirability of making maximum use of available human resources, including those qualified individuals who are available for part-time employment and represents an opportunity to acquire talented workers who might otherwise not be available to the Department.

C. *Definitions.*

1. *Part-time career employment* is regularly scheduled work of from 16 to 32 hours a week in either the competitive or the excepted service in Tenure Group I or II. Employment on a temporary or intermittent basis is not included.

2. *Tenure Group I* includes employees in the competitive service under career appointments who are not serving probation, and permanent employees in the excepted service whose appointments carry no restrictions or conditions.

3. *Tenure Group II* includes employees in the competitive service serving probation, career conditional employees, and career employees in obligated positions; it also includes employees in the excepted service serving trial periods, whose tenure is indefinite solely because they occupy obligated positions, or whose tenure is equivalent to career conditional in the competitive service.

D. *Scope.*—The provisions herein are applicable to all Treasury bureaus and the Office of the Secretary. Within these regulations, the term "bureau" includes the Office of the Secretary.

E. *Exceptions.* 1. These regulations do not apply to positions at GS-16 (or equivalent) and above, or to positions where a collective bargaining agreement established the number of hours of employment per week.

2. These regulations do not apply to positions directly concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law.

3. The Secretary of the Treasury, or designee, may authorize such additional exceptions as may be necessary for the Department to carry out its mission. However, in no cases will exceptions be authorized to permit regular tours of duty of 33 to 39 hours per week for part-time employees. (This in no way limits the increase of a part-time employee's hours of duty above 32 hours per week for limited periods to meet heavy workloads, etc.)

340-II Program Implementation

A. *Designation of Coordinators.*

1. *Departmental Coordinator.* The Assistant Director of Personnel (Executive Manpower and Employment), Office of Pesonnel, Office of the Assistant Secretary for Administration, is hereby designated as the Departmental Part-time Employment Coordinator and assigned the following responsibilities:

a. Reviewing goals and timetables for part-time employment developed by the bureaus within the Department;

b. Obtaining regular input from Departmental Equal Opportunity Program staff in order to assure that specific needs for providing employment opportunities for minorities and women are addressed, and to assess the effect of the Departmental Part-time Employment Program on employment patterns and occupational concentration of minorities and women.

c. Consulting on the Departmental Part-time Employment Program with interested parties in special emphasis areas (e.g., employment of the handicapped, employment of veterans, and upward mobility) and with representatives of employee organizations, etc.

d. Responding to bureau requests for advice and assistance on part-time employment;

e. Maintaining Departmental liaison with groups that indicate interest in promoting part-time employment opportunities;

f. Preparing consolidated Departmental reports on part-time employment for transmittal to the Office of Personnel Management; and

g. Overall monitoring of progress in expanding part-time employment opportunities within the Department.

2. *Bureau Coordinators.* Each bureau shall designate a Part-time Employment Coordinator who shall have overall responsibility for carrying out the bureau's Program. The Bureau Coordinators' responsibilities include the following:

a. Overseeing development and implementation of part-time employment goals and timetables, coordinating with budget and ceiling control staff as necessary;

b. Obtaining regular input from bureau Equal Employment Opportunity Officers and Federal Women's and Hispanic Employment Program Managers in order to assure that goals and timetables address specific needs for providing employment opportunities for minorities and women, and to assess the effect of the bureau Part-time Employment Program on employment patterns and occupational concentration of minorities and women.

c. Consulting on the bureau Part-time Employment Program with interested parties in special interest areas (e.g., employment of the handicapped, employment of veterans, and upward mobility) and with representatives of employee organizations, etc.;

d. Responding to requests for advice and assistance on part-time employment from within the bureau;

e. Maintaining bureau liaison with groups that indicate interest in promoting part-time employment opportunities;

f. Preparing reports on part-time employment for transmittal to the Departmental Coordinator;

g. Monitoring progress in expanding part-time employment opportunities; and

h. Insuring that bureau managers, supervisors and employees are kept informed on the basic rules covering part-time employment and on position management and work assignment techniques which can lead to the most productive use of part-time workers.

B. *Part-Time Employment Goals and Timetables.*

1. Each bureau shall set annual nationwide goals for establishing and converting positions for part-time career employment, and a timetable setting forth interim and final deadlines for achieving such goals. Goals for each fiscal year (beginning with FY 1980) must be established and reported to the Departmental Coordinator by the end of the preceding fiscal year. Separate goals shall be established for newly-established part-time career positions and for conversion of full-time career positions to part-time career positions.

2. In establishing goals and timetables, bureaus are required to consider such factors as:

a. Agency mission and occupational mix;

b. Workload fluctuations;

c. Size of workforce, turnover rate, or employment trends;

d. Affirmative action;

e. Past experience with part-time employment (to include analysis of current part-time employment utilization);

f. Patterns of overtime utilization;

g. Potential for improving service to the public; and

h. Personnel ceiling allowances and fiscal constraints.

C. *Program Evaluation and Reporting.*—1. The Part-time Career Employment Program will be subject to continuing review and evaluation as a part of the regular personnel management evaluations conducted by the Department and the Office of Personnel Management.

2. Each bureau is required to provide for a periodic internal evaluation of its Program.

3. Bureau reports as of March 31 and September 30 of each year shall be submitted to reach the Departmental Coordinator no later than April 30 and October 31 respectively. Such reports are required to address the bureau's progress in meeting its part-time employment goals, noting any impediments encountered and measures taken to overcome them, and to indicate specifically the extent to which part-time career employment opportunities have been extended to older persons, the handicapped, persons with family responsibilities, and students. A copy of any pertinent bureau regulation or instruction issued during the reporting period shall be attached to each report.

4. The Departmental Coordinator shall prepare and forward a consolidated Departmental report to the Office of Personnel Management by May 15 and November 15 of each year. Such reports will contain the same material required in bureau reports.

5. Reports will be required for the period from April 1 through September 30, 1979, showing efforts and progress in furthering part-time career employment opportunities, even though goals and timetables were not established for that period.

340–III Part-Time Employment Practices

A. *Vacant Position Review.*—Bureaus are required to establish procedures providing for all vacant positions covered by the Program to be reviewed for the feasibility of being filled on a part-time career employment basis. This review shall include consideration of factors such as those used to establish goals and timetables.

B. *Establishment and Conversion of Part-Time Career Positions.*

1. Bureaus are required to establish a sufficient number of new part-time career positions to meet their established goals.

2. Bureaus which have not already done so shall develop procedures to permit employees to request and receive consideration to change from full-time to part-time schedule. Opportunities to voluntarily change from full-time to part-time employment shall be given to employees whenever feasible. However, no full-time employee shall be required to accept part-time employment as a condition of continued employment.

3. Bureaus shall not abolish any position occupied by an employee in order to make the duties of such position available to be performed on a part-time career employment basis.

C. *Notifying the Public of Part-Time Vacancies.*—Bureaus shall take appropriate steps to notify the public of vacant part-time positions. This requirement can be carried out through such methods as Federal Job Information announcements and position vacancy listings.

Dated: July 5, 1979.

W. J. McDonald,

Assistant Secretary (Administration).

[FR Doc. 79-21464 Filed 7-11-79; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

Effect of Proposed Foreign Tax Credit Regulations on Revenue Ruling 65-16

In conjunction with the consideration of Revenue Ruling 65-16 by the Treasury Department and the Internal Revenue Service, the Treasury Department announced that it is considering issues concerning the Income Tax Convention between the United States and the Netherlands as extended to the Netherlands Antilles. Those issues include the qualification of certain Antilles holding companies for treaty benefits; tax treatment of U.S. real property income derived by Antilles persons; and modernization of certain treaty provisions, such as those governing taxation of industrial and commercial profits. The Treasury Department intends to discuss these issues with the government of the Netherlands. The Treasury seeks the views of interested persons in regard to these issues, as well as other matters relevant to the Income Tax Convention between the United States and the Netherlands, as extended to the Netherlands Antilles. Comments with respect to the proposed discussion should be addressed to H. David Rosenbloom, International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

Dated: July 9, 1979.

Donald C. Lubick,

Assistant Secretary for Tax Policy.

[FR Doc. 79-21477 Filed 7-11-79; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Replacement Medical Center, John L. McClellan Memorial Veterans' Hospital, VAMC, Little Rock, Ark.; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement for the John L. McClellan Memorial Veterans' Hospital, Veterans Adminstration Medical Center, Little Rock, Arkansas," dated June 1979, has been prepared as required by the National Environmental Policy Act of 1969.

The preferred location of the Medical Center is on a 23.3 acre parcel adjacent to the University of Arkansas Medical Center, Little Rock, Arkansas. The Medical Center will have 505 hospital beds and the necessary outpatient and support functions. The facility will replace the outmoded Veterans Adminsitration Medical Center on Roosevelt Road, Little Rock, Arkansas.

The Draft Statement (February 1979) discusses the environmental impact of the Replacement Medical Center for the preferred alternative and discussion of the other viable alternatives including "No Action". The Final Statement consists of comments received by the Veterans Administration during the 45-day public review period followed by appropriate responses. The Final Statement is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Single copies of the Final Statement may be obtained on request to the above office.

Dated: July 6, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 79-21470 Filed 7-11-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 106]

Assignment of Hearings

July 9, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains

prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C-9847, B. J. McAdams, Inc., Eugene D. Anderson—Investigation—Shipper Support Misrepresentation And Coercion, MC-C-9969, B. J. McAdams, Inc. Whirlpool Corporation—Investigation—Mispresentation, No. MC-134922 (Sub-93, 100, 101, 103, 116, 189, 199, 224 and 235, B. J. McAdams, Inc., MC-C-10164, B. J. McAdams, Inc. And McCormack's Highway Transportation, Inc. Investigation, MC-19157 (Sub=21, 23, 26, 30, 31, 33, 34 and 41), McCormack's Highway Transportation, Inc., now assigned for hearing on June 5, 1979 at Washington, D.C., is postponed to July 23, 1979 at Little Rock, AR.

MC 116254 (Sub-224F), Chem-Haulers, Inc., now being assigned for hearing on September 11, 1979 (1 day), at Nashville, TN in a hearing room to be designated later.

MC 107515 (Sub-1209F), Refrigerated Transport Co., Inc., now being assigned for hearing on September 12, 1979 (3 days), at Nashville, TN in a hearing room to be designated later.

MC 65525 (Sub-25F), White Brothers Trucking Co., now being assigned for hearing on October 9, 1979 (2 weeks), at Milwaukee, WI in a hearing room to be designated later.

MC 56270 (Sub-18F), Leicht Transfer & Storage Co., now being assigned for hearing on October 9, 1979 (2 weeks), at Milwaukee, WI in a hearing room to be designated later.

MC 62181 (Sub-13F), John Hennes Trucking Co., now being assigned for hearing on October 9, 1979 (2 weeks), at Milwaukee, WI in a hearing room to be designated later.

MC 139495 (Sub-404F), transferred to Modified Procedure.

MC 143625 (Sub-2F), Reunion Transport Company, Inc., now assigned for hearing on July 25, 1979, at Nashville, TN is canceled and application dismissed.

MC 103926 (Sub-76F), transferred to Modified Procedure.

MC 143059 (Sub-51F), now assigned for hearing on July 31, 1979, at Louisville, KY will be held at Stauffers Inn, 120 West Broadway.

MC 730 (Sub-428F), Pacific Intermountain Express, Inc.,

MC 2202 (Sub-568F), Roadway Express, Inc., MC 11603 (Sub-8F), Basse Truck Line, MC 29910 (Sub-200F), Arkansas-Best Freight System, Inc., MC 31389 (Sub-266F), McLean Trucking Company, MC 35320 (Sub-157F), T.I.M.E. DC, Inc., MC 41432 (Sub-155F), East Texas Motor Freight Lines, Inc., MC 42487 (Sub-882), Consolidated Freightways Corporation MC 59680 (Sub-220F), Strickland Transportation Co., Inc., MC 107727 (Sub-29F), Alamo Express, Inc., MC 110325 (Sub-88F), Transcon Lines, and MC 112713 (Sub-277), Yellow Freight System, Inc., now being assigned for continued Prehearing Conference on the 8th day of October 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-21504 Filed 7-11-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 107]

Assignment of Hearings

July 6, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction*

MC 119741 (Sub-131F), Green Field Transport Company, Inc., now assigned for hearing on July 23, 1979 (3 days), at Chicago, IL, in a hearing room to be later designated.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-21506 Filed 7-11-79; 8:45 am]

BILLING CODE 7035-01-M

[Twenty-Eighth Revised Exemption No. 129]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

It appearing, That the railroads named herein own numerous forty-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-A, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB

Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP

Illinois Terminal Railroad Company
Reporting Marks: ITC

Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC

* * *

Southern Railway Company
Reporting Marks: CG-NS-SA-SOU

Effective 12:01 a.m., June 26, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 21, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-21510 Filed 7-11-79; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 104]

Permanent Authority Decisions; Decision-Notice

Decided: June 25, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of

*This notice corrects the date of hearing July 23, 1979 instead of July 26, 1979.

* * * Missouri-Kansas-Texas Railroad Company deleted.

protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,

Secretary.

MC 114273 (Sub-557F), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *spreaders and spreader bodies*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, from Cedar Rapids, IA, to points in IL, IN, MI, MN, NE, NJ, NY, VA, and WV. (Hearing site: Chicago, IL or Washington, DC.)

[FR Doc. 79-21508 Filed 7-11-79; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. 44 Under Service Order No. 1344]

Rerouting Traffic

To All Railroads:

In the opinion of Joel E. Burns, Agent, the Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator, is unable to promptly transport traffic offered for movement over its line between Kewaunee or Manitowoc, Wisconsin, and Frankfort, Michigan, via car ferry, because of the disability of a ferry.

It is ordered,

(a) *Rerouting traffic.* The Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator, being unable to promptly transport traffic offered for movement over its lines between Kewaunee or Manitowoc, Wisconsin, and Frankfort, Michigan, because of the disability of a car ferry, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Acceptance of traffic in interchange.* In the event the Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator, cannot accept traffic in interchange from a connecting carrier, the delivering carrier, after establishing such condition, may reroute or divert the traffic via any available route.

(c) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

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

(g) *Effective date.* This order shall become effective at 1 p.m., June 20, 1979.

(h) *Expiration date.* This order shall expire at 11:59 p.m., June 25, 1979, unless otherwise modified, changed or suspended.

This order 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. A copy of this order shall be filed with the Director, Office of the Federal Register.

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

Interstate Commerce Commission

Joel E. Burns,

Agent.

[FR Doc. 79-21509 Filed 7-11-79; 8:45 am]

BILLING CODE 7035-01-M

[Decision No. MC-FC-76444]

Trans-National Freight, Inc., and Truck Transport, Inc.

Decided: June 28, 1979.

Transferor filed petitions on April 24, 1978, and June 2, 1978, seeking a stay of the effective date of our order of March 15, 1978, until disposition of the proceeding in No. MC-115331 Sub 369-G, and reconsideration thereafter. By certificate issued January 23, 1979, transferor in No. MC-115331 Sub 369-G was granted the authority it seeks to transfer herein. Our order of March 15, 1978, shall therefore be appropriately modified to reflect approval of the transfer of a portion of Certificate No. MC-115331 Sub 369-G. Notice of this modification of our prior order will be published in the Federal Register. This decision does not significantly affect the quality of the human environment.

It is ordered, The petitions are granted and the prior order of March 15, 1978, is modified to reflect the grant of additional authority as set forth in the appendix.

Except for this modification, the order of March 15, 1978, remains in effect.

Applicants shall notify the Commission in writing of any intent not to consummate the transaction; otherwise, the records of the Commission will be changed to reflect applicants' consummation of this transaction on the effective date of this decision. Upon compliance with applicable provisions of the revised Interstate Commerce Act and regulations pertaining to tariff publications, insurance coverage for the protection of the public, and designation of agents upon whom process may be served, transferee may start operations under the transferred authority.

By the Commission, Division 3, acting as an Appellate Division, Commissioners Brown, O'Neal and Clapp.

H. G. Homme, Jr.,

Secretary.

Appendix

This decision authorizes, subject to the conditions specified, transfer of that portion of Certificate No. MC-115331 Sub 369-G, issued January 23, 1979, set forth below:

Chemicals, in containers,

From points in New Jersey, to points in Illinois.

Upon consummation of this transaction, the certificate in MC 115331 (Sub-369-G) shall be modified to delete that portion of it transferred as set forth above.

[FR Doc. 79-21507 Filed 7-11-79; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 105]

Permanent Authority Decisions; Decision-Notice

Decided: June 25, 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 filing prior to March 1, 1979) *will be rejected.* A petition for intervention without leav must comply with Rule 247(k) which requires petitioner to demonstrate that (1) holds operating authority permitting performance of any of the service whicl the applicant seeks authority to perforn (2) has the necessary equipment and facilities for performing that service, an (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 an to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) 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 o 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 th 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 upo 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 a 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 no 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 on or before August 13, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,

Secretary.

MC 2202 (Sub-588F), filed April 11, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. 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 the facilities of Ampacet Corp., at or near De Ridder, LA, as an off-route point in connection with carrier's othewise authorized regular-route operations. (Hearing site: Washington, DC.)

MC 2253 (Sub-90F), filed April 4, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: Edward G. Villalon, Suite 1032, Penna. Bldg., Penna. Avenue & 13th St, NW, Washington, DC 20004. 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 Atlanta, GA, and Birmingham, AL: (a) Over Interstate Hwy 20, and (b) over U.S. Hwy 78. (2) Between Atlanta, GA, and Mobile, AL: From Atlanta over Interstate Hwy 85 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Mobile, and return over the same route. (3) Between Chattanooga, TN, and Birmingham, AL: (a) From Chattanooga over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to Birmingham, and return over the same route, and (b) Over U.S. Hwy 11. (4) Between junction Interstate Hwy 24 and 59, and Florence, AL: From junction Interstate Hwy 24 and 59 over Interstate Hwys 24 to junction U.S. Hwy 72, then over U.S. Hwy 72 to Florence, and return over the same route. (5) Between Huntsville and Florence, AL: From Huntsville over U.S. Alternate Hwy 72 to junction U.S. Hwy 43, then over U.S. Hwy 43 to Florence, and return over the same route. (6) Between junction Interstate Hwys 64 and 65 at Louisville, KY, and Dothan, AL: (a) From junction Interstate Hwys 64 and 65 at Louisville over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, and return over the same route, and (b) From junction Interstate Hwys 64 and 65 at Louisville over Interstate Hwy 65 to junction Interstate Hwy 264, then over Interstate Hwy 264 to junction U.S. Hwy 31E, then over U.S. Hwy 31E to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction AL Hwy 79, then over AL Hwy 79 to Birmingham, then to Dothan as noted in Route 6(a), and return over the same route. (7) Between Columbus, GA, and Birmingham, AL, over U.S. Hwy 280. (8) Between Huntsville and Dothan, AL, over U.S. Hwy 431. (9) Between Charleston and Chattanooga, TN, over U.S. Hwy 11. (10) Between Dothan, AL, and Mobile, AL: From Dothan over U.S. Hwy 84 to junction U.S. Hwy 29, then over U.S. Hwy 29 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Mobile, and return over the same route. (11) Between junction Interstate Hwy 65 and U.S. Hwy 31 at or near Kimberly, AL, and junction Interstate Hwy 65 and U.S. Hwy 31 at or near Siluria, AL, over U.S. Hwy 31. (12) Between Birmingham, AL, and the AL-MS State line: (a) Over U.S. Hwy 78, (b) Over Interstate Hwys 20/59, and (c) Over U.S. Hwy 11. (13) Between Columbus, GA, and the AL-MS State line, over U.S., Hwy 80. (14) Between junction U.S. Hwy 231 and AL Hwy 79, and Opp, AL: From junction U.S. Hwy 231 and AL Hwy 79 over U.S. Hwy 231 to junction U.S. Hwy 331, then over U.S. Hwy 331 to Opp, and return over the same route. (15) Between junction U.S. Hwy 411 and U.S. Hwy 27, and the AL-MS State line: From junction U.S. Hwy 411 and U.S. Hwy 27 over U.S. Hwy 27 to junction U.S. Hwy 278, then over U.S. Hwy 278 to the AL-MS State line, and return over the same route. (16) Between Tuscaloosa and Mobile, AL, over U.S. Hwy 43. (17) Between LaGrange, GA, and Andalusia, AL, over U.S. Hwy 29. (18) Between Piedmont and Sylacauga, AL: From Piedmont over AL Hwy 21 to junction U.S. Alternate Hwy 231, then over U.S. Alternate Hwy 231 to Sylacauga, and return over the same route. (19) Between Calhoun over GA Hwy 53 to junction U.S. Hwy 411, Interstate Hwy 20: From Calhoun, GA, and junction U.S. Hwy 411 and then over U.S. Hwy 411 to junction Interstate Hwy 20, and return over the same route. (20) Between Carlisle, PA, and junction Interstate Hwys 81 and 77 near Wytheville, VA: From Carlisle over PA

Hwy 34 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 77 near Wytheville, and return over the same route. (21) Between junction AL Hwy 5 and U.S. Hwy 11, and junction AL Hwy 5 and U.S. Hwy 43, over AL Hwy 5. In connection with routes (1)-(21) above and carrier's regular and irregular-route operations, serving all points in AL and those in Bradley, Hamilton, and Marion Counties, TN, as intermediate or off-route points, and restricted against the transportation of traffic originiating at or destined to points in AL, FL, GA, SC, (except Cherokee, Chester, Lancaster, and York Counties), and TN, on the one hand, and, on the other, originating at or destined to points in AL, FL, GA, SC, (except Cherokee, Chester, Lancaster, and York Counties), and TN. (Hearing site: Birmingham and Montgomery, AL, Chattanooga, TN, Charlotte, NC, Washington, DC, New York, NY, and Chicago, IL.

Note.—Applicant intends to tack this authority with existing authority.

MC 2923 (Sub-4F), filed April 6, 1979. Applicant: DAVE'S TRUCKING COMAPNY, INC., 31 Purdy Avenue, Port Chester, NY 10573. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. 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 distributors of food processors and kitchen equipment, between New York, NY, and the facilities of Cuisinarts, Inc., at or near Norwich, CT. (Hearing site: White Plains, NY, or Stamford, CT.)

MC 4963 (Sub-64F), filed March 29, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuykill Rd., Spring City, PA 19475. Representative: Roland Rice, 501 Perpetual Bldg., 1111 E St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Washington, PA, and Bluefield, VA, over U.S. Hwy 19, (2) between Uniontown, PA, and junction U.S. Hwys 40 and 250, over U.S. Hwy 40, (3) between junction U.S. Hwys 40 and 250, and East St. Louis, IL, over U.S. Hwy 40, (4) between junction U.S. Hwys 40 and 250, and Chicago, IL, from junction U.S. Hwys 40 and 250, over U.S. Hwy 250 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Chicago, and return over the same route, (5) between Wheeling, WV, and Bristol, VA, from Wheeling over OH Hwy 7 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 21, then over U.S. Hwy 21 to junction U.S. Hwy 19, then over U.S. Hwy 19 to Bristol, and return over the same route, (6) between Uniontown, PA, and junction U.S. Hwys 119 and 22, near New Alexandria, PA, over U.S. Hwy 119, (7) between junction U.S. Hwys 119 and 22 near New Alexandria, PA, and Buffalo, NY, from junction U.S. Hwys 119 and 22, over U.S. Hwy 119 to junction U.S. Hwy 219, then over U.S. Hwy 219 to Buffalo, and return over the same route, (8) between Uniontown, PA, and Millville, NJ, from Uniontown over U.S. Hwy 40 to junction NJ Hwy 49, then over NJ Hwy 49 to Millville, and return over the same route, (9) between Uniontown, PA, and Asheboro, NC, from Uniontown over U.S. Hwy 119 to junction U.S. Hwy 250, then over U.S. Hwy 250 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Asheboro, and return over the same route, (10) between Hancock, MD, and Norfolk, VA, from Hancock over U.S. Hwy 522 to junction U.S. Hwy 17, then over U.S. Hwy 17 to Norfolk, and return over the same route, (11) between Washington, DC, and Charlotte, NC, from Washington over U.S. Hwy 1 to junction U.S. Hwy 301, then over U.S. Hwy 301to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Charlotte, and return over the same route, and (12) between junction U.S. Hwys 119 and 22, near New Alexandria, PA, and Providence, RI, from junction U.S. Hwys 119 and 22, over U.S. Hwy 22 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction Interstate Hwy 80 (or over U.S. Hwy 22 to junction U.S. Hwy 522, then over U.S. Hwy 522 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 80), then over Interstate Hwy 80 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Providence, and return over the same route, serving, in (1) through (12), inclusive, all intermediate points, and the following off-route points: all those in CT, DE, MA, RI, NC, and VA, those in IL on and south of a line described as beginning at New Boston, IL, and extending along IL Hwy 17 to junction U.S. Hwy 34, at or near Nekoma, IL, and then along U.S. Hwy 34 to Chicago, IL, those in MD east of a line described as beginning at the MD-PA State line, and extending along MD Hwy 45 to Cockeysville, MD, and then along MD Hwy 45 to Baltimore, MD, those in MD east of the Susquehanna River and Chesapeake Bay, those in MD on U.S. Hwy 140 between Baltimore, MD, and Reistertown, MD, those in MD on MD Hwy 30 between Reistertown, MD, and the MD-PA State line, those in MD on U.S. Hwy 1 between Baltimore, MD, and Washington, DC, Jackson, MI, Flint, MI, those in MI within 30 miles of Detroit, MI, those in NH within 15 miles of Manschester, NH, all those in NJ (except those in Atlantic and Cape May Counties), Buffalo, NY, those in NY within 80 miles of Erie, PA, those within 150 miles of Scranton, PA, those in OH within 20 miles of Akron, OH, Cleveland, OH, and Warren, OH, respectively, those in OH within 30 miles of Canton, OH, Beech Bottom, WV, Weirton, WV, and those in Fayette and Greene Counties, PA. Condition: Prior or coincidental cancellation, at applicant's written request, of Certificate No. MC 4963 Sub 52, served April 18, 1978. (Hearing site: Washington, DC.)

MC 8973 (Sub-57F), filed April 5, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Ave., North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles and rubber*, (except commodities in bulk), and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of A. Schulman, Inc. (Hearing site: Akron, OH.)

MC 11722 (Sub-59F), filed April 2, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Charles C. Flower, P.S., 303 East "D" Street, Suite 2, Yakima, WA 98901. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *empty cans, and can ends*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from Richmond, CA, to Bellevue, Seattle, Spokane, Tumwater, and Vancouver, WA, and Portland, OR. (Hearing site: Yakima, or Seattle, WA.)

MC 32882 (Sub-107F), filed April 4, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a Corporation, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). To operate as a *common*

carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lift trucks and hydraulic platforms,* and (2) *parts of the commodities named in* (1), from the facilities of Calavar Corporation, at or near Santa Fe Springs, CA, to points in AZ, CO, KS, MO, NV, and UT. (Hearing site: Los Angeles, CA, or Portland, OR.)

MC 32882 (Sub-109F), filed April 10, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a Corporation, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel braces, bracing brackets, and bracing forms,* (1) from Montgomery, IL, and Dearborn Heights and Albion, MI, to points in ID, UT, and WY, and (2) from Salt Lake City, UT, to points in ID and WY, restricted in (2) to the transportation of traffic originating at the facilities of Certified Interior Systems, Inc., and in (1) and (2) against the transportation of articles which because of size or weight require the use of special equipment. (Hearing site: Salt Lake City, UT, or Portland, OR.)

MC 32882 (Sub-108F), filed April 6, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a Corporation, 3841 North Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, 3841 North Columbia Blvd., P.O. Box 17039, Portland, OR 97217. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products,* from points in Fremont County, ID, to points in AZ, CO, NV, NM, OK, TX, and WY. (Hearing site: Portland, OR, or Chicago, IL.)

MC 32882 (Sub-111F), filed April 6, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a Corporation, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *treated wood poles, pre-fabricated log structures,* knocked down, *and such commodities as are used in the construction of pre-fabricated log structures,* from Boise, ID, to points in CO, MT, NE, ND, SD, and WY. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 47583 (Sub-95F), filed April 10, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *containers and covers, and materials, equipment, and supplies used in the manufacture or distribution of containers and covers* (except commodities in bulk), between the facilities of Sealright Co., Inc., at or near (a) Los Angeles, CA, (b) Fulton, NY, and (c) Kansas City, KS, on the one hand, and, on 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 Sealright Co., Inc. (Hearing site: Kansas City, KS.)

MC 61592 (Sub-446F), filed April 9, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by lawn and garden supply houses (except commodities in bulk), from the facilities of Power-O-Peat, in St. Louis County, MN, to points in the United States (except AK and HI); (2) *power lawn mowers and parts for power lawn mowers* (except commodities in bulk), from Manawa, WI, to points in AR, CT, DE, GA, IL, IA, KY, MD, MA, MI, MN, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VA, WV, and DC; and (3) *tractors* weighing 15,000 pounds or more (except truck-tractors), and *parts, implements, attachments, and accessories for tractors* (except commodities in bulk), between the facilities of Franklin Equipment Company, at Franklin, VA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OK, SC, TN, and TX. (Hearing site: Chicago, IL.)

MC 61592 (Sub-448F), filed April 10, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food, food products, and foodstuffs and equipment, materials, and supplies used in the manufacture of food products* (except commodities in bulk, in tank vehicles), between the facilities of Campbell Soup Company, at Napoleon, OH, on the one hand, and on the other, points in KY, PA, NY, WV, OH, IN, the lower peninsula of MI, VA, and Chicago, IL. (Hearing site: Chicago, IL.)

MC 61592 (Sub-449F), filed April 12, 1979. Applicant: JENKINS TRUCK LINE, INC., 333 Newman Rd., P.O. Box 697, Jeffersonville, IN 47130. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except commodities in bulk, in tank vehicles), between the Henderson County Riverport Authority Facility, in Henderson County, KY, 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. Condition: The certificate issued in this proceeding, in so far as it authorizes the transportation of explosives, will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 64932 (Sub-596F), filed April 9, 1979. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Carl L. Steiner, 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 *refrigerant or dispersant gases,* in bulk, in tank vehicles, from Baton Rouge, LA, to Danville, IL. Condition: The certificate granted in this proceeding will expire 5 years from the date of issuance. (Hearing site: Chicago, IL.)

MC 71593 (Sub-23F), filed April 10, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. 2nd St., Scotch Plains, NJ 07076. Representative: Peter Wolff, P.O. Box 116, Scranton, PA 18504. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Newark, NJ, and New York, NY, on the one hand, and, on the other, Meriden, New Haven, and Stratford, CT, and Boston, Brockton, Springfield, and Worcester, MA, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8) of the Interstate Commerce Act. (Hearing site: New York, NY, or Washington, DC.)

MC 71593 (Sub-24F), filed April 10, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. 2nd St., Scotch Plains, NJ 07076. Representative: Peter Wolff, P.O. Box 116, Scranton, PA 18504. To operate as a *common carrier,*

by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CA, on the one hand, and, on the other, points in KS, LA, MO, OK, and TX, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8) of the Interstate Commerce Act. (Hearing site: New York, NY, or Washington, DC.)

MC 80653 (Sub-16F), filed April 10, 1979. Applicant: DAVID GRAHAM COMPANY, a corporation, P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *corrugated steel sheets*, from Montgomeryville, PA, to those points in the United States in and east of MN, IA, MO, AR, and LA; and (2) *materials, equipment, and supplies* used in the manufacture or distribution of corrugated steel sheets, (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 86913 (Sub-43F), filed April 9, 1979. Applicant: EASTERN MOTOR LINES, INC., P.O. Box 649, Warrenton, NC 27589. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penna. Avenue & 13th Street, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition board*, from Ashtabula, OH, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, and DC. (Hearing site: Atlanta, GA.)

MC 106373 (Sub-44F), filed April 2, 1979. Applicant: THE SERVICE TRANSPORT COMPANY, a corporation, 114½ East Main Street, Ravenna, OH 44266. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Babcock and Wilcox Company at or near Ambridge, Beaver Falls, and Koppel, PA, and Alliance, OH, to those points in the United States in and east of WI, IL, KY, TN, MS and LA, and (2) *materials, equipment and supplies* used in the manufacture or distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Akron, OH or Washington, DC.)

Note.—Applicant intends to tack its regular-route authority at the facilities named above to provide through service on the foregoing commodities, from points in MI, OH, PA, NJ, WV, and MD.

MC 106603 (Sub-198F), filed April 6, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St., SW., P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from Canonsburg, PA, to points in IL, IN, IA, KY, MI, MO, OH, and WI; and (2) *materials, equipment, and supplies used in the manufacture or distribution of iron and steel articles*, in the reverse direction. (Hearing site: Washington, DC, or Chicago, IL.)

MC 107012 (Sub-365F), filed April 3, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *baby furniture*, cartoned, from Quincy, FL, to Elverson, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 107103 (Sub-14F), filed March 29, 1979. Applicant: ROBINSON CARTAGE CO., a Corporation, 2712 Chicago Drive, SW., Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the ports of entry on the international boundary line between the United States and Canada, at or near Sault Ste, Marie, MI, on the one hand, and, on the other points in MI. (Hearing site: Lansing or Detroit, MI.)

MC 107743 (Sub-55F), filed April 6, 1979. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456 T.A., Spokane, WA 99220. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301 5801 Marvin D. Love Freeway, Dallas, TX 75237. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pre-cast concrete products, modular mausoleum crypt systems, and concrete forming systems*, (1) from St. Louis, MO, to points in IL, IA, OH, IN, OK, and TX, and (2) from Denver, CO, to points in CA, ID, MT, OR, WA, UT, NV, and WY. (Hearing site: Milwaukee, WI, or Dallas, TX.)

MC 107743 (Sub-57F), filed March 27, 1979. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456 T.A., Spokane, WA 99220. Representative: J. Michael Alexander, First Continental Bank Bldg., 5801 Marvin D. Love Freeway, Dallas, TX 75237. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe* and *fittings* for pipe, from the facilities of R & G Sloane Manufacturing Company, Inc., at or near Cleveland, OH, and Bakersfield, Santa Ana, and Sun Valley, CA, to points in ID, MT, NV, OR, UT, WA, and WY. (Hearing site: Los Angeles, CA, or Dallas, TX.)

MC 109533 (Sub-110F), filed April 3, 1979. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1000 Semmes Avenue, Richmond, VA 23224. Representative: Eugene T. Liipfert, Suite 1000, 1660 L Street, NW., Washington, DC 20036. 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 Louisville and Hazel, KY: from Louisville over Interstate Hwy 65 to junction Western KY Parkway, then over Western KY Parkway to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction Purchase Parkway, then over Purchase Parkway to Benton, KY, then over U.S. Hwy 641 to Hazel and return over the same route; (2) between Madisonville, KY, and junction Alt. U.S. Hwy 41 and Western KY Parkway, over Alt. U.S. Hwy 41; and (3) between Paducah, KY, and junction U.S. Hwy 62 and Western KY Parkway, over U.S. Hwy 62, serving in connection with (1), (2), and (3) above, all intermediate points and points in Breckenridge, Bullitt, Butler, Caldwell, Calloway, Christian, Crittenden, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Henderson, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Meade, Muhlenberg, Ohio, Todd, Trigg, Union,

and Webster Counties, KY, as off-route points.

Notes.—Applicant intends to tack the authority sought with regular and irregular routes applicant is or may be authorized to serve. Applicant also states that it presently conducts operations throughout the 30 counties named above, under temporary authority to lease operating rights of O'Nan Transportation Company, Inc. (O'Nan) pursuant to MC-F-12822. Applicant further states that although it was granted permanent authority to purchase those rights in the cited No. MC-F docket and convert them to regular routes in MC-109533 (Sub-No. 75), the Commission subsequently has ordered termination of the 30-county O'Nan rights themselves pursuant to an investigation in No. MC-133916; *see* 131 M.C.C. 353 (March 7, 1979). Applicant's stated purpose in filing this application is to assure continuance of its present operations in the 30 counties involved. (Routes (1), (2), and (3) lie entirely within the 30 counties specified above, except for commercial zone overlaps at Hazel, Louisville, and Paducah, KY, into TN, IN, and IL respectively).

MC 111812 (Sub-627F), filed April 9, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks, P.O. Box 1233, Sioux Falls, SD 57101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Minnesota Inter-Modal Shippers Association, Inc., at Minneapolis, St. Paul, Owatonna, Rochester, and Winona, MN, on the one hand, and, on the other, points in AZ, CA, CO, NV, OR, UT, and WA. (Hearing site: St. Paul, MN.)

MC 114552 (Sub-209F), filed April 12, 1979. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Ken Simons (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer compounds, sound deadener compounds* (except commodities in bulk, in tank vehicles), *and filters*, from points in Warren County, MS, to points in AL, FL, GA, KY, OH, NC, SC, VA, and WV; and (2) *petroleum, petroleum products, vehicle body sealer compounds, sound deadener compounds, filters, and materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) (except commodities in bulk in tank vehicles), from points in AL, GA, KY, OH SC, VA, and WV, to points in Warren County, MS, restricted, in (1) and (2), to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Jackson, MS, or Birmingham, AL.)

MC 115162 (Sub-473F), filed April 5, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *Plastic tubing, and plastic fittings*, and (b) *such commodities as are used in the installation of the commodities named in (1)(a)*, from the facilities of Phillips, Driscopipe, Inc., at or near Startex, SC, to those points in the United States in and east of LA, AR, TN, KY, IL, IN, and MI; and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (1)(a)*, (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Tulsa or Oklahoma City, OK.)

MC 115603 (Sub-17F), filed April 2, 1979. Applicant: TURNER BROS, TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 stringing and picking up thereof; and, (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and, (d) the injection or removal of commodities into or from holes or wells, between points in AZ, CA and NV, on the one hand, and, on the other, points in CO, IL, LA, NM, OK, and TX.

Note.—The sole purpose of this application is to substitute a single-line service for its existing joint-line operations. (Hearing site: Oklahoma City, OK).

MC 116763 (Sub-501F), filed March 29, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal, charcoal briquettes, activated carbon, hickory chips, lighter fluid, and barbecue supplies* (except commodities in bulk), (1) from the facilities of Husky Industries, Inc., at or near (a) Ocala, FL, and (b) Pachuta, MS, to points in AL, GA, KY, LA, MS, NC, SC, TN, TX and VA, and (2) from the facilities of Husky Industries, Inc., at or near Romeo, FL, to Kansas City, KS, and those points in the United States in and east of MN, IA, MO, OK, and TX, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 119632 (Sub-90F), filed March 5, 1979. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities in (1) above, between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted in (1) and (2) above to the transportaion of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: St. Louis, MO, or Columbus, OH.)

MC 119912 (sub-3F), filed April 9, 1979. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Hwy 120, Manteca, CA 95336. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime*, in bulk, in tank or hopper-type vehicles, from Arrowlime, NV, and Nelson, AZ, to those points in CA in and north of San Luis Obispo,

Kern, and Inyo Counties. (Hearing site: San Francisco, CA.)

Note.—Dual Operations may be involved.

MC 121423 (sub-3F), filed April 12, 1979. Applicant: BOYD NAEGELI, INC., 1107 Jackson Street, South Houston, TX 77587. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction, earth moving, and logging equipment, and contractors' equipment and supplies*, between points in TX, on the one hand, and, on the other, points in LA, OK, AR, and MS. (Hearing site: Houston, TX.)

MC 123272 (sub-27F), filed April 6, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from Austin, Brownstown, Converse, and Franklin, IN, to those points in the United States in and east of ND, SD, NE, KS, OK, and NM. (Hearing site: Chicago IL.)

MC 124692 (sub-275F), filed April 2, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *conveyor systems*, and *materials and supplies* used in the installation of conveyor systems, from the facilities of Boeing Airport Equipment, Inc., at or near Dallas, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 124813 (Sub-202F), filed April 5, 1979. Applicant: UMTHUN TRUCKING CO., a corporation, 910 S. Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportating (1) *wood fencing, timbers, wood shavings, and posts*, from Gladstone, MI, to points in IL, IN, IA, MN, and WI; and (2) *landscape timbers*, from Chippewa Falls, WI, to points in IL, IA, and MN. (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 125433 (Sub-240F), filed April 6, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 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, transportating *uranium concentrates*, from Bluewater, MN, to Gore, OK, and Metropolis, IL. (Hearing site: Denver, CO.)

MC 125433 (Sub-241F), filed April 5, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 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, transportating *canned goods*, from points in CA to points the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Glorietta Foods. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 126102 (Sub-23F), filed April 5, 1979. Applicant: ANDERSON MOTOR LINES, INC., 116 Washington Street, Plainville, MA 02762. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportating (1) *display and storage racks and stands*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Richard A. Klein, Inc., at Norwood, MA, to those points in the Unites States in and east of MN, IA, MO, AR, and LA (except MA), under continuning contract(s) with Richard A. Klein, Inc., of Norwood, MA. (Hearing site: Boston, MA, or Providence, RI.)

MC 127902 (Sub-9F), filed April 11, 1979. Applicant: DIETZ MOTOR LINES, INC., P.O. Drawer 1427, Hickory, NC 28601. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture*, from Robbinsville and Altapass, NC, to points in AL, AR, LA, and MS. (Hearing site: Washington, DC, or Hickory, NC.)

MC 128273 (Sub-341F), filed April 2, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same addres as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs (nonfrozen) and materials, equipment, and supplies used in the manufacture or distribution of foodstuffs* (except frozen commodities, and commodities in bulk, in tank vehicles), between points in Reno County, KS, on the one hand, and, on the other, points in AL, AR, AZ, CO, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, MT, NE, NM, ND, OH, OK, SD, TN, TX, UT, WI, and WY, restricted to the transportation of traffic originating at or destined to the facilities of Western Food Products Co. (Hearing site: Wichita, KS, or Washington, DC.)

MC 128772 (Sub-16F), filed April 10, 1979. Applicant: STAR BULK TRANSPORT, INC., 821 N. Front St., New Ulm, MN 56073. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dairy products* and *materials, equipment, and supplies* used in the manufacture and distribution of (a) between New Ulm, MN, and points in NE, (b) between points in MN, on the one hand, and, on the other, points in WI, (c) from points in WI, to points in IA and NE, (d) from Mankato and Fairmont, MN, to Mason City, IA, and (e) from points in OH, IN, MI, and IA, to New Ulm, MN; and (2) *dairy products* from Chicago, IL, to New Ulm, MN, under a continuing contract(s) with Associated Milk Producers, Inc., of New Ulm, MN. (Hearing site: Minneapolis-St. Paul, MN.)

MC 13253 (Sub-3F), filed April 9, 1979. Applicant: STEUVENVILLE TRANSFER CO., a Corporation, Box 2248, Wintersville, OH 43952. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rock dust*, in bags, from Benwood, WV, to points in Harrison and Belmont Counties, OH. (Hearing site: Columbus, OH.)

MC 134262 (Sub-19F), filed April 4, 1979. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Boyden, IA 51234. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *oxides, coloring compounds, pre-colored products, and foundry compounds* (except commodities in bulk, in tank vehicles), from the facilities of DCS Color & Supply Co., Inc., at or near Milwaukee, WI, to points in the United States (except AK, HI, and WI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of

the commodities named in (1) (except commodities in bulk, in tank vehicles), in the reverse direction, under a continuing contract(s) with DCS Color & Supply Co., Inc., of Milwaukee, WI. (Hearing site: Milwaukee, WI.)

MC 135283 (Sub-49F), filed April 10, 1979. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 S. 14th St., P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Sunflower Beef Packers, Inc., at or near York, NE, to points in IN, KS, MI, and OH, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: York or Lincoln, NE.)

MC 135643 (Sub-8F), filed April 9, 1979. Applicant: SAFE TRANSPORT, INC., 610 Cooper, Hamilton, IL 62341. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid asphalt and liquid asphalt emulsions*, in bulk, in tank vehicles, from Meredosia, IL, to points in MO, IL, and IA, under a continuing contract with Riffe Petroleum Company, of Tulsa, OK. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 136342 (Sub-17F), filed April 9, 1979. Applicant: JACKSON AND JOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from Hamlin and Williamson, NY, to points in ME, NH, and VT, under a continuing contract(s) with Duffy-Mott Company, Inc., of New York, NY. (Hearing site: New York, NY, or Newark, NJ.)

Note.—Dual operations may be involved.

MC 136832 (Sub-7F), filed April 4, 1979. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, ID 83328. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fibreboard boxes and such commodities as are used to line fibreboard boxes*, from the facilities of Longview Fibre Co., at or near Twin Falls, ID, to poiunts in MT; and (2) *pallets, and materials and supplies used in the manufacture or distribution of pallets and paper products* used in the manufacture or distribution of the commodities named in (1), in the reverse direction, under a continuing contract(s) with Longview Fibre Co., of Twin Falls, ID. (Hearing site: Boise ID.)

MC 141402 (Sub-29F), filed March 21, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) (a) *iron articles, steel articles, zinc articles and lead articles*, (except commodities in bulk), (b) *springs*, and (c) *construction equipment, materials, and supplies* (except commodities in bulk), from the facilities used by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and Steven Spring, Inc., at or near (i) Blue Island and Joliet, IL, (ii) Cicero, Elkhart, Fort Wayne, and Kokomo, IN, (iii) Centerville, IA, (iv) Grand Rapids and Lansing, MI, (v) Jackson, MS, and (vi) Columbus and Toledo, OH, to points in AL, AR, GA, IL, IN, KY, MI, MS, MO, NC, IA, PA, TN, WV, OH, MD, VA, and WI; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction, under a continuing contract(s) in (1) and (2) above with Penn-Dixie Industries, Inc., of Kokomo, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141532 (Sub-39F), filed April 3, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Bldg., 15 South Grady Way, Renton, WA 98055. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *buildings, building sections, and building panels*, (2) *prefabricated metal structural components*, and (3) *parts and accessories* used in the manufacture and installation of the commodities in (1) and (2) above, from the facilities of American Building Company, at or near Carson City, NV, to points in AZ, CA, ID, OR, UT, and WA. (Hearing site: Reno, NV.)

MC 141932 (Sub-12F), filed April 2, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles and corrugated boxes* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Borden Chemical Co., Division of Borden, Inc., at or near (a) Charlotte, NC, (b) Cleveland, OH, (c) Cockeysville, MD, (d) Dallas, TX, (e) Elizabeth and Gloucester City, NJ, (f) Elk Grove Village and Illiopolis, IL, (g) Griffin, GA, (h) Memphis, TN, (i) Minneapolis, MN, (j) North Andover, MA, (k) Tampa, FL, and (l) Yonkers, NY, 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, restricted to the transportation of traffic originating at or destined to the named facilities. NOTE: Dual operations may be involved. (Hearing site: Boston, MA, or Washington, DC.)

MC 141932 (Sub-13F), filed March 29, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper articles*, (2) *horticultural products*, (3) *plastic articles*, and (4) *material, equipment and supplies* used in the manufacture, sales and distribution of the commodities in (1), (2) and (3) above (except commodities in bulk, and commodities, the transportation of which, because of size and weight require the use of special equipment), between (a) Albertville and Gadsden, AL, (b) Gary and Hammond, IN, (c) New Iberia, LA, (d) Bangor, Lewiston, Portland and Waterville, ME, (e) Kansas City, MO, (f) Troy, OH, (g) Memphis, TN, and (h) Carrollton, TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Keyes Fibre Company, and its subsidiary Huntsman Container Corporation. (Hearing site: Boston, MA, or Washington, DC.)

MC 141932 (Sub-14F), filed April 5, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA

02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *synthetic plastics, sealants, cements, chemicals, rubber compounds, soldering flux, coatings, lubricants, battery insulating partitions, and pulpboard*, and (b) *materials, equipment, and supplies* used in the manufacture, application, and distribution of the commodities in (a) above (except commodities in bulk and commodities the transportation of which because of size or weight requires the use of special equipment), between Atlanta, GA, Chicago, IL, Owensboro, KY, Acton and Cambridge, MA, Nashua, NH, and Woodbury, NJ, 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; and (2)(a) *building materials, perlite, plant bed media, plastic articles, potting soil, and vermiculite*, and (b) *materials, equipment, and supplies* used in the manufacture, application, and distribution of the commodities in (2)(a) above (except commodities in bulk, and commodities the transportation of which because of size of weight requires the use of special equipment), between Little Rock, AR, Boca Raton, Jacksonville, Pompano Beach, and Tampa, FL, Atlanta, GA, Chicago, IL, Wilder, KY, New Orleans, LA, Muirkirk, MD, Easthampton, MA, Dearborn, MI, Minneapolis, MN, St. Louis, MO, North Bergen and Trenton, NJ, Weedsport, NY, High Point, NC, New Castle, PA, Enoree and Travelers Rest, SC, Nashville, TN, Dallas, Houston, and San Antonio, TX, and Milwaukee, WI, 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, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 142062 (Sub-25F), filed April 12, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture parts, and materials equipment, and supplies* used in the manufacture or distribution of furniture parts (except commodities in bulk), from the facilities of Leggett & Platt Incorporated, at or near Carthage and Springfield, MO, to the facilities of Leggett & Platt Incorporated, at (a) Winchester, KY, and (b) Mason, OH, under a continuing contract(s) with Leggett & Platt Incorporated, of Carthage, MO. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 142703 (Sub-17F), filed April 2, 1979. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* moving in TOFC Service (except commodities in bulk and Classes A and B explosives), between St. Louis, MO, Danville, IL, and Lafayette, IN, on the one hand, and, on the other, points in IL, IN, KY, the Lower Peninsula of MI, MO, OH, and Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntington, Indiana, Jefferson, Juniata, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Columbus, OH.)

MC 144122 (Sub-45F), filed April 3, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter, records, advertising media, and educational film strips*, (1) between the facilities of Scholastic Magazines, Inc., at or near (a) Pleasanton, CA, (b) Jefferson City and St. Louis, MO, and (c) New York, NY, and (2) between those points in the United States in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, Pleasanton, CA, Jefferson City and St. Louis, MO, and New York, NY. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 144173 (Sub-5F), filed April 10, 1979. Applicant: PETERSEN TRANSPORTATION, INC., Box 96, Ruskin, NE 68974. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer, anhydrous ammonia, and propane*, (1) between points in KS and NE, and (2) between points in KS and NE, on the one hand, and, on the other, Cheyenne, WY, and points in Yuma County, CO, under a continuing contract(s) with W. W. Agri Sales, Inc., of Kansas City, MO, and Petersen Oil & Fertilizer, Inc., of Ruskin, NE. (Hearing site: Kansas City, MO, or Omaha, NE.) Insofar as the above authority allows the transportation of a dangerous commodity the permit will be limited to a period expiring 5 years from the date of issue.

MC 144622 (Sub-58F), filed March 2, 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 *frozen boxed meat*, from points in IA to New Orleans, LA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved in this proceeding.

MC 144622 (Sub-59F), filed April 4, 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 *confectionary*, in vehicles equipped with mechanical refrigeration, (1) from the facilities of E. J. Brach and Sons, at or near Chicago, IL, to Reno, NV, and (2) from the facilities of E. J. Brach and Sons, at Reno, NV, to points in CA, AZ, OR, and WA, restricted in (1) and (2), to the transportation of traffic originating at the named origins.(Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144622 (Sub-61F), filed April 9, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72206. 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 *canned and preserved foodstuffs*, from the facilities of Heinz USA, at or near (a) Pittsburgh, PA, (b) holland, MI, and (c) Fremont and Toledo, OH, to points in AL, AR, FL, GA, LA, MS, OK, SC, TN, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144622 (Sub-62F), filed April 9, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72206. 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 *such commodities as are dealt in by manufactures or distributors of tile* (except commodities in bulk, in tank vehicle, and those which because of size or weight require the use of special equipment), between the facilities of American Olean Tile Company, at or near (a) Olean, Ny, and (b) Lansdale, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144672 (Sub-10F), filed April 6, 1979. Applicant: VICTORY EXPRESS, INC., Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *waste paper and rags for recycling or reuse*, between points in the United States (except AK and HI). (Hearing site: Dayton, OH.)

Note.—Dual operations may be involved.

MC 145102 (Sub-17F), filed April 2, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wison, 150 E. Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers, converters, printers, and distributors of paper and paper products (except commodities in bulk), from points in Portage and Wood Counties, WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Madison or Stevens Point, WI)

MC 145102 (Sub-21F), filed April 9, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Hillshire Farm Company, at or near New London, WI, to points in CA, CO, MT, OR, and WA. (Hearing site: Madison or Milwaukee, WI.)

MC 145493 (Sub-4F), filed March 9, 1979. Applicant: LONGVIEW LIMOUSINE SERVICE, INC., P.O. Box 8171, Longview, TX 75602. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *passengers and their baggage*, in the same vehicle with passengers, limited to the transportation of not more than 11 passengers (excluding the driver) in one vehicle at one time, between Henderson, Marshall, Kilgore, Texarkana, and Tyler, TX, on the one hand, and, on the other, Shreveport Regional Airport, Shreveport, LA; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Henderson, Longview, Marshall, Kilgore, Texarkana, and Tyler, TX, on the one hand, and, on the other, Shreveport Regional Airport, Shreveport, LA, restricted in (1) and (2) above to the transportation of traffic having an immediate prior or subsequent movement by air. (Hearing site: Dallas, TX, or Shreveport, LA.)

MC 145802 (Sub-3F), filed April 3, 1979. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodites in bulk), from the facilities of Hygrade Food Products Corporation, at or near Storm Lake and Cherokee, IA, to points in FL, GA, IL, IN, LA, MI, NC, OH, and SC, under a continuing contract(s) with Hygrade Food Products Corporation, of Detroit, MI. (Hearing site: Omaha, NE.)

MC 145943 (Sub-2F), filed April 3, 1979. Applicant: BILLY BARNES ENTERPRISES, INC., P.O. Box 252, Monroeville, AL 36460. Representative: Emmett O. Mckenzie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood residuals, wood, saw dust, and commodities otherwise exempt under 49 U.S.C. 10526(a) in mixed loads with wood, saw dust, and wood residuals* between points in AL and FL. (Hearing site: Montgomery or Birmingham, AL.)

MC 146402 (Sub-2F), filed April 3, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food products, food concessions, displays* for food concessions, and *food concession materials, equipment, and supplies*, (except commodities in bulk, in tank vehicles), and (2) *popcorn and peanuts* when transported in mixed loads with the commodities in (1) above, between the facilities of Blevins Popcorn Company, Inc., at or near Ridgway, IL, and North Bend, NE, 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, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 146552 (Sub-2F), filed March 7, 1979. Applicant: KENNETH LEE UTKE, P.O. Box 78, Palos Heights, IL 60463. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by manufacturers of appliances (except commodities in bulk), and (2) *commercial paper, documents, and written instruments*, between Chicago, Peoria, and Rockford, IL, on the one hand, and, on the other, those points in WI on, south, and east of a line beginning at the WI-IL State line and extending along WI Hwy 78 to junction U.S. Hwy 51, then along U.S. Hwy 51 to junction WI Hwy 54, then along WI Hwy 54 to Algoma, WI, those points in IA on, south, and east of a line beginning at the Mississippi River and extending along U.S. Hwy 18 to junction IA Hwy 14, then along IA Hwy 14 to junction IA Hwy 175, then along IA Hwy 175 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the IA-MO State line, those points in IN on, north, and west of

a line beginning at the IN–IL State line and extending along U.S Hwy 24, to junction IN Hwy 9, then along IN Hwy 9 to the MI–IN State line, and those points in MI on, west, and south of a line beginning at the MI–IN State line and extending along MI Hwy 66 to junction MI Hwy 96, then along MI Hwy 96 to junction MI Hwy 43, then along MI Hwy 43 to Lake Michigan at or near South Haven, MI, under continuing contract(s) in (1) and (2) above with General Electric Company, of Fairfield, CT. (Hearing site: Chicago, IL.)

MC 146573 (Sub-5F), filed April 3, 1979. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer, fertilizer solutions, and fertilizer ingredients*, in bulk, between the facilities of Kerley Industries, Inc., at or near Ottawa, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, PA, SD, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146622F, filed March 12, 1979. Applicant: R. LEON PETERSON TRUCKING, INC., 835 North 600 West, Spanish Fork, UT 84660. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *high pressure, reinforced rubber hose*, and *equipment, materials, and supplies* used in the manufacture, installation, and distribution of high pressure, reinforced rubber hose, between Nephi, UT, on the one hand, and, on the other, points in AZ, CA, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NM, OH, OK, SD, TX, and WY, under continuing contract(s) with NRP Division, Bastian Blessing, of Nephi, UT. (Hearing site: Salt Lake City, UT.)

MC 146703 (Sub-11F), filed April 4, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St. NW., Suite 300, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Chicago, IL, to points in CO, TX, and OK. (Hearing site: Washington, DC.)

Note.—(1) Rates are involved in this proceeding. (2) Dual operations may be involved.

MC 146703 (Sub-12F), filed April 4, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St. NW., Suite 300, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in CT, MA, NY, and NJ, to points in IL, AR, IA, KS, MN, MO, NE, ND, OK, SD, TX, and WI. (Hearing site: Washington, DC.)

Note.—(1) Rates are involved in this proceeding. (2) Dual operations may be involved.

MC 146952F, filed April 10, 1979. Applicant: COUNTRY PRIDE FOODS LTD., a United Kingdom Corporation, 422 N. Washington, El Dorado, AR 71730. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles, stepstools, handcarts, and dollies*, from the facilities of Dial Industries, Inc., at or near Los Angeles, CA, to points in the United States (except AK and HI). Condition: The carrier will conduct separately its common carrier operation and its other business activities. Carrier will maintain separate accounting systems for each such business. Carrier will not transport property as both a private and for-hire carrier at the same time and in the same vehicle. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 147142F, filed April 10, 1979. Applicant: MERIC TRUCKING & LEASING CORP., 300 Winston Dr., Cliffside Park, NJ 07010. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *expanded foam*, (except commodities in bulk), from East Rutherford, Carlstadt, and Rockaway, NJ, to points in CT, MA, RI, and NH; (2) *plastic articles*, (except commodities in bulk), from Newton, MA, to points in NJ and NY; and (3) *materials used in the manufacture and distribution of expanded foam*, (except commodities in bulk), from points in CT, MA, RI, and NH, to East Rutherford, Carlstadt, and Rockaway, NJ, under a continuing contract(s) with Tenneco Chemicals, Inc., of Paramus, NJ. (Hearing site: New York, NY.)

MC 147342F, filed April 2, 1979. Applicant: FOSTER'S TRANSPORTATION, INC., Mullica Hill Road, Woodstown, NJ 08098. Representative: Matthew Aaron, 204 Feinstein Bldg., P.O. Box 453, Bridgeton, NJ 08302. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dry fertilizer and fertilizer ingredients*, (a) from Wilmington, DE, to points in Hamilton Township (Mercer County), and Cumberland, Salem, and Gloucester Counties, NJ, and (b) from points in Hamilton Township (Mercer County) and Cumberland County, NJ, to points in CT, MA, NY, PA, DE, and MD; (2) *lime*, from Annville, Plymouth Meeting, York and Devault, PA, to points in Salem, Cumberland, Cape May, and Gloucester Counties, NJ; and (3) *salt*, from Silver Springs, NY, to points in Cumberland, Salem, and Gloucester Counties, NJ, under continuing contract(s) in (1), (2), and (3) above with Agway, Inc., of Syracuse, NY. (Hearing site: Trenton, NJ, or Philadelphia, PA.)

Broker

MC 130573F, filed May 11, 1979. Applicant: COSTAS & MELBA SURDIS, d.b.a. COSTAS TRAVEL AGENCY, a partnership, 2363 Pruneridge Avenue, Suite D, Santa Clara, CA 95050. Representative: Costas Surdis (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Santa Clara, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Santa Clara and San Jose, CA, and extending to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Santa Clara or San Jose, CA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, NY*, 54 M.C.C. 291 (1952).

Sunshine Act Meetings

Federal Register
Vol. 44, No. 135
Thursday, July 12, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-234, July 9, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 4 p.m., July 11, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Do finances influence airline safety, maintenance and services? (Presentation).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The Chairman has expressed an interest in attending a briefing on this study. The Board has its regular Board meeting on Thursday and the Chairman plans to be away from the Board for a period of time following the meeting. So that the Chairman can attend the briefing, the following Members have voted that a presentation is required on less than seven days' notice and that no earlier announcement was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1379-79 Filed 7-10-79; 3:40 pm]
BILLING CODE 6320-01-M

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[M-233, Amdt. 1; July 9, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items and closure of item to the July 12, 1979, meeting.

TIME AND DATE: 10 a.m., July 12, 1979.

PLACE: Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

23a. Dockets 31290 and 35523; Petition for Reconsideration of Order 79-6-96 filed by Eastern and Petition for Amendment to Part 399 of the Board's Statement of General Policy by ATA; Domestic 10 percent fare increase proposed by Braniff. (Memo No. 8971, BDA)

25. Dockets 29525 and 30332; Disposition of the Board's tentative findings in Order 76-11-9, which would apply the domestic substitute service rules to the U.S. legs of international air freight movements; and IATA agreement proposing restrictions on the use of surface transportation on the U.S. legs of South Pacific air freight movements. (BIA).

STATUS: Open (Item 23a), Closed (Item 25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Three separate but related documents have been filed with the Board by Braniff, Eastern, and the Air Transport Association on the subject of how to reflect fuel price increases in the domestic Standard Industry Fare Level. All three should be considered at the same time, and Braniff's is a tariff filing which the Board must act on by July 18, 1979, or lose its authority to suspend. After next week, the next Board meeting is scheduled for July 19, 1979, so the Board will have to consider this item on July 12. Since the Chairman will not be here for the July 19, 1979 meeting and the meetings concerning IATA will be July 22, the Board would like to meet on this as soon as possible. Accordingly, the following Members have voted that Items 23a and 25 be added to the July 12, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Explanation of Closure of Item 25

Public disclosure, particularly to foreign governments, of opinions, evaluations and strategies discussed in connection with this item could seriously compromise the United States Government's ability to achieve future bilateral understandings which would be in the best interests of the United States. The staff therefore believes that public observation of this meeting would reveal matters which, if prematurely disclosed, could significantly frustrate future action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9) and 14 CFR 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.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr. and Mr. Michael Schopf.
Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Rosario J. Scibilia, Mr. Herbert P. Aswall, and Mr. John H. Kiser.
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 A. 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) and 14 CFR 310b.5(9)(B) and that this meeting may be closed to public observation.

Philip J. Bakes,
General Counsel.

[S-1380-79 Filed 7-10-79; 3:40 pm]
BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. July 12, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: open.

MATTERS TO BE CONSIDERED: Public hearing to receive information from representatives of the Chicago Board of Trade regarding Commission Rule 1.52—Capital Requirements for Member FCMs.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1361-79 Filed 7-10-79; 3:40 pm]

BILLING CODE 6351-01-M

4

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: July 19, 1979, 11:30 a.m.

PLACE: Conference Room, 722 Jackson Place, N.W., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old business
2. Briefing on status of agencies' NEPA procedures
3. Briefing on status of Agricultural Lands Study
4. Briefing on status of Annual Report
5. Briefing on status of Antarctica Policy and Migratory Species Convention

CONTACT PERSON FOR MORE INFORMATION: Foster Knight 395-4616.

[S-1377-79 Filed 7-10-79; 3:40 pm]

BILLING CODE 3125-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 12, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

Common Carrier—2—Petition for Refection filed by Enercom, Inc. against various tariff provisions of AT&T, Western Union, MCI, America Satellite and RCA American Communications for purported conflict with Resale and Shared Use policies.

Common Carrier—7—Regulatory Policies Concerning the Provision of Domestic Public Message Services by Entities other than the Western Union Telegraph Company and Proposed Amendment to Parts 63 and 64 of the Commission's Rules.

Television—3—Applications by Lake Powell Antenna-vision, Inc. to provide television translator service to Rural Kane and Garfield County, Utah and LeChee and Wahweap Marina, Arizona (BPTT-3442-3444; BPTTV-5981-5984); petition to deny these applications filed by Cablecom-General, Inc., operator of a cable television system at Page, Ariz.

In addition, the Commission will consider the following item:

Cable Television—3—(1) Joint Motion for Revision of Procedures filed in Dockets 20988 and 21284 by Association of Independent Television Stations *et al.*, and (2) Motion for Extension of Time for the filing of comments in Dockets 20988 and 21284 filed by the National Association of Broadcasters.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given.

Information concerning this meeting may be obtained from the FCC Office of Public Affairs, telephone number (202) 632-7260.

Issued: July 10, 1979.

[S-6712-01 Filed 7-10-79; 2:38 pm]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 12, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

Hearing—1—Petition for special relief requesting a "distress sale" of station WDAS and WDAS-FM in the Philadelphia, Pennsylvania, renewal proceeding (BC Docket Nos. 79-30 and 79-31).

General—1—Title: Petition for rule making urging adoption of policy and rule on employee service after acceptance of outside employment in communications field. Summary: FCC decides whether an employee's services should terminate immediately upon his acceptance of future employment with a firm or organization having business with the Commission, or whether present restraints on his participation in any matter affecting such firm or organization are sufficient and his employment should continue for a brief period to permit an orderly transition.

General—2—Title: Memorandum Opinion and Order on Petitions for Reconsideration of First Report and Order adopting Phase I of Fee Refund Program. (Docket 78-316) Subject: On March 29, 1979, the Commission released an order adopting Phase I of its fee refund program. (FCC 79-68, 44 Fed. Reg. 21267) Adopted as part of the fee refund program was a requirement that before a refund would be paid, refund requesters would have to agree to accept the refund amount as full payment of any fee refund to which they may be entitled for the particular fee in question. This was described as a waiver of the right to any additional refund amount and was adopted by the Commission for the purpose of terminating the extensive litigation that has grown out of its 1970 fee schedule. Petitions for reconsideration were filed by the law firm of Fletcher, Heald and Hildreth and the Natl. Ass'n of Broadcasters arguing that the waiver procedure is unfair and illegal. The question before the FCC is whether to deny the petitions for reconsideration.

General—3—Title: Application for review of a ruling by the General Counsel's Office denying the FOIA request of James Reston, Jr. for release of tape recordings, transcriptions, and other documents dealing with amateur radio transmissions between the People's Temple in California and the People's Temple in Guyana. Summary: The Office of General Counsel denied a FOIA request by James Reston, Jr. on the grounds that release of tape recordings of amateur radio transmissions between the People's Temple in California and in Guyana is barred by Section 605 of the Communications Act. Reston appeals that ruling, also requesting release of any transcriptions of those tape recordings and any other documents relating to that matter.

General—4—Title: Policy governing action on requests by other federal agencies for disclosure of information submitted to the Commission in confidence under the Freedom of Information Rules. Summary: To call attention to policies which guide the Commission in acting on requests by other Federal agencies for the inspection of papers accepted by the Commission with assurances against disclosure to the public under the Freedom of Information Act, the FCC has set those policies out in its rules. The request will be granted if (1) specific assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law.

Private Radio—1—Title: Report and Order to amend Section 90.365 of the FCC Rules to change the method for Assigning Frequencies for Trunked Systems in the 806-886 MHz Bands (Docket No. 78-394). Subject: The FCC modified its rules to provide for non-sequential assignment of frequencies for radio trunking systems in the 806-821 and 851-866 MHz bands. The previous rules provided for the sequential assignment of all frequencies in these bands and this resulted in inefficiencies in antenna combining systems and site management problems in the case of trunking systems. The question before the Commission is whether to institute a group and block assignment proceeding for radio trunking systems to alleviate these problems.

Common Carrier—1—Title: CC Dockets No. 78-11, 79-12, and 79-13—Flow Through of leased channel Comsat savings by RCA, ITT, and WUI. Subject: Near the end of 1978, TRT Telecommunications Corporation, (TRT), RCA Globcom (RCA), ITT Worldcom (ITT), and Western Union International (WUI) filed tariffs to flow through to their customers savings resulting from Comsat rate reductions. In January, the Commission allowed the plans to go into effect. It also instituted a hearing (CC Dockets No. 79-11, 79-12, and 79-13) to investigate the leased channel rates filed

by RCA, ITT and WUI because the three carriers did not fully explain why they did not reduce the rates from the United States Mainland to Africa and the Middle East and from Hawaii to Guam and New Zeland In March, the carriers filed revised tariffs that would flow through cost savings to these areas. The new rates were allowed to go into effect. RCA, ITT, and WUI each filed motions to terminate the investigations because they claim the issues have been resolved. The Department of Defense opposes the motions because it argues that there is a need for an overall investigation into the leased channel rates of the carriers. The question before the Commission is whether to terminate the proceedings.

Common Carrier—2—Title: Petition for Rejection filed by Enercom, Inc. against various tariff provisions of AT&T, Western Union, MCI, American Satellite and RCA American Communications for purported conflict with Resale and Shared Use practices. Summary: In considering the arguments raised by Enercom's petition, the Commission clarifies several Resale and Shared Use policies. The Commission would strengthen the distinction between sharing and resale and explore such issues as whether carriers are requiring excessive disclosure of information concerning sharing arrangements, whether minimum time limits on sharing arrangements are proper, whether limitations on total charges or imposition of a charge allocation method for sharers should be allowed, and whether carriers can require for-profit network managers to be customers and users.

Common Carrier—3—Title: Petition for Partial Reconsideration filed by American Telephone and Telegraph Company (AT&T) in response to a Commission Order concerning a Request for Declaratory Ruling by the Associated Press (AP). Summary: In 1975, in response to a Request for Declaratory Ruling by AP, the Commission found that it was not unlawful for AT&T's private line tariff to provide for a service charge for each visit made by an AT&T repair person to the customer's premises in instances when the service difficulty resulted from equipment provided by the customer rather than AT&T. The Commission also ruled that Section 2.1.3(A) of AT&T's private line Tariff F.C.C. No. 260, which limits the liability of AT&T, does not limit the liability of AT&T for negligence. AT&T seeks reconsideration of the portion of the Commission Order concerning Section 2.1.3(A). The issues before the Commission are: (1) Whether it was precedurally proper for the Commission to rule on Section 2.1.3(A); and (2) to what extent does Section 2.1.3(A) limit the liability of AT&T in regards to acts of negligence committed by its employees.

Common Carrier—4—Title: Integration of Rates and Services between the United States Mainland and Puerto Rico/Virgin Islands. (Docket 21264). Summary: The FCC is considering the recommended Report and Order of a Federal-State Joint Board which has recommended prescription of the existing NARUC-FCC Separations Manual for use in Puerto Rico and the U.S. Virgin Islands. Separations is the method for allocating common carrier expenses and investments to the proper jurisdiction. The existing manual, incorporated as Part 67 of the Rules, now is prescribed for the 48 contiguous states.

Common Carrier—5—Title: Integration of Rates and Services between the United States Mainland and Puerto Rico/Virgin Islands. (W-P-C-649). Summary: The FCC is considering the proposed agreement of the carriers for the integration of Puerto Rico and the U.S. Virgin Islands into the domestic interstate rate schedule. Rate integration was ordered with the advent of domestic satellites. The proposed negotiated agreement sets a schedule for three rate cuts with full integration by 7/1/80 and a schedule for adoption of Separations based settlements by 7/1/80.

Common Carrier—6—Title: Petition for Rejection filed by Home Box Office, Inc., against Microband Corporation of America's Transmittal No. 45, revisions to its Tariff F.C.C. No. 8. Summary: Microband's MDS tariff revision would require its full-time customers to make the programing transmitted via MDS systems available on a nondiscriminatory basis to any supplier willing and able to pay. The Commission considers whether an MDS carrier can exercise control generally over its customers in the use of the communication transmitted and whether the status of full-time MDS customers allows the carrier or the Commission to impose controls not otherwise permitted.

Common Carrier—7—Title: Regulatory Policies Concerning the Provision of Domestic Public Message Services by Entities Other than the Western Union Telegraph Company and Proposed Amendment to Parts 63 and 64 of the Commission's Rules. Summary: This item addresses proposed changes in the Commission's Rules and policies concerning public message services. These proposals are a result of our decision in *Domestic Public Message Services* (CC Dockets 78-95 and 78-96) which ended Western Union's telegram monopoly.

Cable Television—1—A petition for special relief filed by Manhattan Cable Television Inc., licensee of Station WOTV Grand Rapids, Michigan requests syndicated exclusivity protection against live programming carried by General Electric Cablevision and Muskegan Cable TV, operators of cable television systems at Grand Rapids and Muskegan, Michigan. The issue presented is whether "The Phil Donahue Show" a live program should receive the same protection as a taped version.

Cable Television—2—Title: Request for Extension of Time filed by Cox Broadcasting Corporation and Cox Cable Co. Communications, operators of a cable television system in Atlanta, Georgia. Summary: 1. In *Georgia Cablevision Corporation* 65 FCC 2d 506 (1977), the Commission ordered Cox Broadcasting Corporation to divest itself of its interest in the Atlanta, Georgia cable television system by July 13, 1979. Cox now requests a six month extension of that deadline. In support Cox states that negotiations for sale of the cable system which had been proceeding since the summer of 1978 were recently aborted, that a new purchaser has been found and that it is anticipated that compliance with the Commission's Order can be achieved by January 1980. In its opposition NAACP/ACLU argue that because of Cox's concentration of media control in Atlanta and poor performance as a cable operator, the Commission should not have granted Cox two years to divest in the first place, and that insufficiently detailed evidence justifying a further extension has been presented. Accordingly, NAACP/ACLU recommends that cease and desist proceedings against Cox should be instituted.

Renewal—1—Title: Petition to Deny the broadcast renewal application of Sunshine Wireless, Inc., licensee of Station KCKC, San Bernardino, California, filed by Lew Trenner. (BR-1606). Summary: Lew Trenner filed a petition to deny the broadcast license renewal application contending that the licensee and its president engaged in various misconduct evidencing a lack of fitness to remain a Commission licensee and violated the Commission's EEO rules.

Aural—1—Title: Application for AM Broadcast construction permit for Station WVCB, Coral Gables, Florida (File No. BMP-14,129). Summary: Insilco Broadcasting Corporation of Florida, licensee of AM broadcast station WVCG, Coral Gables, requests a construction permit to increase the daytime operating power of that station. The proposal concerns a possible violation of the provisions of the North American Regional Broadcasting Agreement (NARBA) since it involves prohibited contour overlap with a Bahamian notified assignment. The questions before the Commission is whether the provisions of the NARBA are binding in this instance.

Aural—2—Title: Request for Special Temporary Authority by Pinellas Radio Corporation, licensee of Station WPLP, Pinellas Park, Florida. Summary: The requested Special Temporary Authority is to mitigate interference caused by the unauthorized operation of co-channel Station CMHI, Santa Clara, Cuba.

Aural—3—Title: Request for Special Temporary Authority filed May 31, 1979 by Entertainment Communications, Inc., licensee of FM Station KLEF, Houston, Texas, to operate with the facilities proposed in its pending application to relocate its antenna-transmitter site (File No. BPH-790209AE). Summary: Imminent loss of antenna site will require shutdown of only Houston classical music station unless special temporary authority is granted for new site. An informal objection has been filed, and a petition to deny the basic application, both by the proponents of a rulemaking proposal to assign a Class C FM channel to Lockhart, Texas. Favorable action on the basic application would preclude consideration of the Lockhart rulemaking proposal.

Television—1—Title: Application of Puerto Rico Broadcasting, Inc., for a contruction permit for a new television station on channel 18, San Juan, Puerto Rico. Subject:

Puerto Rico Broadcasting, Inc., is the licensee of television station WAPA-TV, Channel 4, San Juan, Puerto Rico. WAPA-TV is a spanish language station. In the application now before the Commission, Puerto Rico Broadcasting, Inc., seeks authority to construct an English language television station in San Juan. Since this proposal is inconsistent with the multiple ownership rules, applicant has requested a waiver. The issue before the Commission is whether to accept the application for filing.

Television—2—Title: Application for CP for new UHF TV station in Gadsden, AL. Summary: Applicant's principal holds interest in newspaper in same community. Principal will divest all interest in or connection with newspaper prior to grant of program test authority. Staff recomends grant of application subject to divestiture condition.

Television—3—Title: Applications by Lake Powell Antennavision, Inc. to provide television translator service to Rural Kane and Garfield County, Utah and LeChee and Wahweap Marina, Arizona (BPTT-3442-3444; BPTTV-5981-5984); petition to deny these applications filed by Cablecom-General, Inc., operator of a cable television system at Page, Arizona. Summary: Memorandum Opinion and Order considers a number of objections to grant of the translator applications that have been raised by Cablecom-General.

Complaints and Compliance—1—Title: In re Complaint of Public Media Center *et al.* Against Radio Station KATY *et al.* Summary: The Commission has before it, on remand from the United States Court of Appeals for the District of Columbia Circuit, consideration of the Fairness Doctrine performances, on the issue of nuclear power, of four California radio stations. The Commission must decide whether their performances were distinguishable from those of eight other stations previously found not to have provided reasonable opportunity for the presentation of the anti-nuclear perspective.

Complaints and Compliance—2—Title: Staff Report on Notice of Inquiry concerning the Amendment of Part 73 of the Rules regarding personal attacks and the applicability of the Fairness Doctrine to Section 315 "uses". Summary: On 12/28/78 the Commission issued an NOI asking for comments on its proposal to amend the personal attack rule. Additionally, the Commission requested comments on the present policy of considering the Fairness Doctrine as inapplicable to the provisions of the Communications Act Sec. 315 concerning use of broadcast facilities by candidates for public office. The Commission must decide whether to amend the personal attack rule to exempt all personal attacks occurring during "uses". Attacks by candidates and their campaign associates against other candidates and their associates are already exempt. The Commission must also decide whether the Fairness Doctrine should be applied to "uses" by legally qualified candidates.

Complaints and Compliance—3—Subject: Applications for review of letters by the Broadcast Bureau to KHON-TV, Honolulu, HI., and Brent R. Cromley, President, Yellowstone Kiwanis Club, Billings, MT., stating that the proposed auction programs would be considered program-length commercials. Summary: Two separate requests for rulings were presented to the Broadcast Bureau. Each request raised a related question. In each case, a non-profit organization wanted to purchase program time on a television station (2½ hours in one case and 6 hours in the other) and use the time to auction off merchandise, keeping the proceeds for its charitable activities. The Bureau ruled that where a sponsored program is used to sell commercial products or services, the entire program must be considered commercial time. The Bureau relied on Commission precedent, and ruled that (a) auctions in sponsored programs are commercial and (b) the continuous broadcast of commercial matter for such periods of time is contrary to the public interest. Both parties have asked the Commission to review the Bureau's rulings. They urge that the Bureau either erred in applying Commission precedent, because the Commission has created an exemption for charitable activities in other similar circumstances, or that an exemption from the policies should be created for auction programs sponsored by charities.

Complaints and Compliance—4—Fairness Doctrine Complaint: Yellow Freight System, Inc. and American Trucking Associations, Inc. against NBC television network. Complainants asked Commission to find that NBC unreasonably failed to provide opportunities for the presentation of contrasting views to those presented on network news broadcasts dealing with truck safety. Network replied to complaints and Commission inquiry by stating that truck safety was not a controversial issue within meaning of Fairness Doctrine, and even if it were, NBC had provided reasonable opportunities for contrasting views in its overall programming. Commission must decide whether network, as a licensee, was reasonable in its decisions, based on applicable Fairness Doctrine precedent.

Complaints and Compliance—5—Title: In re Complaint of Roger Langley against the NBC Television Network. Summary: The Commission has before it an Application for Review of a Bureau ruling which denied a personal attack complaint. The complaint concerns a "Today" Show commentary allegedly attacking a writer and his published findings on the topic of "husband-beating." In its ruling, the Bureau determined that the commentary was exempt from the personal attack rule as "commentary or analysis contained in" news programming. If the remarks were not exempt, the Commission must decide whether NBC was reasonable in finding the subject not to constitute a "controversial issue of public importance" coming under the personal attack rule. If the topic is such an issue, the Commission must also assess whether NBC complied with the Fairness Doctrine by affording a reasonable opportunity for the presentation of contrasting views on the question.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: July 6, 1979.

[S-6712-01 Filed 7-10-79; 2:36 pm]

BILLING CODE 6712-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, July 16, 1979, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Schall, Boudreau & Gore, San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

Wilson & Trotter, Augusta, Georgia, in connection with the liquidation of First Augusta Bank & Trust Company, Augusta, Georgia.

Powell, Goldstein, Frazer & Murphy, Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.

Sidley & Austin, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois (two memorandums).

Blackwell, Walker, Gray, Powers, Flick & Hoehl, Miami, Florida, in connection with the liquidation of Franklin National Bank, New York, New York.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 9, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1371-79 Filed 7-10-79; 2:36 pm]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, July 16, 1979, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Medford State Bank, a proposed new bank to be located at the intersection of 10th and Riverside Streets, Medford, Oregon, for Federal deposit insurance.

Timber Community Bank, a proposed new bank to be located at the southwest corner of Kline Street and Garden Valley Boulevard, Roseburg, Oregon, for Federal deposit insurance.

Application for consent to establish a branch and a detached facility:

Lake County Bank, Leesburg, Florida, for consent to establish a branch in space 112 and a detached facility near the northwest corner of a parking lot both locations in the Lake Square Shopping Center at the intersection of U.S. Highway 441 and Radio Road, Unincorporated Lake County (P.O. Leesburg), Florida.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,957-L (Addendum)—Franklin National Bank, New York, New York.

Case No. 43,972-SR—American Bank and Trust Company, New York, New York.

Case No. 43,974-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Case No. 43,975-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 43,977-NR—United States National Bank, San Diego, California.

Memorandum re: Banco de Ahorro de Puerto Rico, San Juan, Puerto Rico.

Memorandum regarding the computation of allowable rate of return to the Corporation on purchase and assumption or loan transactions.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii), of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 9, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1372-79 Filed 7-12-79; 2:36 pm]

BILLING CODE 6714-01-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: July 12, 1979, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Legislative Proposals.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-1370-79 Filed 7-10-79; 11:14 am]

BILLING CODE 6730-01-M

10

FEDERAL TRADE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: FR 44, July 6, 1979, Page No. 39723.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1 p.m., Tuesday, July 10, 1979.

CHANGES IN THE AGENDA: The Federal Trade Commission has deleted an item from the agenda of its previously announced open meeting of July 10, 1979.

Because this was the only item scheduled, the meeting has been cancelled.

[S-1375-79 Filed 7-10-79; 2:36 pm]

BILLING CODE 6750-01-M

11

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, July 17, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1367-79 Filed 7-10-79; 11:14 am]

BILLING CODE 7020-02-M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 39334, July 5, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, July 12, 1979, 9 a.m. [NM-79-22]

CHANGE IN MEETING: The business of the Board requires that the time of this meeting be changed to:

9 a.m., Thursday, July 19, 1979.

The agenda remains the same as previously published.

CONTACT PERSON FOR MORE INFORMATION: Sharon Fleming, 202-472-6022.

July 10, 1979.

[S-1378-79 Filed 7-10-79; 3:40 pm]

BILLING CODE 4910-58-M

13

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:30 a.m. on July 11, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, this meeting will be closed.

MATTERS TO BE CONSIDERED: Internal personnel rules and practices.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: July 10, 1979.

[S-1374-79 Filed 7-10-79; 2:36 pm]

BILLING CODE 7600-01-M

federal register

Thursday
July 12, 1979

Part II

Department of Transportation

Federal Highway Administration

Outdoor Advertising and Motorist Information

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 79-27]

National Advisory Committee on Outdoor Advertising and Motorist Information; Establishment and Publication of Charter

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA announces establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. The Committee will advise the FHWA in its reassessment of the Highway Beautification Act. It will be made up of representatives of various groups having an interest in the Highway Beautification Program.

DATES: Comments and suggestions concerning the establishment of this committee are welcome and must be received by August 27, 1979. This notice will take effect on July 27, 1979.

ADDRESS: FHWA Docket No. 79-27, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All responses to this notice will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Moeller, Chief, Junkyard and Outdoor Advertising Branch, (202) 245-0021, or Mr. Edward Kussy, Deputy Assistant Chief Counsel for Right-of-Way and Environmental Law, (202) 426-0791. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA is establishing a National Advisory Committee on Outdoor Advertising and Motorist Information. The Committee is being sponsored by the Federal Highway Administration. The Committee will consist of representatives from government, industry and citizen groups having an interest in outdoor advertising and motorist information. The Committee will be asked, among other things, to advise the Federal Highway Administration on the reassessment of the Highway Beautification Program, which was announced in the Federal Register on April 30, 1979, at 44 FR 25388.

The Secretary of Transportation has determined that the information and use of the National Advisory Committee on Outdoor Advertising and Motorist Information is necessary in the public interest. Meetings of the committee will be open to the public. The Committee's charter is set forth in this notice. This notice is given in compliance with the Federal Advisory Committee Act, P.L. 92-463, Oct. 6, 1972, as amended, 5 U.S.C., App. I.

Issued on: July 3, 1979.

John S. Hassell, Jr.,
Deputy Administrator.

Charter

National Advisory Committee on Outdoor Advertising and Motorist Information.

1. *Purpose*

This Charter establishes the National Advisory Committee on Outdoor Advertising and Motorist Information, and sets forth regulations for its operation.

2. *Scope and objectives*

The Committee shall act in an advisory capacity to the Federal Highway Administration and shall not exercise program management responsibility nor make decisions directly affecting the programs on which it provides advice. It shall investigate, report, and recommend, and shall provide a forum for the exchange of information on outdoor advertising and motorist information needs adjacent to the Federal-aid Interstate and Primary Highway Systems. The advice and recommendations of the Committee shall be the result of its independent, collective judgment.

3. *Duties*

The Committee shall be responsive to specific assignments made by the Sponsor and may conduct inquiries, workshops, seminars, and studies in cooperation with groups in the private sector and/or State and local government jurisdictions. A final report will be submitted to the Federal Highway Administrator.

4. *Duration*

The Committee will remain in existence for 2 years subsequent to the effective date of this Charter, unless sooner terminated or extended.

5. *Official to whom committee reports*

The Committee reports to the Federal Highway Administrator.

6. *Sponsor and office of support*

The Federal Highway Administrator shall be the Sponsor of this Committee, and his/her office shall furnish support services.

7. *Estimated annual cost*

The estimated annual cost is $80,000 which includes $50,000 for members requesting compensation for attendance at meetings, and $30,000 for staff support for one person per year.

8. *Membership*

The Committee shall consist of at least 10, but not to exceed 25 members chosen by the Federal Highway Administrator with the approval of the Secretary of Transportation. The term of the members shall be the 2-year duration of the Committee. The members shall be chosen from the general public and shall be chosen to provide a balanced cross-section of the viewpoints concerning outdoor advertising control and motorist information policies. Accordingly, representation will be afforded each of the following: State government; municipal government; outdoor advertising industry; highway users; environmental organizations; academic community; roadside councils; tourist industry; alternate information systems industry; and citizens at large. Membership on the Committee shall be open to all persons otherwise qualified regardless of race, religion, sex, national origin, or age, except as the nature of the committee might otherwise require.

9. *Officers*

The Chairperson of the Committee shall be chosen from among the membership by the Sponsor. The Sponsor shall also designate an Executive Director and may designate other officers as needed.

10. *Meetings*

The Committee shall hold meetings as required.

11. *Compensation for members*

The members shall not receive salary compensation but shall be reimbursed for travel and accommodation expenses.

12. *Subcommittees*

The Chairperson is authorized to establish subcommittees with the approval of the Sponsor from among the membership of the Committee. The subcommittees shall comply with all regulations to which the parent committee is subject.

13. *Reports*

All Committee and subcommittee reports and recommendations will be submitted to the Executive Director who will review, transmit, and recommend actions to the Sponsor. Official releases concerning the activities of these groups shall only be made by the Sponsor.

14. *Filing date*

July 27, 1979. This is the effective date of the Charter, which will expire 2 years from that date unless sooner terminated or extended.

[FR Doc. 79-21278 Filed 7-11-79; 8:45 am]

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July 12, 1979

Part III

Environmental Protection Agency

Gaseous Emission Regulations for 1983 and Later Model Year Light-Duty Trucks

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

[FRL 1092-7]

Control of Air Pollution From New Motor Vehicles and Motor Vehicle Engines; Gaseous Emission Regulations for 1983 and Later Model Year Light-Duty Trucks

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed rule would establish more stringent hydrocarbon (HC) and carbon monoxide (CO) emission standards and would retain the current oxides of nitrogen (NOx) standard for the light-duty truck (LDT) class for 1983 and later model years. In addition, the proposed rule would establish new standards for HC and CO idle emissions from all vehicles in the class and would extend the existing standard for crankcase emissions, which presently covers only gasoline-fueled vehicles, to diesel LDTs. The Environmental Protection Agency (EPA) proposes the HC and CO exhaust emission standards (including idle standards) as they apply to heavier light-duty trucks (those which have gross vehicle weight ratings (GVWR) greater than 6,000 pounds and therefore fall within the Clean Air Act's definition of heavy-duty vehicles) according to the requirements of Section 202(a)(3)(A) of the Clean Air Act (42 USC 7521(a)(3)(A) as amended in 1977). Other emission standards are also proposed under the prescribed authority in Section 202(a) of the Clean Air Act as amended. This action also proposes to change the definition of useful life for LDTs and the procedures used to verify the durability of emission control systems over the useful life of the vehicle (which has a secondary impact on evaporative emissions and proposed diesel particulate regulations). Changes are proposed to the allowable maintenance a manufacturer may perform on test vehicles. Also proposed are modifications to the Selective Enforcement Auditing (SEA) Program employed for all LDTs and a system of nonconformance penalties potentially applicable for those LDTs having GVWRs greater than 6,000 pounds. Should this nonconformance penalty system be implemented, these trucks could be certified to emission levels in excess of the standards upon payment of a penalty by the manufacturer.

EPA anticipates that if these regulations are promulgated as a final rule, total mobile source emissions will be reduced up to 17 percent for HC and up to 26 percent for CO. These reductions correspond to urban air quality improvements of 3.4 percent for oxidants and 9 percent for carbon monoxide.

DATES: Comments received by October 10, 1979 will be considered during final rulemaking. The final rule will be published as soon as practical after consideration of the comments received by this date, and will take effect 60 days after publication. The 1983 model year will be the first affected by the proposed action.

Public hearing: A public hearing on the provisions of the proposed regulations will be convened on September 10, 1979. The time and place of this hearing will be announced later. Pursuant to section 307 of the Clean Air Act, the record of the public hearing will be kept open for 30 days following the close of the hearing, to provide an opportunity for submission of rebuttal and other information.

ADDRESS: Interested persons may submit written comments on this rulemaking to the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall Room 2903B (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

Four copies of comments are requested but not required.

AGENCY:

FOR FURTHER INFORMATION CONTACT: Mr. John Anderson, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan, telephone (313) 668-4496.

Public Participation

SUPPLEMENTARY INFORMATION: Interested persons may participate in this rulemaking by submitting written comments to the Administrator at the above address, by attending the public hearing, or both. To the extent possible, the Agency requests that written comments be submitted prior to the public hearing. It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made available to the public. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will not consider, but will return to the commentor, any comments which are claimed, in whole or in part, to be confidential.

Background

Although there have been gains in control of air pollution, many air quality control regions still fail to meet the ambient air quality standards for motor vehicle-related pollutants. Light-duty trucks contribute a significant portion of the total nationwide emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen; yet to date they have not been controlled to the stringency represented by existing light-duty vehicle standards (greater than 95% reduction of HC and CO from the uncontrolled state). They therefore constitute one of the more important sources of emission reductions and air quality improvement. The proposed regulations will realize this reduction for HC and CO.

1. History of the Light-Duty Truck Class

The first Federal regulations for the control of motor vehicle emissions placed trucks and similar vehicles having gross vehicle weight ratings (GVWR) of 6,000 pounds or less (typically "half ton" pick-ups and vans) in the light-duty vehicle (LDV) class. The LDV class also included passenger cars and so, beginning in the 1968 model year, trucks of this size were subject to the first Federal passenger car emission standards. As a result of a court order [1], EPA removed these trucks from the light-duty vehicle class and created the light-duty truck class, effective for the 1975 model year. The new class contained all vehicles which were not passenger cars and which had GVWR less than 6,000 lbs., a group composed mostly of pick-ups and vans. Trucks with GVWR greater than 6,000 lbs. including some pick-ups and vans, were at that time classed as heavy-duty vehicles, the engines of which were subject to the heavy-duty engine (HDE) emission regulations.

The LDV and later the LDT standards applicable to pick-ups and vans below the 6,000 lbs. GVWR ceiling were always more stringent than the HDE standards applicable to the same type of vehicles above the ceiling. Pick-ups and vans above and below the ceiling were physically similar, however, and about equally well suited for use as personal transportation, the primary use of both. Over the course of a few years more vehicles above the GVWR ceiling were being sold. This "migration" to higher GVWR and less expensive, less effective emission control systems undermined the Federal mobile source emission control program. EPA therefore expanded the LDT class, effective for

[1] *International Harvester Co. v. Ruckleshaus*, 478 F.2d 615 (DC Cir 1973).

the 1979 model year, by raising the GVWR ceiling to 8,500 lbs. Ceilings of 6,000 lbs. for curb weight and 46 square feet for vehicle frontal area (later amended to 45 square feet) were also added to help separate the smaller and lighter trucks used primarily for personal transportation from the larger and heavier trucks used primarily in commercial applications. The LDT standards for HC, CO, and NOx were changed for the same year to reflect advances in emission control technology as demonstrated on light-duty vehicles. EPA considered the heavier weights and larger road loads (aerodynamic drag and tire rolling resistance) typical of light-duty trucks when it decided how much emission control should be required when the LDV technology was applied to LDTs.

The fuel evaporative emission standard for the LDT class was first set at 2 grams per test for 1975, measured using a carbon trap procedure later found to greatly underestimate actual evaporative emissions. For 1978, EPA adopted a better measurement procedure (the SHED test) and set the standard at 6 grams. Because of the greater accuracy of the new procedure, the new 6-gram standard was more stringent than the old 2-gram, carbon-trap standard. In 1979, trucks in the 6,000 to 8,500 GVWR range came under this 6-gram standard due to the redefinition of the LDT class. A 2-gram, SHED-based standard will take effect for the 1981 model year.

2. Statutory Provisions

From the rulemaking which established the separate light-duty trucks class up until this rulemaking, light trucks have been regulated solely under the general authority of Section 202(a) of the Clean Air Act (with the exception of the recently proposed particulate standards). Congress had set no specified reductions for these vehicles to meet. With the Clean Air Act Amendments of 1977, Congress created a statutory heavy-duty class. All vehicles over 6,000 pounds are considered to be "heavy-duty" under Section 202(b) (3)(C) of the Clean Air Act. This classification includes the 6,000–8,500 pound GVWR portion of EPA's light-duty truck class. Thus, that portion of the LDT class, as well as EPA's heavy-duty engine class, must meet the emission reductions required by the Act for heavy-duty vehicles.

The Act goes on to prescribe a system under which HC, CO, and NOx standards for 1983 and later model year heavy-duty vehicles are to be established. Initially, Section 202(a)(3)(A)(ii) of the Act calls for EPA to promulgate regulations establishing "statutory standards" requiring at least a 90% reduction in HC and CO by the 1983 model year and at least a 75% reduction in NOx by the 1985 model year. These percentage reductions are calculated from 1969 model year "baseline" levels for HC and CO and from a 1973 model year "baseline" (or 1972 for those engines having NOx control in 1973) level for NOx. These reductions closely parallel those required for light-duty vehicles. However, the Act permits EPA to give manufacturers more time to apply the appropriate technology to "heavy-duty" vehicles than Congress itself gave for manufacturers of light-duty vehicles, which must meet their final standards in 1981. EPA also uses different baseline model years in conjunction with heavy-duty vehicles.

According to Subparagraphs 202(a)(3)(B) and (C) of the Act, the Administrator may revise the statutory standards otherwise mandated by the Act. The Administrator may take this action if he finds "that compliance with the emission standards otherwise applicable for such model year cannot be achieved by technology, processes, operating methods, or other alternatives reasonably expected to be available for production for such model year without increasing cost or decreasing fuel economy to an excessive and unreasonable degree." Revised standards may apply only for a period of three years, beyond which either more stringent standards or the original statutory standards will apply.

In addition, Section 206(g)(1) of the Act states that "* * * in the case of any class or category of heavy-duty vehicles or engines to which a standard under Section 202(a) of this Act applies," a manufacturer can obtain or retain a certificate of conformity covering heavy-duty vehicles or engines which do not meet applicable emission standards by paying a nonconformance penalty. This does not necessarily mean, however, that Congress intended that this nonconformance penalty alternative should be available to manufacturers of any 6,000–8,500 GVWR LDTs unable to meet the 1983 (or 1985) and later model year HC, CO, and NOx standards.

The report of the House Committee, which initially proposed the nonconformance penalty provision that eventually was adopted by Congress, only refers to the use of nonconformance penalties in conjunction with "revised standards," i.e., revisions to the 1983 statutory standards for HC and CO and revision to the 1985 statutory standard for NOx. (H.R. Rep. No. 95–294, 95th Cong. 1st Sess. 275 (1977)). The House report indicated that revised standards were to be implemented if EPA determined that manufacturers would be unable to meet the statutory HC, CO, and NOx standards within the time frame provided in the Act. To ensure that standards would not be relaxed more than necessary in moving from statutory to revised levels, EPA was directed to set revised standards at levels based on the capability of the industry's "technological leader." A nonconformance penalty alternative was then to be made available to accommodate those "technological laggards" unable to meet established standards. By paying the nonconformance penalty, the laggards would be able to continue selling engines while improving their technology to the point where they could meet the standards.

The implication EPA has drawn from this legislative history is that the nonconformance penalty alternative is not necessarily to be made available in conjunction with every emission standard for heavy-duty vehicles promulgated pursuant to Section 202(a). Since the nonconformance penalty alternative is intended to accommodate "technological laggards", it need be made available only in the event that applicable emission standards are established according to the capabilities of the industry's technological leader.

In summary, then, EPA's position regarding the regulation of HC, CO and NOx emissions from heavy-duty vehicles or engines is that the Act envisions that regulations for 1983 and later model year heavy-duty vehicles promulgate the statutorily-prescribed standards if the industry as a whole can comply with those standards. If the industry as a whole can comply, no conformance penalty alternative need be made available to accommodate "technological laggards." If some, but not all, manufacturers are able to meet the statutory standards, EPA is still to adopt those standards but also is to provide a nonconformance penalty alternative to accommodate the industry's "technological laggards." If even the industry's technological leader cannot meet the statutory standards, then EPA is to revise the standards to levels which the leader can meet and is to provide a nonconformance penalty alternative to accommodate the laggards.

Section 206(g) of the Act prescribes several criteria which EPA is to incorporate into any nonconformance

penalty mechanism it may adopt. As a result, any nonconformance penalty system applicable to light-duty trucks will include the following features:

(1) Of all light-duty trucks, the option of paying nonconformance penalties rather than complying with the standards is potentially available only with respect to those LDTs with GVWR in excess of 6,000 pounds, i.e., only to that "upper" portion of the light-duty truck class which must conform to the statutory requirements for "heavy-duty vehicles" as the term is defined by the Clean Air Act.

(2) While a manufacturer may chose to certify or produce light-duty trucks at emission levels above the standards, there are limits as to how high these levels may be. The Administrator is directed to establish these "upper limits" on the basis of what the Administrator determines to be "practicable" (Section 206(g)(2) of the Clean Air Act). The "upper limits" will correspond to the lowest emission levels which the Administrator determines the industry as a whole (including "technological laggards") has the capability of achieving. Under that approach, all manufacturers would be capable of continuing engine production when the 1983 standards go into effect.

(3) Therefore, if the Administrator promulgates standards which are practicable for the industry as a whole, upper limits would be set at the same levels as the standards. Thus, no range of nonconforming emissions could exist for which nonconformance penalties would be available as an option to manufacturers.

(4) EPA will conduct assembly-line testing to determine the extent to which light-duty trucks qualifying as heavy-duty vehicles are not in compliance with the regulations under which any applicable certificate of conformity was issued. Any nonconformance penalty assessment will be based on the results of that testing. For any configuration which has been certified to levels at or above the standards and which subsequently fails a Selective Enforcement Audit, a manufacturer can choose to continue producing the nonconforming vehicles by paying a nonconformance penalty based on further testing rather than to suspend production or to bring production vehicles of the configuration into conformity. EPA plans to order SEA testing on any configuration which is certified to levels above the standards.

(5) Nonconformance penalties may vary from pollutant to pollutant.

(6) Penalties may vary by type of vehicle.

(7) Penalties must take into account the degree to which emissions exceed the standards.

(8) Penalties must be periodically increased.

(9) Penalties must remove any competitive disadvantage to manufacturers which choose to produce vehicles in compliance with standards relative to those manufacturers which choose to pay nonconformance penalties.

The Clean Air Act does not establish minimum standards for vehicles which, because their GVWR is less than 6,000 lbs., are not in the statutory "heavy-duty" class and, because of the court decision, are not in the statutory light-duty vehicle class. These vehicles, the bottom portion of the light-duty truck class as EPA's regulations define it, are still included in the general statutory authority described above, however.

Finally, all motor vehicle emission standards under the Clean Air Act must apply to vehicles or engines for their "useful life." The Act directs the EPA Administrator to prescribe regulations under which the "useful life" will be determined. The Act constrains the "useful life" of vehicles in the light-duty truck class (both above and below 6,000 lbs. GVWR) to be 5 years or 50,000 miles (or the equivalent), whichever first occurs, unless the Administrator determines that a longer period is appropriate.

Summary of the Proposal

1. Statutory HC and CO Exhaust Emission Standards for Light-Duty Trucks With GVWR Between 6,000 and 8,500 lbs. (Including Idle Standards)

In its initial approach to this proposed rulemaking, EPA had planned on proposing LDT standards based on maximum feasibility and stringenty, similar to LDV standards. Those standards were more stringent than the ones being here proposed. EPA now believes it is more appropriate to apply the statutory reductions which Congress has established for heavy-duty vehicles. The proposal includes regulations implementing the statutory 90% reduction HC and CO exhaust emission standards for the portion of the light-duty truck class which falls within the statutory "heavy-duty" class; i.e., those in the 6,000 to 8,500 lbs. GVWR range.

EPA has recently completed baseline testing of 1969 gasoline-fueled light-duty trucks in the 6,000 to 8,500 lb. GVWR range. The final proposed emission levels, representing a 90% reduction from baseline levels, appear below.

Pollutant	Proposed standard (g/mile)
HC	0.8
CO	10

A collection of the data used in generating these standards may be found in the Public Docket established for this proposed rulemaking (No. OMSAPC-79-2).

EPA is not proposing to revise the statutory 1983 standards for HC and CO under the provisions of Sections 202(a)(3)(B) and (C) of the Clean Air Act. The Administrator is unable at this time to make the finding of infeasibility required by section 202(a)(3)(C) as a precondition to revision. In fact, as explained further in this preamble, EPA is confident that compliance with the standards can be achieved by techology which is similar to that which has already been demonstrated on light-duty vehicles, which will be available for adaption to light-duty trucks for 1983, which will not increase cost to an excessive or unreasonable degree, and which will not decrease fuel economy. However, manufacturers' and others' comments on feasibility will be considered. If these comments indicate that revisions are warranted, the standards will be revised.

Standards for the control of HC and CO emissions during vehicle idle (hereafter called the idle HC and idle CO standards) are proposed also. The values are 970 ppmC for HC and .47 percent for CO. The levels of the standards are equal to the idle standards recently proposed for heavy-duty engines (44 FR 34603, June 15, 1979). For that rulemaking, EPA derived idle HC and CO levels by applying a 90% reduction to heavy-duty uncontrolled baseline idle data. It is EPA's position that this heavy-duty data characterizes light-duty truck idle emission as well. However, comments addressed to EPA's treatment of the idle standards are encouraged (see accompanying "Request for Comments" section).

The methodology of and data from the heavy-duty idle baseline program is presented in the Technical Report titled "1969 Heavy-Duty Engine Baseline Program and 1983 Standards Development," available through the Public Docket established for that proposed rulemaking (No. OMSAPC-78-4).

At present there are no EPA test procedures in effect for measuring idle HC and idle CO from light-duty trucks. EPA is therefor proposing such a procedure. The new procedure is the only proposed change to current

emission testing procedures and it is identical to the procedures proposed recently for heavy-duty engines (44 FR 9464 2/13/79). The flexible preconditioning procedure and less restrictive instrumentation specifications for the idle procedure permit the straightforward adoption of regulations under Section 207(b) of the Act, if the Administrator makes the appropriate determinations specified in Section 207(b).

Separate standards for idle HC and idle CO are proposed because of the significance of idle emissions in urban areas. Assurance of effective control will be obtained through separate idle standards. Idle operation represents about 20% of the operation in the urban environment. Operation in certain congested traffic situations, such as at traffic signals and during bumper-to-bumper traffic would result in significantly higher idle times. Such congested traffic situations can result in local "hot spots" of CO.

Adoption of idle HC and CO standards will also allow the adoption of warranty regulations under Section 207(b) of the Act, if the Administrator makes the appropriate determinations specified in Section 207(b).

2. General Authority HC and CO Standards for Light-Duty Trucks with GVWR Under 6,000 lbs.

EPA proposes that LDTs with GVWR under 6,000 lbs. be subject to the same numerical standards for HC and CO, i.e., the 90% reduction standards, as LDTs with GVWR between 6,000 and 8,500 lbs. This provision includes the idle HC and idle CO standards. EPA proposes these standards under the general authority of section 202(a)(1) of the Clean Air Act. HC and CO emissions from LDTs under 6,000 lbs. GVWR contribute to air pollution which endangers public health. Further, although the levels of the proposed HC and CO standards are keyed to the emissions of 1969 vehicles with GVWR above 6,000 lbs., EPA anticipates that they will be reasonable standards for the under-6,000 lbs. GVWR group. EPA believes that this group of LDTs could in fact meet substantially more stringent HC and CO standards. In particular, the smallest and lightest could meet the 1983 passenger car standards of 0.41 grams per mile HC and 3.4 grams per mile CO. However, EPA does not wish to discourage downsizing and weight reductions. More stringent standards for the under-6,000 lbs. GVWR group would have such a discouraging effect. The period before 1983 will permit the development and application of the technology required for compliance for the under-6,000 lbs. GVWR vehicles, at reasonable cost, just as it will for the 6,000 to 8,500 lbs. GVWR group.

3. Crankcase Emission Standards for Diesel Light-Duty Trucks

Except for one engine line representing only a small fraction of light-duty diesel engine sales, all light-duty diesel engines currently being produced (both for LDV and LDT) have crankcase controls. However, such control is not required by regulation and there are indications that as new gaseous and particulate standards are applied to light-duty diesels, manufacturers may desire to remove crankcase controls from those engines. Although the number of diesel LDTs is currently small, the number of diesel vehicles of all types is rising and it is possible that significant diesel penetration of the LDT market could occur in future years. In order to maintain crankcase controls and preclude a new emissions problem in the event that such penetration does occur, EPA proposes to regulate LDT diesel crankcase emissions. Statutory authority for proposing such controls is provided under Section 202(a) of the Clean Air Act. The current HC emission regulations place controls on crankcase emissions from gasoline-fueled engines, but not from diesel engines. It is inappropriate that diesel engines continue to be excluded from regulations which apply to a competing engine. In addition to being a source of HC and CO emissions, recent testing indicates the possible presence of various nitrosamines in diesel crankcase gaseous flow (refer to EPA report titled "Diesel Crankcase Emissions Characterization, Final Report of Task No. 4, Contract 68-03-2196," May 1977 for description and summary of test results). Nitrosamines are a very strong carcinogen in animals and strongly suspected to be carcinogenic in humans.

The same testing also indicated that the particulate emissions from diesel crankcase flow consisted mostly of lubricating oil. Recent work by other researchers has indicated that whereas fresh lubricating oil appears to be nonmutagenic, it quickly becomes mutagenic with use. Therefore, it is very likely that diesel crankcase emissions could be mutagenic (as measured by Ames testing) soon after each oil change. (For further information on "Ames testing" refer to the article titled "Methods for Detecting Carcinogens and Mutagens with the Salmonella/Mammalian—Mirosome Mutagenicity Test," by B. N. Ames, J. McCann, and E. Yamasaki, Mutation Research, 31 (1975), pgs. 347-364.)

4. Revised Definition of "Useful Life"

EPA interprets section 202(d) of the Clean Air Act to allow the Administrator to determine that the appropriate useful life for a light-duty truck is the average total life of all trucks of the same configuration. The Administrator proposes to make this determination during this rulemaking and to define the useful life accordingly. This proposal is consistent with the Administrator's action and reasoning during the rulemaking that established emission regulations for motorcycles (42 FR 1122, January 5, 1977), the most recent rulemaking in which a definition of useful life was an issue.

EPA proposes to amend the current definition of "useful life" for light-duty trucks. The present definition, 5 years or 50,000 miles (or the equivalent) whichever occurs first is unrealistically short. The proposed revision defines the useful life as the average period of use up to vehicle retirement or engine replacement or rebuild. Since the period may vary among manufacturers, and among vehicle types produced by a single manufacturer, EPA proposes that the manufacturer of a vehicle determine the duration of this period in miles, years, hours of operation, or some combination of these. The useful life is, however, constrained to be not less than 5 years or 50,000 miles whichever occurs first, or the period of the basic mechanical warranty on the engine assembly, whichever is longer.

The constraint that the useful life be not less than 5 years or 50,000 miles, whichever occurs first, is proposed because this is the minimum useful life allowed by section 202(d). The constraint that the useful life be not less than the period of the basic mechanical warranty on the engine assembly is proposed to help prevent a manufacturer from reducing the effectiveness of the emission regulations by determining its vehicles to have unreasonably short average periods before retirement or engine rebuild or replacement.

The revised definition of useful life will apply to all phases of the Federal light-duty truck emission control program. LDTs will be certified only if they are determined to comply with emission standards for their redefined useful life. Manufacturers will be required to give emission warranties for the redefined useful life. And in-use LDTs will be liable to recall for the same period.

In order to alert LDT owners about the limited duration of the emission

warranties on their vehicles, EPA proposes that the tune-up and fuel economy labels and the maintenance instructions for each LDT specify what period or distance the manufacturer has determined to be the useful life for that vehicle, and also state that the vehicle complies with EPA regulations for that period. The maintenance instructions will also explain the method the manufacturer used to determine the useful life.

5. Revised Durability Provisions

EPA proposes to amend the durability testing requirements for exhaust emissions and the procedure used to apply durability results from durability-data vehicles to emission-data vehicles when determining the compliance of the latter with emission standards. The current procedure involves the use of deterioration factors derived from 50,000-mile testing of prototype vehicles. The proposed procedure involves two new types of deterioration factors: preliminary deterioration factors and in-use deterioration factors.

EPA proposes to allow each manufacturer to design the test procedure used to determine preliminary deterioration factors for its vehicles. Manufacturers will submit descriptions of the test procedures, the data from the testing, and the resulting preliminary deterioration factors. The preliminary factors will be based on the amended definition of useful life. One set of factors will be submitted for each engine family-emission control system combination (hereafter called a family-system combination). EPA does not propose that the manufacturer be required to test one vehicle from every family-system combination or even that it be required to test complete vehicles, provided the manufacturer states it has designed the procedures in accordance with good engineering practice.

Once submitted, the preliminary deterioration factors will be used to project the low-mileage emissions of the manufacturer's emission-data vehicles to the end of each vehicle's useful life.

The manufacturer will submit and use preliminary deterioration factors for the 1983 model year, for any model year in which the manufacturer introduces LDTs in a new family-system combination, for any model year in which it redesigns a family-system combination so substantially that it creates a new combination, and possibly in the model year following each of these years depending on the progress of the manufacturer's in-use mileage accumulation program. The proposed requirements for this program are described in the following paragraphs.

EPA proposes that in a model year in which a manufacturer first submits preliminary deterioration factors for a family-system combination (e.g., 1983), the manufacturer be required to initiate a program of in-use mileage accumulation. The manufacturer will select at least three production vehicles to be durability-data vehicles. It will place them in a service application in which they will accumulate mileage in a manner representative of normal urban operation. For example, the manufacturer may use them in its own motor pool or lend them to employees for commuting. The manufacturer will be required to begin in-use mileage accumulation within three months after the vehicles selected for the program go into production.

EPA expects that engines designed for the 1983 standards will in most cases require modifications in 1985 to meet the statutory NOx standard. Therefore, manufacturers will have the option in 1983 and 1984 of not beginning in-use service accumulation if they choose to certify their engines for those years only.

EPA is proposing requirements intended to ensure that mileage is accumulated in a representative fashion. These requirements are stated in § 86.083-26(c)(5) of the proposed regulations.

The manufacturer will periodically conduct emission tests of the durability-data vehicles as they accumulate mileage. For each subsequent model year for which the manufacturer wishes to continue to certify the family-system combination, the results of the periodic emission tests to date will be compiled and used to calculate in-use deterioration factors. These factors, like the preliminary factors, will be based on the revised definition of the useful life. These in-use deterioration factors will supersede the preliminary factors, and each year's in-use factors will supersede the previous year's factors, until the durability-data vehicles have accumulated their full useful life mileage. However, the preliminary deterioration factors will be used for the second model year if no durability-data vehicle has accumulated 24,000 miles in time for the second year's certification determinations.

If the in-use deterioration factors are larger than the preliminary factors, or if they increase with each year's new test data, and if the manufacturer's emission control systems do not provide the necessary margin of safety to accommodate the larger factors, the manufacturer must act to correct the situation. The manufacturer may be able to recalibrate its systems enough to compensate for the larger factors. Alternatively, it may have to redesign the family-system combination for substantially lower low-mileage emissions, or for reduced deterioration. On the other hand, if the manufacturer's preliminary factors overestimated deterioration, the manufacturer could recalibrate its system for somewhat higher low-mileage emissions when the in-use deterioration factors revealed the overestimate. EPA intends that the multi-year certification cycle of preliminary deterioration factors followed by annually updated in-use deterioration factors should start over whenever a manufacturer makes a design change which significantly affects the durability of the emission controls. EPA expects that such design changes will usually include or be simultaneous with changes in features (called determinants) which distinguish one family-system combination from another, and conversely that changes in these family-system determinants will usually occur only in combination with changes which affect durability. Therefore, the proposed regulations key the start of the certification cycle to the first year in which a manufacturer applies for a certificate of conformity for a family-system combination.

Currently, certain engine family-system determinants are set down in the regulations. These are binding on both the manufacturer and EPA. EPA proposes that the Administrator have the discretion to group vehicles in successive model years into a common engine family if he determines that they can be expected to have similar emission deterioration characteristics. Assuming that the emission control systems on the two model years' vehicles are the same, this will have the effect of requiring the vehicles from the later model year to use the in-use deterioration factors derived from testing of vehicles from the earlier year. The decision as to whether the emission control systems are the same rests with the Administrator now. EPA does not propose to change this.

Under the proposed regulations, the Administrator may restart the certification cycle for any manufacturer, through his existing discretion to set engine family determinants beyond those listed in the regulations. In addition, the proposed regulations contain a provision that will provide a manufacturer partial protection of its interests as perceived by itself if it has made a durability related change but

has failed to persuade the Administrator to restart the certification cycle. EPA proposes that the manufacturer be allowed to start an additional fleet of durability-data vehicles in any model year. Once the vehicles in this fleet accumulate their full useful life mileage, the manufacturer will use their emission test results (collected over a number of years just as with the original fleet) instead of those from the original durability fleet. In this way, a manufacturer that makes an improvement in durability will in all cases at least be able to begin realizing the benefits of the improvement (i.e., the room it gives for higher low-mileage emissions) within a few model years, whether or not the design improvement resulted in a new engine family-control system combination.

EPA is also proposing an important change in the way in-use deterioration factors are to be calculated. Currently, each pollutant's deterioration factor is calculated by (1) compiling pairs of emission levels for the pollutant and corresponding mileage points, using results of emission tests on the 50,000-mile prototype, (2) performing a linear regression (least squares line fitting) to find emission level as a function of mileage, and (3) dividing predicted emissions at 50,000 miles (the current useful life) by predicted emissions at 4,000 miles. This procedure has one potential deficiency. If there is a component failure early during mileage accumulation which causes a sudden jump in emission level followed by comparatively little further deterioration, the linear regression will tend to overlook the initial few low-emission data points and to predict a relatively flat emission deterioration line. This flat line will in turn cause an unrepresentatively low deterioration factor which can completely mask the possibly important impact of the component failure. Component failures late during mileage accumulation can have a similar result.

Current regulations partially guard against this pitfall by prohibiting "line-crossing", a term which roughly means that a prototype durability vehicle has exceeded emission standards during its 50,000 miles. Any important component failure would result in line-crossing and would disqualify the durability vehicle. If the manufacturer could show that the failure was unrepresentative of what would happen with production vehicles, EPA would permit it to run a new vehicle. If the component failure on the first vehicle was in fact only a statistical freak, the second vehicle would likely produce useable deterioration factors. If the component design was actually inadequate, the second vehicle would also line-cross. EPA would then be in a position to refuse to certify the vehicles represented by that durability vehicle.

Under the proposed regulations, in-use mileage accumulation will take years, versus the months required for test-track mileage accumulation now. It will not be possible to start a new vehicle if one of the original vehicles line-crosses. Further, since there will be at least three durability vehicles for each family-system combination, and since the vehicles will be actual production vehicles, it will not be reasonable to consider a component failure to be unrepresentative. Instead, the effect of the failure on emissions can be averaged out using data from the other vehicles. The result will be deterioration factors that better account for the actual variation in the durability of production components.

The important change being proposed has three features. First, line-crossing will be permitted during in-use mileage accumulation. The fact that a vehicle has line-crossed will not allow or require a manufacturer to remove it from the fleet. Second, if the ratio of the highest measured emission level of a vehicle to its measured emission level at 4,000 miles is greater than the deterioration factor calculated with the linear regression procedure, the ratio will be used as the factor for that vehicle. This will detect step changes in emission levels. Third, the deterioration factors for the individual vehicles representing a single family-system combination will be averaged to get the single factor for the combination.

Finally, EPA wishes to alert readers that the proposed durability requirements, which represent a substantial change from current practice, contain many important details not discussed here. Among these details are restrictions on the selection of durability-data vehicles and their service applications, requirements on the scheduling of emission tests during mileage accumulation, procedures for dealing with durability-data vehicles that stop functioning before accumulating their full useful life mileage, a mileage accumulation waiver provision for small volume manufacturers, and possible penalties for failure to begin in-use mileage accumulation on schedule. The complete requirements are contained in §§ 86.083–21, 22, 23, 24, 25, 26, 28, and 30 of the proposed regulations.

6. Revised Maintenance Provisions

The proposal to revise the "useful life" definition and the durability provisions makes it necessary to propose revisions to the maintenance provisions as well. These restrict the amount and type of maintenance a manufacturer may perform on test vehicles during mileage accumulation. They need revision since they are now stated in terms of the current useful life definition and durability testing requirements, which will become obsolete if the rest of this proposal is adopted as final. EPA has taken this opportunity to propose substantive changes, described in the next paragraphs, as well. EPA believes that the new proposed provisions are necessary and desirable. As they may impact the difficulty and cost of compliance with the proposed emission standards for some manufacturers, it is appropriate to propose them at this time. These revisions are being proposed under the statutory authority of Section 207(c)(3)(A) and Section 206(d) of the Clean Air Act.

The proposed revisions fall into two categories. The first reclassifies a number of maintenance items which through neglect, misperformance or unrepresentative overperformance could affect emissions but which do not cause significantly unrepresentative deterioration factors or low-mileage emission results. The proposed reclassification will essentially deregulate these non-emission related maintenance items for the purposes of certification. Manufacturers will no longer be restricted as to the intervals at which they recommend these maintenance items to their customers and at which they perform them on test vehicles. The only requirement will be that recommendations to customers and maintenance actually performed on test vehicles be consistent.

The second revision requires that the few remaining maintenance items, defined as the "emission-related" items in the proposal, be shown by the manufacturer to be both technologically necessary and likely to be performed in use. Minimum intervals are proposed for "emission related" maintenance items. These minimum intervals are ones which EPA believes will make compliance feasible for all manufacturers. EPA may refuse to accept these or even longer intervals in practice, however, if the manufacturer fails to show technological necessity and likelihood of in-use performance. The existing maintenance provisions do

not in most cases require such a showing.

EPA believes that the relaxation of the requirements for non-emission-related maintenance items, those in the first category, is a desirable regulatory reform that will not reduce the overall effectiveness of the LDT emission control program. The revised requirements for emission-related maintenance items are necessary to ensure that the program does not lose effectiveness due to a gap between the designed-in durability of key emission control components and the maintenance habits of LDT owners.

7. Selective Enforcement Auditing

The Clean Air Act Amendments of 1977 added Section 206(g), which requires testing of heavy-duty vehicles as necessary to determine the percentage not in compliance with the regulations with respect to which a certificate of conformity had been issued. Under Section 206(b) of the Act, EPA already has implemented an assembly-line testing program, called Selective Enforcement Auditing (SEA), for determining whether light-duty trucks are being manufactured to conform to regulations under which the applicable certificate of conformity had been issued (40 CFR Subpart G (1977)). The SEA program will continue in effect for 1983 and later model year light-duty trucks under proposed Subpart K of Title 40, Part 86. This entire subpart would apply to vehicle or engine classes which are classified by the Act as "heavy-duty", which includes light-duty trucks in the 6000–8500 pound GVWR class. In addition, the sections of this subpart dealing with SEA would also apply to light-duty trucks with a GVWR less than 6000 pounds. Although Subpart K has been previously proposed, it is being reproposed to incorporate light-duty trucks as well as to make other miscellaneous changes.

The most significant proposed modification would base the SEA sampling plans and pass-fail decision criteria on an Acceptable Quality Level (AQL) of 10 percent. That is, a light-duty truck configuration with a GVWR either above or below 6,000 pounds would pass an audit if testing demonstrated that no more than 10 percent of the production vehicles in question failed to meet emission requirements. Even in the event that a nonconformance penalty alternative is made available to manufacturers of light-duty trucks in the 6,000-8,500 pound GVWR class, where a manufacturer certified LDTs above applicable emission standards, SEA still will be used to determine whether production vehicles are meeting the standards. See discussion below under "Production Compliance Auditing and Nonconformance Penalties." The AQL currently employed in SEA testing on light-duty trucks is 40 percent. The proposed 10 percent AQL would provide greater assurance that all light-duty trucks meet applicable standards after adjustment for deterioration, with only 10 percent allowed to exceed standards to provide for test variability and isolated instances of nonconformity. This is consistent with the requirement of the Clean Air Act that every vehicle be warranted to meet emission standards throughout its useful life.

A 10 percent AQL was proposed initially for the SEA program for light-duty vehicles and light-duty trucks (39 FR 45360 (1974)). In that proposal, emission standards for light-duty vehicles and light-duty trucks already had been fixed, and comments on the proposal asserted that adverse economic repercussions could occur to the light-duty vehicle and light-duty truck industries by immediately imposing a 10 percent AQL. Under the production practices of the industries in effect at that time, production was not geared so that the total production of all manufacturers of light-duty vehicles and light-duty trucks would comply with emission standards, but so that the total production of light-duty vehicles and light-duty trucks would meet standards on the average. Thus, a 40 percent AQL was adopted in the final regulations to avoid an unreasonable economic impact on the industry (41 FR 31472 (1976)).

In this notice, EPA is proposing a 10 percent AQL as part of a total compliance strategy for all 1983 and later model year light-duty trucks, both over and under 6,000 pounds GVWR. EPA believes that a 10 percent AQL can be met within the costs estimated for this proposed action and that such costs should not place an unreasonable economic burden on the manufacturers of any light-duty trucks, regardless of GVWR.

Other changes to the light-duty truck SEA program contained in this proposal include a provision that would require a manufacturer which conducts its own assembly-line testing program to report the test results from that program to EPA on a quarterly basis. The Administrator would not have to determine that evidence exists indicating noncompliance of vehicles or engines at a location other than a manufacturer's preferred plant before ordering SEA testing of vehicles or engines selected at that other location. In accordance with the Supreme Court's decision in *Marshall v. Barlow's, Inc.* (98 S. Ct. 1816 (1978)), EPA Enforcement Officers would be authorized to enter facilities to monitor SEA-related activities either through the consent of the party controlling the facilities or under the authority of a warrant or equivalent court order. The proposal contains no provision permitting manufacturers to perform on SEA test vehicles work normally performed by dealers in preparing a vehicle for delivery to a customer.

Unlike the current LDT SEA sampling plans in Subpart G of Title 40, the proposed heavy-duty engine and light-duty truck plans do not require subdividing the test population into "batches" for purposes of sample selection. The LDT test sample would not be drawn from pre-defined batches, but can be selected all at once, several at a time, or only as required. These sample plans employ what are termed "sequential" decision rules, because it would be possible to make a "pass/fail" decision regarding the outcome of the audit after testing each LDT in the test sample (as long as a minimum number are tested). This would avoid the need to test LDTs from each predefined batch in order to draw conclusions about the respective individual batches.

Failure of an SEA audit still may result in suspension or revocation of the certificate of conformity for the test configuration. The certificate would be retained or reinstated only after the manufacturer demonstrated compliance through additional audit testing following implementation of a design or quality control change on the affected configuration. Under Subpart K, however, the follow-up audit would be conducted according to a different sampling plan designed to reduce the "consumer's risk" that the manufacturer might pass the audit when it is in fact not complying with the AQL.

If the proposed idle HC and idle CO standards are promulgated as final, EPA's light-duty truck SEA program would enforce compliance with those standards in exactly the same way it would for the HC, CO, and NOx mass emission standards. In any model year, the SEA program would use the same deterioration factors that the certification program used for that model year. Emission data collected from the in-use durability vehicles after the deterioration factor is established during certification testing for a given model year will not affect the results of SEA testing conducted for that model year.

8. Production Compliance Auditing (PCA) and Nonconformance Penalty

Section 206(g) of the amended Clean Air Act directs the Administrator to promulgate regulations requiring that a certificate of conformity be issued and remain in effect for heavy-duty engines or vehicles exceeding an emission standard, yet within a specified practicable upper limit, if the manufacturer pays a nonconformance penalty based in part on the extent to which those vehicles or engines are exceeding the standard(s) as indicated by testing of production vehicles or engines. Thus, a nonconformance penalty system and a Production Compliance Auditing (PCA) Program also are being proposed in Subpart K in the event they are needed in conjunction with light-duty trucks in the 6,000–8,000 pound GVWR class. These proposed regulations will apply to light-duty trucks in the 6,000–8,500 pound GVWR class exactly the same way that Subpart K has been proposed to apply to heavy-duty engines.

Production Compliance Auditing is emission testing performed on a sample of light-duty trucks with GVWRs over 6,000 pounds to determine the "compliance level" of the entire population of those vehicles. A PCA would be conducted as a continuation of SEA testing whenever a manufacturer elected to pay a penalty upon failure of an SEA in lieu of bringing the LDTs into compliance. The compliance level established is in turn used to determine the amount of the nonconformance penalty that will be imposed on the manufacturer. The mechanics of PCA testing and the calculation and application of the compliance level derived from that testing are discussed in the preamble to EPA's recently proposed "Gaseous Emission Regulations for 1983 and Later Model Year Heavy-Duty Engines." That preamble, plus other supporting information, can be found in EPA Docket OMSAPC–78–4.

As discussed above in paragraph 2 of the "BACKGROUND" section to this preamble, EPA believes that a nonconformance penalty alternative need only be made available in conjuction with emission standards applicable to a class or category of heavy-duty vehicles or engines where the standards have been established on the basis of the capabilities of the class or category's technological leader. Stated alternatively, if the Administrator determines that the standards are practicable for the industry as a whole, then upper limits would be set at levels identical to those standards, thereby eliminating any range of actual emission levels to which the nonconformance penalty alternative could apply.

EPA believes that the proposed standards contained in this rulemaking (for HC, CO, idle HC or idle CO), are practicable and achievable by the light-duty truck industry as a whole. Since no technological laggards need accommodating with respect to these standards, no upper limits different from the standards need be set, no nonconformance penalty alternative need be made available to manufacturers of nonconforming light-duty trucks, and no PCA system need by employed.

EPA's current policy of not offering a nonconformance penalty alternative in conjunction with pre-1983 model year light-duty truck emission standards is based on similar rationale. By certifying light-duty trucks to the standards effective for the model years before 1983, manufacturers have in fact demonstrated that those standards are practicable for the industry as a whole and that there is no need to accommodate "technological laggards."

If EPA determines on the basis of comments received in response to this proposal that "technological laggards" would need to be accommodated through the availability of a nonconformance penalty alternative to meet the proposed exhaust mass emission standards, EPA will determine upper limits to accompany any of the standards and offer a nonconformance penalty alternative to accommodate those "technological laggards" unable to meet the standards. An upper limit would be set at the lowest emission level which the Agency determines the industry as a whole (including "technological laggards") has the capability of achieving. Thus, all manufacturers would be capable of continuing light-duty truck production when the new standards become effective. EPA would repropose the nonconformance penalty provisions and would incorporate the upper limits to ensure that the public would have adequate opportunity to comment on that portion of the regulations.

If light-duty trucks of the 6,000–8,500 pound GVWR class are permitted to be certified above the adopted standards but below the upper limits, the LDTs in question will be subjected to an SEA (using the follow-up sampling plan incorporating a reduced consumer's risk) to test whether production vehicles are meeting the standards. If that audit, or any other audit conducted under the SEA program, is passed, the manufacturer in question may continue producing the trucks in question without paying a nonconformance penalty. If that audit or any other SEA audit is failed, the manufacturer can elect either to cease producing the trucks in question, institute a change to rectify the nonconformity and participate in another SEA using the follow-up sampling plan, or complete a PCA and pay a nonconformance penalty based on the compliance level established by the PCA.

In the event that a nonconformance penalty is assessed against a particular light-duty truck configuration, the regulations provide that the penalty shall apply to the vehicles of that configuration produced since the beginning of the model year and all produced after that penalty has been set. If no changes have been made to the configuration up to the time of PCA testing (which establishes the penalty) and therefter, the Agency has no reason to believe that vehicles not included in the test sample will have emissions different from vehicles in the test sample. This assumes that the emissions performance of the configuration is consistent throughout the year so that the sample of light-duty trucks selected during a PCA is representative of the entire year's production. As a result, the penalty must be paid on all light-duty trucks of the noncomplying configuration.

The previously mentioned preamble to EPA's proposed "Gaseous Emission Regulations for 1983 and Later Model Year Heavy-Duty Engines" also discusses alternative formulas for calculating a nonconformance penalty according to the compliance level established by a PCA. (See also the support paper entitled "Nonconformance Penalties for Heavy-Duty Engines" in the Docket for this rulemaking.) This notice proposed for light-duty trucks the same formula that was proposed for the heavy-duty engines. The penalty formula takes into account the extent to which an LDT configuration exceeds a standard (as established by the compliance level) and the "marginal cost" of eliminating the last unit of emissions necessary to bring an industry-typical LTD into compliance with standards. The formula also employs a factor which increases the penalty for successive model years in which an LDT continues to fail to meet emission requirements. This formula has the effect of removing any competitive disadvantage to manufacturers whose LDTs comply with emission requirements.

This notice does not propose a marginal cost figure for use in the nonconformance penalty calculation. Rather, the marginal cost factor for both gasoline and diesel LDTs would be determined based on information and support documentation provided by manufacturers regarding the cost of compliance with the proposed standards and with hypothetical standards more or less stringent than those proposed and on analysis by EPA.

If EPA determines on the basis of comments in response to this proposal that a nonconformance penalty alternative should be available, EPA will incorporate this calculated marginal cost of compliance into a reproposal of the nonconformance penalty provisions to ensure that the public will have adequate opportunity to comment on that aspect of the regulations.

Interested persons are invited to comment on all aspects of the nonconformance penalty and production compliance audit systems.

9. Clarified definition of light-duty truck class

One of the distinguishing features of the light-duty truck class is the presence of "special features enabling off-street or off-highway operation and use." The precise meaning of this term in its application to particular cases has sometimes been unclear. Therefore, EPA is proposing a definition to clearly state the meaning of this phrase. The definition conforms to current EPA practice, and should not change the status of any current vehicles.

Relationship of This Rulemaking to Existing and Proposed Standards

1. Fuel Evaporative Emission Standard

A fuel evaporative emission standard of 2 grams per test will take effect for LDTs in 1981. In 1981, as at present, EPA regulations will require compliance with the evaporative emission standard for a period of five years or 50,000 miles, the current definition of useful life for LDTs. To determine this compliance, EPA adds a deterioration factor to the low-mileage evaporative emissions of a manufacturer's evaporative emission-data vehicles. The deterioration factor is derived from test programs designed by each manufacturer (much as preliminary exhaust emission deterioration factors will be under the proposal).

EPA does not propose to change the practice of letting manufacturers design their own durability test procedures for evaporative emission controls. EPA does propose that the revised definition of the useful life of LDT's apply to the evaporative emission standard in 1983 and expects that manufacturers would revise their test procedures accordingly.

2. Diesel Exhaust Particulate Standard

EPA recently proposed 1981 and 1983 exhaust particulate standards for diesel light-duty trucks and light-duty vehicles (44 FR 6650, 2/1/79). The proposed standards are 0.6 grams per mile in 1981 and 0.2 grams per mile in 1983.

This Notice of proposed Rulemaking reproposes the 1983 LDT standard. The purpose of the reproposal is to make it clear that if the proposed revisions to the useful life definition and the durability provisions are adopted as final, they will apply to the Diesel exhaust particulate standard beginning in 1983. Deterioration in particulate emission controls will be assessed the same way as deterioration in gaseous exhaust emission controls, i.e., initially with preliminary deterioration factors and later with in-use deterioration factors.

EPA may promulgate the 1983 particulate standard in the form in which it was originally proposed, and subsequently amend it to the form proposed here. Alternatively, EPA may directly promulgate it in the form proposed here. Which will occur depends on the progress of the two rulemakings.

Lead Time and Feasibility

This Notice of Proposed Rulemaking (NPRM) represents official notice that EPA intends to implement the statutory standards prescribed by Congress under Section 202(a)(3)(A) (ii) of the Clean Air Act as amended in August 1977 for that portion of the light-duty truck class which has been defined as "heavy-duty" by that Act for the 183 model year (i.e., those vehicles above 6,000 pounds GVWR). Based on the information available at this time, EPA believes that sufficient lead time is available to develop and apply the necessary emission control technology and to conduct compliance testing by 1983. Therefore, EPA cannot make the findings under Section 202(a)(3)(C) necessary to permit consideration of revised standards at this time. However, manufacturers comments on the feasibility of meeting the proposed standards will be considered in setting final standards. If revisions to the statutory standards are warranted, they will be made.

On the larger question of whether the entire light-duty truck class will be able to comply with all aspects of the proposed 1983 requirements, EPA also concludes in the affirmative, based on information available at this time. This conclusion has been noted in the preceding discussion on the availability of nonconformance penalties.

The proposed idle HC and idle CO standards are also well within the reach of catalyst systems, although it may be necessary to calibrate some of these systems for leaner idle operation than would otherwise be the case.

EPA recognizes that a longer useful life may force lower low-mileage emission targets on the manufacturers. However, deterioration rate of catalyst systems under current certification conditions (i.e., controlled test track mileage accumulation) is quite low for CO, the most critical pollutant in terms of the difficulty of meeting the proposed standards. If the proposed 1983 standards were expressed as 50,000-mile standards, using certification deterioration factors, they would be numerically lower but, EPA believes, still feasible.

For example, assuming (1) linear deterioration, (2) deterioration factors as currently defined (i.e., the emission level at 50,000 miles divided by the emission level at 4,000 miles) of 1.5 and 1.3 for HC and CO respectively (these values are typical of the upper end of the range of factors for current catalyst systems), and (3) a LDT useful life of 130,000 miles, the proposed 1983 full life standards would be equivalent to about 0.50/7.1 at 50,000 miles. EPA believes these levels would be feasible for LDTs.

There is the possibility that deterioration rates increase with mileage, so that the impact of an extended definition of useful life on stringency is greater than would be predicted by assuming linear deterioration. However, data from two light-duty vehicles operated for nearly 100,000 miles using EPA's durability Driving Schedule indicate that emissions after 50,000 miles did not deteriorate faster than emissions before 50,000 miles.[2] These two vehicles were equipped with oxidation catalysts.

The proposed requirement for in-use mileage accumulation will mean that 1983 LDT emission control systems will have to demonstrate durability under conditions that are somewhat different than those faced by any prototype vehicles certified to date. This may increase the measured deterioration rates and again force lower low-mileage targets, all else held constant. EPA has surveyed a number of in-use 1975 model year passenger cars with more than 75,000 miles of operation in its Emission

[2] EPA memo, "Comparison of Cert-Type Projections of Emissions to Actual 100k Data," K. Hellman to C. Gray, May 18, 1978.

Factors and Restorative Maintenance Programs.[3] These vehicles had a number of badly-worn components and other Problems. But once these were corrected, the vehicles exhibited emission levels which indicated that their catalysts (which under the proposed maintenance requirements may not be replaced on a durability-data vehicle until the 100,000-mile Point) still performed well. EPA concludes that any increase in measured deterioration rates can be sufficiently overcome by component improvements to make compliance with the proposed standards feasible.

It is important to note that the findings concerning 100,000-mile deterioration and in-use deterioration come from vehicles which were designed under only a 50,000-mile, test track durability constraint. It is reasonable to assume that if manufacturers directed their development efforts to meeting a total life durability constraint enforced via in-use deterioriation factors, as proposed, they could accomplish even more.

EPA recognizes that development work will be needed. In fact, the very purpose of the proposals is to force some development work in order to gain the improvement in emission control durability which it will produce. After considering the current status of catalyst system durability, EPA concludes that there is enough lead time for this development work. There are no emission test procedure complications in the proposed regulations, and no lead time needed for test facility alterations.

Environmental Impact

EPA's environmental impact analysis indicates that the proposed regulations will reduce the lifetime emissions of an average LDT by 580 to 840 lbs. of HC and 4.9 to 6.1 tons of CO, compared to the emissions from LDTs sold under the present regulations.

The upper ends of these reductions are nearly equal to the 90% HC and CO reductions called for by Congress. They have been calculated under an assumption that the proposed changes to the definition of useful life and the durability requirements, in combination with the implementation of inspection and maintenance programs for LDTs, will partially succeed in controlling deterioration in the emission control performance of in-use LDTs. The precise assumption used is not the most optimistic of all possible assumptions. EPA believes it is a reasonably accurate assumption, however. The details of the assumption may be found in EPA's Regulatory Analysis document.

The lower ends of the reductions are substantially less than the reductions mandated by Congress. They follow from the assumptions of EPA's current methodology for estimating emissions from future motor vehicles [4] and thus assume no benefit from the proposed useful life and durability changes or from I/M. This assumption is the most pessimistic of all possible assumptions.

Based on a cross section of urban areas experiencing air quality problems, these reductions in per vehicle emissions will by 95 yield improvements of 2 to 3.4 percent in average oxidant air quality and 6 to 9 percent in average carbon monoxide air quality.

EPA anticipates that it may be necessary to rely on inspection and maintenance programs if the upper ends of the above ranges in benefits are to be achieved. The chief purpose of such programs would be to identify vehicles which have been maladjusted, tampered, misfueled, or otherwise poorly maintained and to require their repair. The costs of inspection and maintenance programs were considered during the preparation and analysis of the proposed regulations. However, the regulations being proposed in this action do not require implementation of such programs.

EPA's environmental impact analysis is contained in the Regulatory Analysis of this proposed action. This document is available to the public as described below under "Availability of Documents".

Economic Cost

EPA estimates that compliance with the proposed 1983 requirements will increase the average price of a light-duty truck by approximately $62 over the price that would prevail if EPA made no changes to the existing regulations. There will also be an increase of about $60 in maintenance and operating costs (discounted to year of sale) over the life of the average LDT. This projected increase is due to the anticipated need for inspection programs funded through inspection fees and the need for other maintenance identified as necessary by the inspection programs (e.g. catalyst replacement). The action being proposed here will not itself cause these two or three increases in operating and maintenance costs. They will occur only if states and localities implement inspection and maintenance programs for 1983 and later light-duty trucks.

The estimated increase in the average price of a light-duty truck will contribute about 0.005 percentage points to the rate of increase in the Consumer Price Index, an indicator of general price levels of products purchased by consumers, during 1983. This increase is not properly called inflationary, since the public will receive air quality benefits in exchange for the higher prices of light-duty trucks.

The estimated aggregate cost to the nation of compliance for the five-year period 1983 through 1987 is $1.97 billion. This figure is the aggregate cost discounted to the beginning of the five-year period. Expressed as a required investment per vehicle made in the year the vehicle is manufactured the aggregate cost of compliance is about $116 per truck.

Since proposed 1983 standards are expected to result in no major change in current control technology and should be within reach of the manufacturers, EPA anticipates that no fuel economy penalty will be associated with this package.

EPA's Regulatory Analysis for this action contains the Agency's analysis of the cost of compliance with the proposed requirements. This document is available to the public as described below.

Cost Effectiveness

The reductions in vehicle emission rates summarized above under "Environmental Impact" and the per vehicle aggregate cost of compliance summarized above under "Economic Cost" can be combined to evaluate the cost effectiveness of this proposal. In doing this all costs were divided equally among the two primary pollutants. This approach considers the emission standards as a combined design objective to be met by the manufacturers. The costs effectiveness values corresponding to these two alternatives are as follows:

Cost Effectiveness of Proposed Regulations ($/ton)

HC	CO
139–201	10–12

The range of cost effectiveness values reflects the range of emission reductions per vehicle as discussed under "Environmental Impact". Further details are considered in the Regulatory Analysis.

It is not possible to present the individual cost effectiveness values of each element (e.g., change in durability testing, change in AQL, etc.) of this proposal due to insufficient data.

[3] "Emission-Related Maintenance Intervals for Light-Duty Trucks and Heavy-Duty Engines," R. Rykowski, EPA Report SDSB 79–02, January 1979.

[4] Appendix E to "Mobile Source Emissions Factors—Final Document", EPA, Office of Air and Waste Management, EPA–400/9–78–005, March 1978.

Moreover, the individual elements are interrelated which makes it difficult to isolate the benefits for each element. Removing one element might seriously jeopardize the effectiveness of the other elements. Therefore, the overall cost effectiveness for the total compliance strategy was evaluated as a whole.

The Regulatory Analysis compares the above cost effectiveness values with those of other emission control strategies. This comparison shows that the proposed action is cost effective for the entire ranges of EPA's estimates. However, it also makes it clear that maximizing the emission reductions through effective implementation of the revised useful life and durability requirements plus LDT I/M programs makes a significant improvement in cost effectiveness.

Request for Comments

EPA invites public comment on all aspects of the proposed action. EPA specifically requests comments and relevant information on the following:

1. *Calculation of the 1969 Baseline.* Section 202(a)(3)(ii) requires specified reductions "from the average of the actually measured emissions from . . . vehicles or engines . . . manufactured during the baseline model year." Comments are invited relating to the development of this baseline data, the derivation of the standards and their application to LDTs. Comments are also invited on materials describing the baseline testing program which have been placed in the public docket.

2. *Idle standards.* Comments are solicited regarding EPA's proposing of the heavy-duty proposed idle levels for LDTs.

3. *Feasibility.* EPA requests comments on the feasibility of compliance with the proposed standards for 1983. Comments should separately address the feasibility of compliance by gasoline-fueled and diesel LDTs. In order that EPA may fairly evaluate the technical merit of all comments on feasibility, the Agency requests that comments be accompanied by supporting data or other information.

(a) For diesel LDTs, additional comments should address feasibility both with and without the proposed crankcase emission standard. Comments on the feasibility of more stringent HC and CO standards than those proposed herein are also requested.

(b) For gasoline-fueled LDTs, additional comments on the feasibility of more stringent HC and CO standards than those proposed herein are also requested.

(c) Comments are requested on the effect of vehicle weight on compliance with these proposed regulations as it relates to the feasibility of meeting the standards and lead time.

4. *Catalyst Durability and Deterioration.* This preamble has discussed the data now available to EPA on the durability of oxidation catalysts under in-use operation and on their deterioration over extended periods of test track operation. EPA requests that manufacturers submit other data to the public record. Manufacturers should take care when preparing such data for submittal to ensure that it includes as much relevant information on the characteristics of the test vehicles and their emission control systems as is compatible with the manufacturer's need to protect confidentiality.

5. *Cost of Compliance.* EPA requests comments on the cost of compliance with the proposed exhaust emission standards and with the proposed crankcase emission standard for diesel LDTs. EPA also solicits comments on the costs associated with meeting a 10 percent AQL for SEA. Comments on the cost methodology used in EPA's Regulatory Analysis are welcomed. Information on the cost of compliance should be submitted using a level of detail that is the same or finer than that used in EPA's cost analysis.

6. *Diagnostics.* EPA's environmental impact analysis indicates that detection and correction of in-use vehicles with high emissions will be important to the success of the proposed regulations. EPA therefore requests information from manufacturers on diagnostic characteristics of the emission control systems they might use to comply which would facilitate such detection.

7. *Nonconformance Penalty.* EPA invites comments on all aspects of the proposal for a nonconformance penalty system, including EPA's interpretation of Congressional intent regarding the availability of a nonconformance penalty alternative. EPA particularly requests comments on the proposed formula for computing noncompliance penalties. Comments should address the marginal cost (including indirect costs such as increased operating costs) of compliance near the levels of the proposed standards. Supporting data and other information should accompany such comments whenever possible. Comment is also requested on what emission levels should be used as upper limits above which certification is not allowed, if the commentor contends that the proposed standards themselves are not practicable. Such levels should be based upon the lowest emission levels that the manufacturer projects it will be able to achieve.

8. Comments are requested on the proposed changes to useful life and allowable maintenance. In particular, comments should address the effect of these items on compliance with the proposed standards and any anti-competitive effects resulting from the allowable maintenance provisions.

9. EPA requests comments on any interactions between the proposals of this NPRM and the recently proposed Light-Duty Diesel particulate regulations and the Heavy-Duty Gaseous regulations. Comments should address lead time, feasibility and cost issues.

10. Comments are requested on the light-duty truck class definition, including the proposed definition of "special features enabling off-street or off-highway operation and use." EPA is evaluating the need for other changes to the light-duty definition, and comments should address any other changes considered desirable by commentors.

Availability of Supporting Information and Other Documents

EPA has placed into Public Docket No. OMSAPC-79-2 the information it used in the development of this proposal, including EPA's Regulatory Analysis. In addition, interested parties should refer to Public Docket OMSAPC-78-4, established for the recently proposed Heavy-Duty Gaseous Emission Regulations, which contains information relevant to this present proposal. These dockets are located at the:

U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall, Room 2903B (EPA Library), 401 M Street, S.W., Washington, D.C. 20460

EPA will place copies of public comments into the docket as they are received. Interested persons may inspect and copy, or have copied, these materials at the above location between 8:00 a.m. and 4:00 p.m., Monday through Friday. (As provided in 40 CFR, Part 2, the Agency may charge a reasonable fee for copying services.)

Evaluation Plan: EPA intends to review the effectiveness and need for continuation of the provisions contained in this action no more than five years after initial implementation of the final regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance and will also review data on the emissions from light-duty trucks built before and after promulgation of the regulation to

determine how effective this measure has been.

Reporting and Recordkeeping Requirements: The proposed SEA program would add the requirement that any manufacturer conducting its own assembly-line testing program is required to submit on a quarterly basis all data from that testing. While EPA is not aware that these proposed regulations would impose any other significant new or additional reporting or recordkeeping requirements on affected parties, the Agency specifically invites comments on ways that any such burdens might be reduced.

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless EPA takes affirmative action to extend them. To accomplish this, a provision automatically terminating the reporting requirements at that time will be included in the text of the final regulation.

Note.—The Administrator has determined that this action proposes a "significant" regulation. The Agency has prepared a document entitled "Regulatory Analysis of Proposed Emission Regulations for 1983 and Later Model Year Light-Duty Trucks" detailing the Regulatory Analysis required by Executive Order 12044. This document also includes the Economic Impact Assessment required by Section 317 of the amended Clean Air Act and the Draft Environmental Impact Statement for the proposed action. Anyone may review and copy, or have copied, this document in the EPA Central Docket Section as described above in the paragraph headed "Availability of Supporting Information and Other Documents". Copies are also available upon request from the Director, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, 2565 Plymouth Road, Ann Arbor, MI 48105.

Dated: June 28, 1979.

Douglas M. Costle,

The Administrator.

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

Note.—This Notice of Proposed Rulemaking concerns only provisions of Part 86 applicable to light-duty trucks. Certain of the proposed amendments listed here, if read literally, might indicate that provisions currently in effect for heavy-duty engines are to be retained. This is not the case. Another, independent Notice of Proposed Rulemaking concerning only provisions of Part 86 applicable to heavy-duty engines recently has been or will shortly be published. Interested persons should consult that Notice regarding the heavy-duty engine amendments proposed to take effect concurrently with the light-duty truck amendments being proposed here.

Certain of the proposed amendments listed here repeat provisions of an earlier Notice of Proposed Rulemaking for regulations for the control of particulate emissions from 1981 and later model year light-duty diesel vehicles and light-duty trucks (44 FR 9464, February 13, 1979). The repetition makes it clear that if those regulations and the regulations proposed here are adopted as final, the particulate emission standard for 1983 and later model year light-duty trucks will apply for the redefined useful life being proposed here (see number 1 of the amendments listed here), and that compliance with the standards will be determined using the same revised procedure being proposed here for the 1983 gaseous exhaust emission standards (see number 10 of the amendments listed here). The two proposed rulemakings are independent, however.

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks, and for 1977 and Later Model Year New Heavy-Duty Engines

Sec.

* * * * *

86.083-2 Definitions.
86.083-4 Section numbering; construction.
86.083-9 Emission standards for 1983 light-duty trucks.
86.083-21 Application for certification.
86.083-22 Approval of application for certification; test fleet selections; determinations of parameters subject to adjustment for certification and Selective Enforcement Audit, adequacy of limits, and physically adjustable ranges.
86.083-23 Required data.
86.083-24 Test vehicles and engines.
86.083-25 Maintenance.
86.083-26 Mileage and service accumulation; emission measurements.
86.083-28 Compliance with emission standards.
86.083-30 Certification.
86.083-35 Labeling.
86.083-38 Maintenance instructions.

Authority: Secs. 202, 206, 208, and 301(a), Clean Air Act as amended [42 U.S.C. 7521, 7525, 7542, and 7601(a)].

1. A new § 86.083-2 is proposed to read:

§ 86.083-2 Definitions.

The following definitions apply beginning with the 1983 model year. Section 86.080-2 remains effective excepting those definitions which are hereby superseded.

(a) "Approach angle" means the smallest angle in a plan side view of an automobile, formed by the level surface on which the automobile is standing and a line tangent to the front tire static loaded radius arc and touching the underside of the automobile forward of the front tire.

(b) "Axle clearance" means the vertical distance from the level surface on which an automobile is standing to the lowest point on the axle differential of the automobile.

(c) "Breakover angle" means the supplement of the largest angle, in the plan side view of an automobile, that can be formed by two lines tangent to the front and rear static loaded radii arcs and intersecting at a point on the underside of the automobile.

(d) "Curb-idle" means:

(1) For manual transmission code light-duty trucks, the engine speed with the transmission in neutral or with the clutch disengaged and with the air conditioning system, if present, turned off. For automatic transmission code light-duty trucks, curb-idle means the engine speed with the automatic transmission in the Park position (or the Nuetral position if there is no Park position), and with the air conditioning system, if present, turned off.

(2) For manual transmission code heavy-duty engines, the manufacturer's recommended engine speed with the transmission in neutral or with the clutch disengaged. For automatic transmission code heavy-duty engines, curb-idle means the manufacturer's recommended engine speed with the automatic transmission in gear and the output shaft stalled.

(e) "Departure angle" means the smallest angle, in a plan side view of an automobile, formed by the level surface on which the automobile is standing and a line tangent to the rear tire static loaded radius arc and touching the underside of the automobile rearward of the rear tire.

(f) "Non-emission related maintenance" means that maintenance which does not substantially affect emissions and which does not have a lasting effect on the deterioration of the vehicle or engine with respect to emissions once the maintenance is performed at any particular date.

(g) "Emission-related maintenance" means that maintenance which does substantially affect emissions or which is likely to affect the deterioration of the vehicle or engine with respect to emissions, even if the maintenance is performed at some time other than that which is recommended.

(h) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were

installed in a vehicle) malfunction, or anticipated as necessary to correct an overt indication of vehicle malfunction or failure for which periodic maintenance is not appropriate.

(i) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction which was not anticipated.

(j) "Special features enabling off-street or off-highway operation and use" means a vehicle:

(1) That has 4-wheel drive; and

(2) That has at least four of the following characteristics calculated when the automobile is at curb weight, on a level surface, with the front wheels parallel to the vehicle's longitudinal centerline, and the tires inflated to the manufacturers recommended pressure;

(i) Approach angle of not less than 28 degrees.

(ii) Breakover angle of not less than 14 degrees.

(iii) Departure angle of not less than 20 degrees.

(iv) Running clearance of not less than 8 inches.

(v) Front and rear axle clearances of not less than 7 inches each.

(k) "Static loaded radius arc" means a portion of a circle whose center is the center of a standard tire-rim combination of an automobile and whose radius is the distance from that center to the level surface on which the automobile is standing, measured with the automobile at curb weight, the wheel parallel to the vehicle's longitudinal centerline, and the tire inflated to the manufacturer's recommended pressure.

(l) "Useful life" means:

(1) For light-duty vehicles a period of use of 5 years or 50,000 miles, whichever first occurs.

(2) For gasoline-fueled heavy-duty engines a period of use of 5 years or 50,000 miles of vehicle operation or 1,500 hours of engine operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs.

(3) For Diesel heavy-duty engines a period of use of 5 years or 100,000 miles of vehicle operation or 3,000 hours of engine operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

(4) For light-duty trucks the average period of use up to vehicle retirement or engine rebuild or replacement, whichever occurs first, as determined by the manufacturer. However, if the manufacturer determines that this period of use is less than 5 years or 50,000 miles (or the equivalent) whichever occurs first, the useful life shall be a period of use of 5 years or 50,000 miles (or the equivalent), whichever occurs first, as required by section 202(d)(2) of the Act. The manufacturer shall not determine the useful life to be less than the period of the basic mechanical warranty on the engine assembly.

2. A new § 86.083-4 is proposed to read:

§ 86.083-4 Section numbering; construction.

(a) *Section numbering.* (1) The model year of initial applicability is indicated by the last two digits of the 5-digit group. A section remains in effect for subsequent model years until it is superseded. The number following the hyphen designates what previous section is replaced by a future regulation.

Examples: Section 86.077-6 applies to the 1977 and subsequent model years until superseded. If a § 86.080-6 is promulgated it would take effect with the 1980 model year; § 86.077-6 would not apply after the 1979 model year. Section 86.077-10 would be replaced by § 86.078-10 beginning with the 1978 model year.

(2) Where a section still in effect references a section that has been superseded, the reference shall be interpreted to mean the superseding section.

(b) *Construction.* Except where indicated, the language in this subpart applies to both vehicles and engines. In many instances language referring to engines is enclosed in parentheses and immediately follows the language discussing vehicles.

3. A new § 86.083-9 is proposed to read:

§ 86.083-9 Emission standards for 1983 light-duty trucks.

(a)(1) Exhaust emissions from 1983 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons.* (A) 0.8 gram per vehicle mile.

(B) 970 parts per million (as carbon) of exhaust flow at curb idle.

(ii) *Carbon Monoxide.* (A) 10 grams per vehicle mile.

(B) 0.47 percent of exhaust gas flow at curb idle.

(iii) *Oxides of Nitrogen.* (A) 2.3 grams per mile.

(iv) *Particulate Emissions.* (Diesel only). 0.20 gram per vehicle mile (0.12 gram per vehicle kilometer).

(2) The standards set forth in paragraphs (a)(1)(i)(A), (a)(1)(ii)(A), (a)(1)(iii), and (a)(1)(iv) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B and measured and calculated in accordance with those procedures. The standards set forth in paragraphs (a)(1)(i)(B) and (a)(1)(ii)(B) of this section refer to the exhaust emitted at curb idle and measured and calculated in accordance with the procedures set forth in Subpart P of this part.

(b)(1) Fuel evaporative emissions from 1983 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year light-duty truck.

4. A new § 86.083-21 is proposed to read:

§ 86.083-21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards and each class of new motor vehicles or new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1)(i) *All vehicles and engines.* Identification and description of the vehicles (or engines) covered by the application and a description of their engine (vehicles only), emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle (or certification test engine).

(ii) *Light-duty vehicles and light-duty trucks only.* (A) The manufacturer shall provide to the Administrator in the preliminary application for certification:

(*1*) A list of those parameters which are physically capable of being adjusted (including those adjustable parameters for which access is difficult) and that, if adjusted to settings other than the manufacturer's recommended settling, may affect emissions;

(*2*) A specification of the manufacturer's intended physically adjustable range of each such parameter, and the production

tolerances of the limits or stops used to establish the physically adjustable range;

(3) A description of the limits or stops used to establish the manufacturer's intended physically adjustable range of each adjustable parameter, or any other means used to inhibit adjustment;

(4) The nominal or recommended setting, and the associated production tolerances, for each such parameter.

(B) The manufacturer may provide, in the preliminary application for certification, information relating to why certain parameters are not expected to be adjusted in actual use and to why the physical limits or stops used to establish the physically adjustable range of each parameter, or any other means used to inhibit adjustment, are expected to be effective in preventing adjustment of parameters on in-use vehicles to settings outside the manufacturer's intended physically adjustable ranges. This may include results of any tests to determine the difficulty of gaining access to an adjustment or exceeding a limit as intended or recommended by the manufacturer.

(C) The Administrator may require to be provided detailed drawings and descriptions of the various emission related components, and/or hardware samples of such components, for the purpose of making his determination of which vehicle or engine parameters will be subject to adjustment for new certification and Selective Enforcement Audit testing and of the physically adjustable range for each such vehicle or engine parameter.

(2) Projected U.S. sales data, sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4)(i) A description of the proposed mileage (or service) accumulation procedures for durability testing.

(ii) A description of the test procedures to be used to establish the evaporative emission deterioration factors required to be determined and supplied in § 86.083-23(b)(2).

(iii) [Reserved]

(iv)(A) A description of the test procedures to be used to establish the preliminary exhaust emission deterioration factors for light-duty trucks required to be determined and supplied in § 86.083-23(b)(4).

(B) A statement of the useful life of each light-duty truck as determined by the manufacturer. The useful life shall be expressed as a period of vehicle operation or as an equivalent vehicle mileage (or both). The manufacturer shall include in the application the information or data on which it based its determination of the useful life.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission-data and durability-data test fleet.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 86.079-32, 86.079-33, and 86.079-34 shall be submitted in such multiple copies as the Administrator may require.

(d) Incomplete light duty trucks shall have a maximum completed curb weight and maximum completed frontal area specified by the manufacturer.

5. A new § 86.083-22 is proposed to read:

§ 86.083-22 Approval of application for certification; test fleet selections; determinations of parameters subject to adjustment for certification and Selective Enforcement Audit, adequacy of limits, and physically adjustable ranges.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 86.080-24.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage (or service) accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles (or on engines) described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objection. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078-6 with respect to such issue.

(d)(1) The Administrator does not approve the test procedures for establishing the evaporative emission deterioration factors. The manufacturer shall submit the procedures as required in § 86.083-21(b)(4)(ii) prior to the Administrator's selection of the test fleet under § 86.083-24(b)(1) and if such procedures will involve testing of durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.083-24(c)(1), prior to initiation of such testing.

(2) [Reserved]

(3) The Administrator does not approve the test procedures for establishing preliminary exhaust emission deterioration factors for light-duty trucks nor the manufacturer's determination of the useful life or lives of its light-duty trucks. The manufacturer shall submit the procedures and useful life determinations as required in § 86.083-21(b)(4)(iv) prior to the initiation of durability testing.

(e) *Light-Duty vehicles and Light-Duty trucks only.* When the Administrator selects emission data vehicles for the test fleet, he will at the same time determine those vehicle or engine parameters which will be subject to adjustment during certification and Selective Enforcement Audit testing; the adequacy of the limits, stops, seals, or other means used to inhibit adjustment; and the resulting physically adjustable ranges for each such parameter and notify the manufacturer of his determinations.

(1)(i) The Administrator may determine to be subject to adjustment the idle fuel-air mixture, idle speed, and initial spark timing parameters on gasoline-fueled vehicles (carbureted or fuel injected); the choke valve action parameter(s) on carbureted, gasoline-fueled vehicles; or any parameter on any vehicle (Diesel or gasoline-fueled) which is physically capable of being adjusted, may significantly affect emissions, and was not present on vehicles of the same engine family in the previous model year.

(ii) The Administrator may, in addition, determine to be subject to adjustment any other parameter on any vehicle which is physically capable of being adjusted and which may significantly affect emissions. However, the Administrator may do so only if he has previously notified the manufacturer that he might do so and has found, at the time he gave this notice, that the

intervening period would be adequate to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. In no event will this notification be given later than September 1 of the calendar year two years prior to the model year.

(iii) In determining the parameters subject to adjustment the Administrator will consider the likelihood that, for each of the parameters listed in paragraphs (e)(1)(i) and (e)(1)(ii) of this section, settings other than the manufacturer's recommended setting will occur on in-use vehicles. In determining likelihood, the Administrator will consider such factors as, but not limited to, information contained in the preliminary application, surveillance information from similar in-use vehicles, the difficulty and cost of gaining access to an adjustment, damage to the vehicle if an attempt is made to gain such access and the need to replace parts following such attempt, and the effect of settings other than the manufacturer's recommended setting on vehicle performance characteristics including emission characteristics.

(2)(i) The Administrator will determine a parameter to be adequately inaccessible or sealed if:

(A) In the case of an idle mixture screw, the screw is recessed within the carburetor casting and sealed with lead, thermosetting plastic, or an inverted elliptical spacer or sheared off after adjustment at the factory, and the inaccessibility is such that the screw cannot be accessed and/or adjusted with simple tools in one-half hour or for $20 (1978 dollars) or less.

(B) In the case of a choke bimetal spring, the plate covering the bimetal spring is riveted or welded in place, or held in place with nonreversible screws.

(C) In the case of a parameter which may be adjusted by elongating or bending adjustable members (e.g., the choke vacuum break), any elongation of the adjustable member is limited by design, or in the case of a bendable member, the member is constructed of a material which when bent would return to its original shape after the force is removed (plastic or spring steel materials).

(D) In the case of any parameter, the manufacturer demonstrates that adjusting the parameter to settings other than the manufacturer's recommended setting takes more than one-half hour or costs more than $20 (1978 dollars).

(ii) The Administrator will determine a physical limit or stop to be an adequate restraint on adjustability if:

(A) In the case of a threaded adjustment, the threads are terminated, pinned or crimped so as to prevent additional travel without breakage or need for repairs which take more than one-half hour or cost more than $20 (1978 dollars).

(B) The adjustment is ineffective at the end of the limits of travel regardless of additional forces or toques applied to the adjustment.

(C) The manufacturer demonstrates that travel or rotation limits cannot be exceeded with the use of simple and inexpensive tools (e.g., screwdriver, pliers, open-end or box wrenches) without incurring significant and costly damage to the vehicle or control system or without taking more than one-half hour or costing more than $20 (1978 dollars).

(iii) If manufacturer service manuals or bulletins describe routine procedures for gaining access to a parameter or for removing or exceeding a physical limit, stop, seal or other means used to inhibit adjustment, or if surveillance data indicate that gaining access, removing, or exceeding is likely, paragraphs (e)(2)(i) and (e)(2)(ii) of this section shall not apply for that parameter.

(iv) In determining the adequacy of a physical limit, stop, seal, or other means used to inhibit adjustment of a parameter not covered by paragraph (e)(2)(i) or (e)(2)(ii) of this section, the Administrator will consider the likelihood that it will be circumvented, removed, or exceeded on in-use vehicles. In determining likelihood the Administrator will consider such factors as, but not limited to, information contained in the preliminary application; surveillance information from similar in-use vehicles; the difficulty and cost of circumventing, removing, or exceeding the limit, stop, seal, or other means; damage to the vehicle if an attempt is made to circumvent, remove, or exceed it and the need to replace parts following such attempt; and the effect of settings beyond the limit, stop, seal, or other means on vehicle performance characteristics other than emission characteristics.

(3) The Administrator shall determine two physically adjustable ranges for each parameter subject to adjustment.

(i)(A) In the case of a parameter determined to be adequately inaccessible or sealed, the Administrator may include within the physically adjustable range applicable to testing under §§ 86.079–23 and 86.081–29 (certification testing) all settings within the production tolerance associated with the nominal setting for that parameter, as specified by the manufacturer in the preliminary application for certification.

(B) In the case of other parameters, the Administrator shall include wihin this range all settings within physical limits or stops determined to be adequate restraints on adjustability. The Administrator may also include the production tolerances on the location of these limits or stops when determining the physically adjustable range.

(ii)(A) In the case of a parameter determined to be adequately inaccessible or sealed, the Administrator shall include within the physically adjustable range applicable to testing under § 86.608 (Selective Enforcement Audit testing) only the actual setting to which the parameter is adjusted during production.

(B) In the case of other parameters, the Administrator shall include wihin this range all settings within physical limits or stops determined to be adequate restraints on adjustability, as they are actually located and effective on the test vehicle.

(f) If the manufacturer submits the information specified in § 86.081–21(b)(1)(ii) in advance of its full preliminary application for certification, the Administrator shall review the information and make the determinations require in paragraph (e) of this section.

(g) Within 30 days following receipt of notification of the Administrator's determinations made under paragraph (e) of this section, the manufacturer may request a hearing on the Administrator's determinations. The request shall be in writing, signed by an authorized representative of the manufacturer, and shall include a statement specifying the manufactuer's objections to the Administrator's determinations, and data in support of such objections. If, after review of the request and supporting data, the Administrator finds that the request raises a substantial factural issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

6. A new § 86.083–23 is proposed to read:

§ 86.083–23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information: *Provided, however,* That:

(1) If requested by the manufacturer, the Adminstrator may waive any requirement of this section for testing of vehicles (or engines) for which emission data are available, or will be made

available, under the provisions of § 86.079-29, or

(2) If requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles at zero kilometers of operation.

(b)(1) Exhaust emission durability data on such vehicles (or engines) tested in accordance with applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle (or engine) for extended mileage (or extended operation), as well as a record of all pertinent maintenance (all maintenance and servicing for diesel heavy-duty engines) performed on the test vehicles (or test engines).

(2) Evaporative emission deterioration factors for each evaporative emission family-evaporative emission control system combination and all test data that are derived from testing described under § 86.083-21(b)(4)(ii) designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.083-30 will meet the evaporative emission standards in § 86.081-8 or § 86.083-9, as appropriate, for the useful life of the vehicle.

(3) [Reserved]

(4) For each light-duty truck engine family-emission control system combination for which application for certification is made for the first time, preliminary exhaust emission deterioration factors and all test data that are derived from testing described under § 86.083-21(b)(4)(iv) designed and conducted in accordance with good engineering practice to assure that the engines covered by a certificate issued under § 86.083-30 will meet the emission standards in § 86.083-9 for the useful life of the vehicle.

(c) Emission data. (1) *Certification vehicles.* (i) Emission data on such vehicles tested in accordance with applicable test procedures and in such numbers as specified, which will show their emissions after zero kilometers (zero miles) and 6,436 kilometers (4,000 miles) of operation.

(ii) Emission data on those vehicles selected under § 86.079-24(b)(1)(v) and § 86.079-24(b)(1)(vii)(D) and tested in accordance with the applicable test procedures of this subpart and in such numbers as therein specified, which shall be tested at zero kilometers (zero miles) at any altitude, and under high-altitude conditions after 6,436 kilometers (4,000 miles) of operation at any altitude.

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures and in such numbers as specified which will show their emissions after 125 hours of operation. A zero-hour test may be performed after the engine has been approved by the Administrator to begin service accumulation.

(d) A statement that the vehicles (or engines) for which certification is requested conform to the requirements in § 86.078-5(b), and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.078-5(b), and the data derived from such tests, are available to the Administrator upon request.

(e) (1) A statement that the test vehicles (or test engines) with respect to which data are submitted to demonstrate compliance with §§ 86.078-8, 86.079-9, 86.079-10, 86.079-11, 86.080-10, or 86.080-11, as applicable, are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification and that on the basis of such tests the vehicles (or engines) conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test vehicle (or test engine) was not as described in the application for certification or was not tested in accordance with the applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the vehicle (or engine) does not meet the applicable standards. The provisions of § 86.079-30(b) shall then be followed.

(2) For evaporative emission durability or light-duty truck exhaust emission durability, the statement of compliance with paragraph (b)(2) or (b)(4) of this section.

7. A new § 86.083-24 is proposed to read:

§ 86.083-24 Test vehicles and engines.

(a)(1) The vehicles or engines covered by an application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L-6, 90°, V-8, etc.).

(v) The location of intake and exhaust valves (or ports) and the valve (or port) sizes (within a ⅛-inch range on the valve head diameter or within 10 percent on the port area).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(x) Type of air inlet cooler (e.g., intercoolers and aftercoolers) for diesel heavy-duty engines.

(3)(i) Engines identical in all the respects listed in paragraph (a)(2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(A) The bore and stroke.

(B) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center positions.

(C) The intake manifold induction port size and configuration.

(D) The exhaust manifold port size and configuration.

(E) The intake and exhaust valve sizes.

(F) The fuel system.

(G) The camshaft timing and ignition or injection timing characteristics.

(ii) [Reserved]

(iii) Light-duty trucks produced in different model years and distinguishable in the respects listed in paragraph (a)(2) of this section shall be treated as belonging to a single engine family if the Administrator requires it, after determining that the engines may be expected to have similar emission deterioration characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a) (2) and (3) of this section, the Administrator will establish families for those engines based upon those

features most related to their emission characteristics.

(5) The gasoline-fueled vehicles covered by an application for certification will be divided into groupings which are expected to have similar evaporative emission characteristics throughout their useful life. Each group of vehicles with similar evaporative emission characteristics shall be defined as a separate evaporative emission family.

(6) To be classed in the same evaporative emission family, vehicles must be similar with respect to:

(i) Type of vapor storage device (e.g., canister, air cleaner, crankcase).

(ii) Basic canister design.

(iii) Fuel system.

(7) Where vehicles are of a type which cannot be divided into evaporative emission families based on the criteria listed above, the Administrator will establish families for those vehicles based upon the features most related to their evaporative emission characteristics.

(b) Emission data. (1) *Emission-data vehicles.* Paragraph (b)(1) of this section applies to light-duty vehicle and light-duty truck emission-data vehicles.

(i) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Vehicles within an engine family will be divided into engine displacement-exhaust emission control system combinations as applicable. A projected sales volume will be established for each combination for the model year for which certification is sought. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicles selected for each combination will be specified by the Administrator as to such features as engine code, transmission type, fuel system, inertia weight class, and test weight.

(iii) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, test weight, transmission options, and axle ratio.

(iv) If the vehicles selected in accordance with paragraphs (b)(1) (ii) and (iii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to such features as engine code, transmission type, fuel system, inertia weight class, and test weight.

(v) The Administrator may select one additional vehicle for each engine-system combination with which a manufacturer chooses to demonstrate compliance with applicable emission standards at high altitude.

(vi) The Administrator may combine testing requirements for any vehicles selected under paragraph (b)(1)(v) or (b)(1)(vii)(D) of this section with the testing requirements for any similar vehicle in the same engine-system combination selected under paragraph (b)(1) (ii), (iii), or (iv) of this section or any similar vehicle in the same engine-system, evaporative emission family evaporative emission control system combination selected under paragraph (b)(1)(vii) (A) or (B) of this section. The testing requirements may be combined by the Administrator by requiring a vehicle selected for testing under paragraphs (b)(1) (ii), (iii), (iv) (vii)(A), or (vii)(B) of this section to be modified (if necessary) after mileage accumulation and emission testing for the purpose of demonstrating compliance with § 86.079-23(c)(1)(ii).

(vii) (A) Vehicles of each evaporative emission family will be divided into evaporative emission control systems. One vehicle of each evaporative emission control system within the evaporative emission family will be selected.

(B) The Administrator may select a maximum of four additional vehicles within each evaporative emission family based upon features indicating that they may have the highest evaporative emission levels of vehicles in that family.

(C) The Administrator may determine that the vehicles selected under paragraphs (b)(1) (ii) through (iv) of this section may be used to satisfy the requirements of paragraphs (b)(1)(vii) (A) and (B) of this section.

(D) The Administrator may also select one additional vehicle for each evaporative emission control system within each evaporative family for those vehicles with which the manufacturer chooses to demonstrate compliance with applicable emission standards at high altitude.

(E) Vehicles selected under (b)(1)(v) may be used to satisfy the requirements of (b)(1)(vii)(D).

(2) *Gasoline-fueled heavy-duty emission-data engines.* Paragraph (b)(2) of this section applies to gasoline-fueled heavy-duty engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into engine displacement-exhaust emission control system combinations. A projected sales volume will be established for each combination for the applicable model year. One engine of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of engines of that family is represented, or until a maximum of four engines is selected. The engines selected for each combination will be specified by the Administrator as to fuel system.

(iii) The Administrator may select a maximum of two additional engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family. In selecting these engines, the Administrator will consider such features as the exhaust emission control system, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, and compression ratio.

(iv) If the engines selected in accordance with paragraphs (b)(2) (ii) and (iii) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(3) *Diesel heavy-duty emission-data engines.* Paragraph (b)(3) of this section applies to Diesel heavy-duty emission-data engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family,

the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into groups based upon exhaust emission control system. One engine of each engine-system combination shall be run for smoke emission data and gaseous emission data as prescribed in § 86.080–26(c)(3). Either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine-system combination, then one military engine shall also be selected. The engine with the highest fuel feed per stroke will usually be selected.

(iii) The Administrator may select a maximum of one additional engine within one engine-system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed, and peak torque.

(c) Durability data: (1) *Light-duty vehicle durability-data vehicles.* Paragraph (c)(1) of this section applies to light-duty vehicle durability-data vehicles.

(i) A durability-data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, inertia weight class, and test weight.

(ii) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1)(i) of this section. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(2) *Gasoline-fueled heavy-duty durability-data engines.* Paragraph (c)(2) of this section applies to gasoline-fueled heavy-duty durability-data engines.

(i) A durability-data engine will be selected by the Aministrator to represent each engine-system combination.

(ii) [Reserved]

(iii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same engine displacment and fuel system as the engine selected for that combination in accordance with the provisions of paragraph (c)(2)(i) of this section. Notice of an intent to run additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(3) *Diesel heavy-duty durability-data engines.* Paragraph (c)(3) of this section applies to Diesel heavy-duty durability-data engines.

(i) One engine from each engine-system combination shall be tested as prescribed in § 86.080–26(c)(3)(ii). At each test point, either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum rated torque, will usually be selected for durability testing. In the case where more than one engine in an engine-system combination has the highest fuel feed per stroke, the engine with the highest maximum rated horsepower will usually be selected for durability testing. If an engine-system combination includes both military and nonmilitary engines, then the nonmilitary engine with the highest maximum rated horsepower will usually be selected for durability testing.

(ii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. the additional engines must be of the same model and fuel system as the engine selected in accordance with the provisions of paragraph (c)(3)(i) of this section. Notice of an intent to test additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(4) *Light-duty truck durability-data vehicles.* Paragraph (c)(4) of this section applies to vehicles, engines, subsystems, or components used to establish preliminary exhaust emission deterioration factors for light-duty trucks, and to light-duty truck durability-data vehicles.

(i) The manufacturer shall select the vehicles, engines, subsystems, or components to be used to determine preliminary exhaust emission deterioration factors for each engine family control system combination for the initial year(s) of certification of the combination.

(ii) For each engine family-control system combination for which a manufacturer applies for a certificate of conformity with the applicable emission standards of § 86.083–9 for the first time, the manufacturer shall select at least three durability-data vehicles to represent the combination during the in-use mileage accumulation required by § 86.083–26(c). At least one of these three vehicles shall be of the engine displacement with the largest projected sales volume of vehicles in the combination. The selected vehicles shall be randomly selected production vehicles. Emission tests of any kind shall not be used to select specific production vehicles to be durability-data vehicles. The manufacturer shall notify the Administrator of the vehicle configuration(s) of the durability-data vehicles to be selected under this paragraph not later than when it submits the compiled information required by § 86.083–23. The manufacturer shall select specific production vehicles to be durability-data vehicles not later than two months after the start of production of the configuration(s).

(d) For purposes of testing under § 86.080–26 (a)(9), (b)(9) or (c)(11), the Administrator may require additional emission-data vehicles (or emission-data engines) and durability-data vehicles (or durability-data engines) identical in all material respects to vehicles (or engines) selected in accordance with paragraphs (b) and (c) of this section: *Provided,* That the number of vehicles selected shall not increase the size of either the emission-data fleet or the durability-data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales for the model year in which certification is sought is less than

(1) 2,000 gasoline-fueled light-duty vehicles, or

(2) 2,000 Diesel light-duty vehicles, or

(3) 2,000 gasoline-fueled light-duty trucks, or

(4) 2,000 Diesel light-duty trucks, or

(5) 700 gasoline-fueled heavy-duty engines, or

(6) 2,000 Diesel heavy-duty engines, may request a reduction in the number of test vehicles (or engines) determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission-data or durability-data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.083–23 has previously been submitted. For light-duty truck durability data required to be obtained from in-use service accumulation, the Administrator will grant this approval only if each durability-data vehicle in an engine family-control system has completed service accumulation up to its useful life or up to the point at which it was no longer functional, as required by § 86.083–26(c).

(g)(1) This paragraph applies to light duty vehicles and light duty trucks.

(2) Where it is expected that more than 33 percent of a car line, within an engine-system combination, may be equipped with an item (whether that item is standard equipment or an option), the full estimated weight of that item shall be included in the curb weight computation of each vehicle available with that item in that carline, within that engine-system combination. Where it is expected that 33 percent or less of the carline, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) no weight for that item will be added in computing the curb weight for any vehicle in that carline, within that engine-system combination, unless that item is standard equipment on the vehicle. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing the curb weight. Optional items weighing less than three pounds per item need not be considered.

(3) Where it is expected that more than 33 percent of a car line, within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, then such items shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability data vehicles of that car line, within that engine-system combination, on which the items are intended to be offered in production. Items that can reasonably be expected to influence emissions are: air conditioning, power steering, power brakes, and other items determined by the Administrator.

(4) Where it is expected that 33 percent or less of a car line within an engine-system combination, will be equipped with an item (whether that item is standard equipment or an option) that can reasonably be expected to influence emissions, that item shall not be installed on any emission data vehicle or durability data vehicle of that car line, within that engine-system combination, unless that item is standard equipment on that vehicle or specifically required by the Administrator.

8. A new § 86.083–25 is proposed to read:

§ 86.083—25 Maintenance.

(a) *Light-duty vehicles.* Paragraph (a) of this section applies to light-duty vehicles.

(1) Scheduled maintenance on the engine, emission control system, and fuel system of durability-data vehicles, selected by the Administrator or elected by the manufacturer under § 86.079–24(c)(1), shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a)(5)(iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving: *Provided,* That no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a) (1) (i) (A) or (B) of this section, and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel.

(A) *For Gasoline-fueled vehicles,* the following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.

(*2*) Cold starting enrichment system (includes fast idle speed setting).

(*3*) Curb idle speed and air/fuel mixture.

(*4*) Drive belt tension on engine accessories.

(*5*) Valve lash.

(*6*) Inlet air and exhaust gas control valves.

(*7*) Engine bolt torque.

(*8*) Spark plugs.

(*9*) Fuel filter and air filter.

(*10*) Crankcase emission control system.

(*11*) Fuel evaporative emission control system.

(B) *For Diesel vehicles,* a major engine tuneup shall be restricted to the following:

(*1*) Adjust low idle speed.

(*2*) Adjust valve lash if required.

(*3*) Adjust injector timing.

(*4*) Adjust governor.

(*5*) Clean and service injector tips.

(*6*) Adjust drive belt tension on engine accessories.

(*7*) Check engine bolt torque and tighten as required.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same milage intervals that will be specified in the manufacturer's maintenance instructions. (iii) Readjustment of the engine idlespeed (curb idle and fast idle) may be performed, in addition to adjustment during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2) (i) *For gasoline-fueled vehicles,* unscheduled maintenance on the engine, emission control system, and fuel system of durability vehicles may be performed, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idlespeed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(ii) *For Diesel vehicles,* unscheduled maintenance on the engine emission control system, and fuel system of durability-data vehicles may be performed except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, vehicle stalling, overheating, fluid leakage, loss of oil pressure, or charge indicator warning. For the evaporative emission control system this overt indication may be indicated by such items as fuel odor or fluid leakage.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(A) of this section.

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durabilility testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability-data vehicle.

(7) Where the Administrator agrees under § 86.079–26 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(8)(i) Adjustment of engine idle speed on emission-data vehicles may be performed once before the 6,436-kilometer (4,000-mile) test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission-data vehicles shall be performed only with the advance approval of the Administrator.

(ii) Maintenance on emission-data vehicles selected under § 86.079–24 (b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.079–23(b)(1)(ii) under the provisions of § 86.079–24(b)(1)(vi) may be performed in conjunction with emission control system modifications at the 6,436-kilometer (4,000-mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.079–38.

(iii) Maintenance on those emission-data vehicles selected under § 86.079–24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6,436-kilometer (4,000-mile) test point, and shall be approved in advance by the Administrator.

(9) Repairs to vehicle components of the durability-data or emission-data vehicle, other than the engine, emission control system or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(10) Complete emission tests (see §§ 86.106 through 86.145) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the

Administrator within 24 hours (or delivered within 3 working days), after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Adminsitrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.079-23.

(11) The Administrator shall be given the opportuntiy to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfiring, stalling, black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(12) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(i) Are used in conjunction with scheduled maintenance on such components,

(ii) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(5)(i) of this section for durability-data vehicles or paragraph (a)(8)(i) of this section for emission-data vehicles, or

(iii) Unless specifically authorized by the Administrator.

(b) *Light-duty trucks.* Paragraph (b) of this section applies to light-duty trucks.

(1) All emission-related scheduled maintenance which is performed on durability-data vehicles must be technologically necessary and must have a reasonable likelihood of being performed in-use.

(i) The manufacturer must submit data to the Administrator which demonstrates that all of the emission-related maintenance which is to be performed on the durability-data vehicles is technogically necessary. EPA Has determined that emissions-related maintenance in addition to or at shorter intervals than that outlined in paragraphs (b)(1)(ii) and (b)(1)(iii) is not technologically necessary. The Administrator may determine that even maintenance more restrictive (e.g., longer intervals) than that listed in paragraphs (b)(1)(ii) and (b)(1)(iii) is not technologically necessary.

(ii) For gasoline-fueled vehicles, emission-related maintenance in addition to or at shorter intervals than that listed below will not be accepted as technologically necessary, except as provided in paragraph (b)(1)(iv).

(A) The cleaning or replacement of spark plugs at 30,000 miles and at 30,000 mile intervals thereafter.

(B) The inspecting, cleaning, adjustment, or replacement of the following at 50,000 miles of use and at 50,000-mile intervals thereafter:

(*1*) Positive crankcase ventilation valves;

(*2*) Emission-related hoses and tubes;

(*3*) Ignition wires;

(*4*) Oxygen sensor;

(*5*) Idle mixture.

(C) The replacement of the catalytic converter or inspecting and cleaning of the injector tips at 100,000 miles of use and at 100,000-mile (or longer) intervals thereafter.

(iii) For diesel vehicles, emission-related maintenance in addition to or at shorter intervals than that lised below will not be accepted as technologically necessary, except as provided in paragraph (b)(1)(iv).

(A) The cleaning or replacement of the exhaust gas recirculation and positive crankcase control valves at 50,000 miles of use and at 50,000-mile intervals thereafter.

(B) The cleaning of injector tips at 100,000 miles of use and at 100,000-mile intervals thereafter.

(C) The cleaning, rebuilding, or replacement of the following at 200,000 miles of use and at 200,000 mile intervals thereafter:

(*1*) Turbocharger;

(*2*) Injectors.

(iv) Requests for authorization of scheduled maintenance of emission control related components in addition to those items of maintenance covered under paragraphs (b)(1)(ii) and (b)(1)(iii) will be considered if the maintenance is a direct result of the implementation of new technology. New technology means any technology not found in production on any motor vehicle prior to the 1980 model year.

(v) Emission-related scheduled maintenance items which satisfy one of the following will be accepted as having a reasonable likelihood of being performed in-use.

(A) Data is presented to the Administrator which adequately demonstrates that vehicle performance will quickly deteriorate to a point unacceptable for typical driving if the maintenance item is not performed at the recommended interval.

(B) The manufacturer provides this maintenance free of charge.

(C) Survey data is submitted to the Administrator which adequately demonstrates that 90 percent of such vehicles (at an 80% confidence level) already have this maintenance item performed in-use at the recommended interval and throughout the useful life of the vehicle for which certification is being sought.

(D) For maintenance for which there is no in-use experience on light-duty trucks, a clearly displayed visual signal alerts the vehicle driver that maintenance is due. This option is available only for a period sufficient to allow the manufacturer to collect the appropriate survey data to demonstrate that the signal is at least contributing to the adequate demonstration (paragraph (C) above) that the specific maintenance is actually being performed in-use. This survey data must be submitted at least once every 2 years. The signal must be continuous while the vehicle is in operation, but may be overridden by the driver after each engine start-up. The signal, with the possible addition of a label, must also direct the driver to that place in the owner's manual where this maintenance item is recommended and also show the driver which maintenance item is due. The signal may be eliminated by the performance of the required maintenance.

(vi) Non-emission related vehicle maintenance which is reasonable and necessary (e.g., oil change, oil filter change, fuel filter change, air filter change, cooling system maintenance, accessory belt inspection, adjustment of idle speed, governor, engine bolt torque, valve lash, injector lash, timing, etc.) may be performed on durability-data vehicles at the intervals recommended by the manufacturer to the ultimate purchaser.

(vii) Unscheduled maintenance may be performed on durability-data vehicles, except as provided in paragraph (b)(1)(viii)(A) of this section, only under the following provisions:

(A) An injector or spark plug may be changed if a persistent misfire is detected.

(B) Readjustment of a gasoline-fueled vehicle cold-start enrichment system may be performed if there is a problem of stalling.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, if the idle speed exceeds the manufacturer's recommended idle speed by 300 rpm or more, or if there is a problem of stalling.

(viii) Any other unscheduled vehicle, engine, emission control system, or fuel

system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data vehicles shall be performed only with the advance approval of the Administrator.

(A) Such approval will be given if the Administrator:

(1) Has made a preliminary determination that the part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and,

(2) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (b)(1)(vii) of this section.

(ix) If the Administrator determines the part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not continue to be used as a durability-data vehicle. The emission data from a vehicle that is discontinued as a durability-data vehicle shall not be included in the evaluation of the deterioration factor for the family-system combination if the vehicle's calculated deterioration factor is less than the average deterioration factor for the remaining durability-data vehicles in the combination, unless the manufacturer's engineering analysis demonstrates, to the satisfaction of the Administrator, that the data is representative.

(2) [Reserved]

(3)(i) Scheduled maintenance on emission-data vehicles is limited to the adjustment of idle speed once before the 4,000-mile test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Maintenance on emission-data vehicles selected under § 86.083-24(b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.083-23(c)(1)(ii) under the provisions of § 86.077-24(b)(1)(vi) may be performed in conjunction with emission control system modifications at the 6,436 kilometers (4,000-mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.083-38.

(iii) Maintenance on those emission-data vehicles selected under § 86.083-24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than that intended by the original design may be performed in conjunction with the emission control system modifications at the 6,436 kilometer (4,000-mile) test point, and shall be approved in advance by the Administrator.

(iv) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(4) Repairs to vehicle components of the durability-data or emission-data vehicle other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(5)(i) Complete emission test (see Subparts B and P of this part) are required, unless waived by the Administrator, before and after catalytic converter or oxygen sensor servicing on any vehicle.

(ii) The Administrator may require emission tests before and after any unscheduled maintenance.

(iii) [Reserved]

(iv) Test data required by paragraph (b)(5) of this section shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.083-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfiring, stalling), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and:

(i) Are used in conjunction with scheduled maintenance on such components.

(ii) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (b)(1)(viii)(A) of this section for durability-data vehicles or paragraph (b)(3)(i) of this section for emission-data vehicles, or

(iii) Unless specifically authorized by the Administrator.

(c)(1) *Heavy-duty engines.* Paragraph (c) of this section applies to heavy-duty engines.

(2)(i) The scheduled maintenance described in this section may be performed on a durability-data engine provided the maintenance is requested in the application for certification. Such scheduled maintenance must be specified at the same intervals in the maintenance instructions furnished to the ultimate purchaser of the vehicle in which the engine, represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.079-2.) A scheduled major engine servicing shall be restricted to items listed in this subparagraph and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel.

(A) For gasoline-fueled engines, major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation: *Provided,* No tuneups are performed after 1,375 hours of scheduled dynamometer operation. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(1) Ignition system.

(2) Cold starting enrichment system (includes fast idle speed setting).

(3) Curbs idle speed and air/fuel mixture.

(4) Drive belt tension on engines accessories.

(5) Valve lash.

(6) Inlet air and exhaust gas control valves.

(7) Engine bolt torque.
(8) Sparks plugs.
(9) Fuel filter and air filter.
(10) Crankcase emission control system.
(11) Fuel evaporative emission control system.

(B) For diesel engines one major engine servicing to the manufacturer's specifications may be performed prior to 875 hours (±8 hours) of scheduled dynamometer operation. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:
(1) Low idle speed.
(2) Drive belt tension.
(3) Engines bolt torque.
(4) Valve lash.
(5) Injection timing.
(6) Injector assemblies.
(7) Governor settings.

(C) Normal engine servicing such as engine oil change, and oil filter, fuel filter, and air filter cleaning or replacement will be allowed at manufacturer's recommended intervals. If approved in advance by the Administrator, the maintenance for these items may differ from that specified in the manufacturer's maintenance instructions.

(D) Readjustement of the engine low idle speed may be performed once during the first 125 hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability-data engines, except as provided in paragraph (c)(2)v)(A) of this section, only under the following provisions:

(A) An injector or spark plug may be changed if a persistent misfire is detected.

(B) Readjustment of a gasoline-fueled engine cold-start enrichment system may be performed it there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curbs idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (c)(2)(i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii) Any exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(A) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance at the service point. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(B) Manufacturers may service the EGR system as unscheduled maintenance a maximum of one time during durability testing (1,500 hours for gasoline-fuel engines or 1,000 hours for diesel engines) if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alterts the engine operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(C) Manufacturers may service the EGR system a maximum of three times during durability testing (1,500 hours for gasoline-fueled engines or 1,000 hours for diesel engines) either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(D) Manufacturers may scheduled service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in engine performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(iv) The catalytic converter may be serviced once during durability testing (1,500 hours for gasoline-fueled engines or 1,000 hours for diesel engines). If an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for maintenance, the signal may be activated either by component failure or need for maintenance at a scheduled point.

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(1) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and,

(2) has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (c)(2)(v)(A)(1) of this section.

(C) Requests for authorization of scheduled maintenance of emission-control related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability-data engine.

(3)(i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5)(i) Complete emission tests (see Subparts D or H of this part for gasoline-fueled engines and Subparts D and I, or I and J of this part for Diesel engines) are required, unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability-data engines, except maintenance performed under § 86.079-25(c)(2)(i)(c);

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability-data engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability-data engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.079-28.

(iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.079-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfiring, stalling).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets, and:

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (c)(2)(v)(A) of this section for durability-data engines or paragraph (c)(3) of this section for emission-data engines; or,

(iii) Unless specifically authorized by the Administrator.

9. A new § 86.083-26 is proposed to read:

§ 86.083-26 Mileage and service accumulation; emission measurements.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles.

(2) The procedure for mileage accumulation will be the durability driving schedule as specified in appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.129, the manufacturer may elect to conduct the respective emission tests at the test weight corresponding to the higher loaded vehicle weight.

(3) *Emission-data vehicles.* Unless as otherwise provided for in § 86.079-23(a), emission-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* (A) Each gasoline-fueled emission-data vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Complete exhaust emission tests shall be conducted at zero and 4,000 miles on those vehicles selected under § 86.080-24 (b)(1)(ii) through (b)(1)(v). Complete exhaust and evaporative emission tests shall be conducted at zero miles and 4,000 miles on those vehicles selected under § 86.080-24(b)(1)(vii). The manufacturer may at his option test the vehicles selected under § 86.080-24(b)(1)(vii) up to three times at the 4,000-mile test point as long as the ±250-mile test tolerance is adhered to. The administrator may determine under § 86.080-24(f) that no testing is required.

(B) The emission-data vehicle(s) selected for testing under § 86.080-24 (b)(1)(v) or (b)(1)(vii)(D) shall be driven 6,436 kilometers (4,000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6,436 kilometers (4,000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.080-24 (b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.079-23(c)(1)(ii) under the provisions of § 86.080-24(b)(1)(vi) shall be driven 6,436 kilometers (4,000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6,436 kilometers (4,000 miles) under both low- and high-altitude conditions. For the purposes of this subparagraph, "low altitude" means any elevation less than 549 meters (1,800 feet).

(ii) *Diesel.* (A) Each diesel emission data vehicle shall be driven 6,436 kilometers (4,000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6,436 kilometers (4,000 miles).

(B) The emission-data vehicle(s) selected for testing under § 86.080-24(b)(1)(v) shall be driven 6,436 kilometers (4,000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6,436 kilometers (4,000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.080-24(b)(1)(v) and permitted to be tested for purposes of § 86.079-23(c)(1)(ii) under the provisions of § 86.080-24(b)(1)(vi) shall be driven 6,436 kilometers (4,000 miles) at low altitude. emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6,436 kilometers (4,000 miles) under both low- and high-altitude conditions. For the purpose of this subparagraph "low altitude" means any elevation less than 549 meters (1,800 feet).

(4) *Durability-data vehicles.* Unless as othewise provided for in § 86.079-23(a), durability-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* Each gasoline-fueled durability-data vehicle selected by the Administrator or elected by the manufacturer under § 86.080-24(c)(1) shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission tests shall be made on all durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.080-24(c) at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,000; 45,000; 50,000. The Administrator may determine under § 86.080-24(f) that no testing is required.

(ii) *Diesel.* Each diesel durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance at the Administrator may agree to as meeting the objectives of the procedure. Complete emission tests (see §§ 86.106 through 86.145) shall be made at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,000; 45,000; 50,000.

(5) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability-data vehicles and 4,000 miles for emission-data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(6)(i) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within 3 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.079–23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be rounded, using the "rounding off method" specified in ASTM E29–67, to the number of places to the right of the decimal point indicated by expressing the applicable emission standards of this subpart to three significant figures.

(7) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero-mile test data to the Administrator (except for those vehicles for which the zero-mile test requirement has been waived under § 86.079–23(a)(2)) and make the vehicle available for such testing under § 86.079–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(8) Once a manufacturer begins to operate an emission-data or durability-data vehicle, as indicated by compliance with paragraph (a)(7) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 86.079–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(ii) The test procedures in §§ 86.106 through 86.145 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification vehicle other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(11) This section does not apply to testing conducted to meet the requirements of § 86.079–23(b)(2).

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2)(i) For gasoline-fueled engines, the dynamometer service accumulation schedule will consist of several operating conditions which give the percent loads and the modes as specified in the following chart. The percentage of time in each mode must be held within the limits specified. The maximum observed torque for each mode in the service accumulation cycle must be determined at the rpm at which the mode is being conducted. The percent load for that mode will be determined from the maximum torque at the rpm at which the mode is being conducted.

Mode	Observed torque (percentage of maximum observed)	Percentage of time
Idle	Idle	23 (22 to 24).
CT	CT	14 (13 to 15).
PTD	10	6 (5 to 7).
Cruise	25	31 (30 to 32).
PTA	55	15 (14 to 16).
FL	90	11 (10 to 12).

(ii) The equivalent control parameter for engine loading will be manifold vacuum, manifold pressure, or torque. Usage of one of the three parameters will require approval in advance by the Administrator. The control parameter values that correspond to the appropriate percent loads as specified in the emission test cycle will be initially determined at the zero-hour point or after an appropriate break-in procedure. The control parameter values determined initially will be used for the entire service accumulation schedule. If at any time during the service accumulation, the 90 percent torque value cannot be attained, the engine shall be operated at wide-open throttle.

(iii) The average speed shall be between 1,650 and 1,700 rpm. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 rpm (but not in excess of governed speed for governed engines or rated speed for nongoverned engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(3)(i) For diesel engines, the following criteria must be met before service accumulation can begin. Failure to comply with these requirements shall invalidate all test data submitted for an engine.

(A) Each engine shall produce at least 95 percent of the maximum horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.

(B) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

(ii) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 86.079–25.)

(A) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed at the zero-hour point. Horsepower values shall be corrected to the rating conditions.

(B) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 86.879-3 except that the tolerance will be ±3 inches of water and ±0.5 inch of Hg respectively.

(C) During each emission test the inlet and exhaust restrictions shall be as specified in § 86.879-8.

(4) If a break-in procedure is used, the procedure must be the same as recommended to the ultimate purchaser. Prior approval by the Administrator is required for use of any break-in procedure. The hours accumulated during the break-in procedure will not be counted as part of the service accumulation.

(5) Emission-data engines: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. An emission test shall be conducted at 125 hours. A zero-hour emission may be performed after the engine has been approved by the Administrator to begin service accumulation. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(6) Durability-data engines: each gasoline-fueled durability-data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Each diesel durability-data engine shall be operated for 1,000 hours. Emission measurement, as prescribed, shall be made at 125-hour intervals beginning at 125 hours of operation. A zero-hour emission test may be performed after the engine has been approved by the Administrator to begin service accumulation. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(7) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours respectively.

(8) (i) Data from all emission tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed 3 valid tests. Tests between test points may be conducted as required by the Administrator. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.079-23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29-67.

(9) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide such information concerning components used on the engine as the Administrator may require and make the engine available for such testing under § 86.079-29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(10) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (b)(9) of this section, he shall continue to run any emission-data engine to 125 hours, any gasoline-fueled durability-data engine to 1,500 hours, and any diesel durability-data engine to 1,000 hours. The data from the engine will be used in the calculations under § 86.345. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(11) (i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (Subpart D of this part for gasoline-fueled engines, and Subparts D and I of this part for diesel engines) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(12) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

(c) (1) Paragraph (c) of this section applies to light-duty trucks.

(2) There are four types of mileage or service accumulation applicable to light-duty trucks:

(i) Mileage or service accumulation on vehicles, engines, subsystems, or components selected by the manufacturer under § 86.083-24(c)(4)(i). The manufacturer determines the form and extent of this mileage or service accumulation, consistent with good engineering practice, and describes it in the application for certification.

(ii) Mileage accumulation of 4,000 miles duration on emission-data vehicles selected under § 86.083-24(b)(1) and on durability-data vehicles selected under § 86.083-24(c)(4)(ii). The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.129, the manufacturer may elect to conduct the respective emission tests at the test weight corresponding to the higher loaded vehicle weight.

(iii) In-use mileage accumulation on durability-data vehicles selected under § 86.083-24(c)(4)(ii). The manufacturer determines the vehicle service applications to be used in this mileage accumulation, subject to the requirements of paragraph (c) of this section and consistent with good engineering practice.

(iv) Service or mileage accumulation which may be part of the test

procedures used by the manufacturer to establish evaporative emission deterioration factors.

(3) Preliminary exhaust emission deterioration factors will be determined on the basis of the mileage or service accumulation described in paragraph (c)(2)(i) of this section and related testing, according to the manufacturer's procedures. These preliminary factors shall be used for the first model year for which a certificate of conformity with applicable standards of § 86.083–9 is sought for the engine family-control system combination. They may be used for the second model year also if 20,000 miles of in-use mileage has not been accumulated three months prior to the second model year.

(4) Each emission-data vehicle and each durability-data vehicle selected for in-use mileage accumulation shall be operated and tested as follows:

(i) *Gasoline-fueled.* (A) Each gasoline-fueled vehicle shall be driven 4,000 miles with all emission control systems installed and operating. Complete exhaust emission tests shall be conducted at zero and 4,000 miles on emission-data vehicles selected under § 86.083–24 (b)(1)(ii) through (b)(1)(v) and on the durability-data vehicles. The manufacturer may conduct up to three emission tests on durability-data vehicles, provided it stated it would do so in the application and provided all durability-data vehicles in an engine family-control system conbination receive the same number of tests. Complete exhaust and evaporative emission tests shall be conducted at zero miles and 4,000 miles on those vehicles selected under § 86.083–24(b)(1)(vii). The manufacturer may at its option test the vehicles selected under § 86.083–24(b)(1)(vii) up to three times at the 4,000-mile test point as long as the ± 250-mile test tolerance is adhered to. The Administrator may determine under § 86.083–24(f) that no testing is required.

(B) The emission-data vehicle(s) selected for testing under § 86.083–24 (b)(1)(v) or (b)(1)(vii)(D) shall be driven 6,436 kilometers (4,000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6,436 kilometers (4,000 miles) under high-altitude conditions.

(C) The emission-data vehicles(s) selected for testing under § 86.083–24 (b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.083–23(b)(1)(ii) under the provisions § 86.083–24(b)(1)(vi) shall be driven 6,436 kilometers (4,000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (4,000 miles) under both low- and high-altitude conditions. For the purposes of this subparagraph, low altitude means any elevation less than 549 meters (1,800 feet).

(ii) *Diesel.* (A) Each Diesel vehicle shall be driven 6,436 kilometers (4,000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6,436 kilometers (4,000 miles). The manufacturer may conduct up to three emission tests on durability-data vehicles, provided it stated it would do so in the application and provided all durability data vehicles in an engine family-control system combination receive the same number of tests.

(B) The emission-data vehicle(s) selected for testing under § 86.083–24(b)(1)(v) shall be driven 6,436 kilometers (4,000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6,436 kilometers (4,000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.083–24(b)(1)(v) and permitted to be tested for purposes of § 86.083–23(b)(1)(ii) under the provisions of § 86.083–24(b)(1)(vi) shall be driven 6,436 kilometers (4,000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6,436 kilometers (4,000 miles) under both low- and high-altitude conditions. For the purposes of this subparagraph, low altitude means any elevation less than 549 meters (1,800 feet).

(iii) If the emission test conducted on a durability-data vehicle at the 4,000-mile point, in combination with the appropriate preliminary deterioration factors, indicates that the vehicle is projected to fail the emission standards at its useful life, the vehicle shall not be used as a durability-data vehicle. The manufacturer shall randomly select another production vehicle of the same configuration to replace the failed vehicle. The certificate of conformity is suspended with respect to the failed vehicle.

(iv) All tests required to be conducted at 4,000 miles by paragraph (c)(4) of this section may be conducted at any accumulated mileage within 250 miles of that test point.

(5)(i) Within one month of the selection of each specific production vehicle to be used as a durability-data vehicle, the manufacturer shall have completed the mileage accumulation and emission testing of the durability-data vehicle required by paragrpah (c)(4)(i)(A) or (c)(4)(ii)(A) of this section and shall have put the vehicle into service for in-use mileage accumulation.

(ii) A durability-data vehicle shall not be modified in any manner which affects its curb weight, frontal area, or fuel system unless such modifications are required by the service application. No operating or service instructions shall be placed in or on the vehicle, except for instructions which also appear in the owners manual. If the durability-data vehicle is part of a commercial fleet, instructions specific to fleet operation, accounting, or emergency service may be placed in the vehicle. Other instructions and records may be stored in the vehicle only if placed in a locked commpartment or container to which the driver does not normally have access.

(iii) The service application of each durability-data vehicles shall be typical of predominantly urban, personal transportation applications and shall provide conditions which the manufacturer determines are typical of consumer operation. The manufacturer shall document before beginning in-use mileage accumulation that the selected service application of each durability-data vehicle will normally provide the following:

(A) A daily engine-off period of at least eight hours.

(B) An annual mileage accumulation of at least 10,000 miles or 10 percent of the useful life mileage, whichever is greater, and at most 40,000 miles or 40 percent of the useful life mileage, whichever is greater.

(C) A weekly mileage accumulation of at most 2,000 miles.

(iv) At least 10,000 miles or 10 percent of the useful life mileage, whichever is greater, and at most 40,000 miles or 40 percent of the useful life mileage, whichever is greater shall be accumulated on each durability-data vehicle representing the engine family-control system combination in each year. Mileage accumulated on a test track or on a public or private road when the only purpose is to accumulate mileage may not be credited toward the required amount of in-use mileage accumulation.

(v) At least 24,000 miles (including miles accumulated under paragraph (c)(4) of this section) shall be accumulated on at least one of the durability-data vehicles representing the engine family-control system combination in time to allow in-use deterioration factors to be calculated and used for the third model year for which the manufacturer applies for a certificate of conformity for the

combination. This test data must be supplied not later than three months prior to the third model year.

(vi) Each durability-data vehicle shall be tested as follows. At least one complete exhaust emission test (see Subparts B and P) shall be conducted at each point specified. The manufacturer may conduct up to three tests at each point, provided it stated it would do so in the application and provided all durability-data vehicles in an engine family-control system combination receive the same number of tests at all test points.

(A) Each durability-data vehicle shall be tested between the 24,000 and 27,000-mile points. After this test has been completed for at least one durability-data vehicle in an engine family-control system combination, the preliminary deterioration factors determined under paragraph (c)(3) of this section shall not be used in determining compliance by the combination with emission standards, for any model year for which a certificate of conformity has not yet been granted. Instead, in-use deterioration factors will be calculated based on all emission test results from all vehicles in the combination which have accumulated at least 24,000 miles of service, except those emission test results excluded from the calculation under § 86.083–25(b)(1)(ix) or under paragraph (c)(5)(vii) of this section.

(B) Each vehicle shall be tested before and after those maintenance operations requiring such testing under § 86.083–25(b)(5).

(C) The interval between successive tests after the test between 24,000 and 27,000 miles shall not exceed twelve months. The interval between successive tests may be less than 4 months only if such testing is required by this subpart or the Administrator.

(D) After 24,000 miles, the manufacturer shall perform tests on a schedule which provides at least one additional test point for each vehicle for use in determining updated in-use deterioration factors for each successive model year. This additional test data shall be provided not later than three months prior to the new model year. Any test data supplied after that time will apply to the following model year's deterioration factors.

(E) The manufacturer may perform one test prior to 24,000 miles, in addition to any which this subpart or the Administrator requires the manufacturer to conduct before and after maintenance.

(F) Each vehicle shall be tested upon completion of its in-use mileage accumulation, if still functioning.

(vii) In-use mileage accumulation for each vehicle shall continue until the vehicle has reached the end of its useful life as previously determined by the manufacturer. For any vehicle which stops functioning before reaching the end of its useful life, the manufacturer must submit to the Administrator an engineering analysis of why the vehicle stopped functioning. Any emission data from a vehicle which stops functioning before reaching the end of its useful life shall not be included in the calculation of the deterioration factor for the family-system combination if the vehicle's calculated deterioration factor is less than the average deterioration factor for the remaining durability-data vehicles in the combination, unless the manufacturer's engineering analysis demonstrates to the satisfaction of the Administrator that the data is representative.

(6)(i) Upon completion of in-use mileage accumulation for all vehicles in an engine family-control system combination, the emission test results collected during mileage accumulation will be used in the calculation of the in-use deterioration factors in all model years for which certification has not yet been granted. However, the manufacturer may elect to replace the emission test results from the original durability-data fleet with results from an additional fleet.

(ii) At the request of the manufacturer, the Administrator shall select durability-data vehicle configurations for the additional fleet, equal in number to the original fleet. Once notified of the Administrator's selection, the manufacturer may select a specific production vehicle for each configuration from the current model year and begin to accumulate mileage (first Durability Driving Schedule mileage, then in-use mileage) on those engines. The manufacturer shall meet the requirements of this section in conducting this service accumulation.

(iii) The manufacturer is not required to wait until the original fleet completes service accumulation before beginning an additional fleet. Multiple additional fleets are allowed. No two fleets for a single combination may contain vehicles produced in a single model year.

(iv) Emission test results from the original fleet shall be used to calculate all official in-use deterioration factors until an additional fleet has completed service accumulation. Once an additional fleet has done so, emission test results from that additional fleet shall be used to calculate deterioration factors until another additional fleet of later model year vehicles has completed service accumulation.

(7) If the manufacturer states in its application for certification that an engine family-control system combination, for which it seeks a certificate of conformity with applicable standards of § 86.083–9 for the 1983 or 1984 model year will not be produced past the 1984 model year, the Administrator shall waive the requirement for in-vehicle service accumulation for that combination.

(8)(i) The Administrator may waive the requirement for in-use mileage accumulation for a small volume manufacturer (one which meets the requirements of § 86.083–24(e)), for any engine family-control system combination which the Administrator determined may be expected to have exhaust emission deterioration characteristics similar to those of another combination (produced by any manufacturer) which is undergoing or has completed in-vehicle service accumulation. The Administrator will base the determination on the physical similarity of the two combinations and on the service applications to which vehicles belonging to the combinations are commonly put. If the Administrator does waive in-use mileage accumulation, the in-use deterioration factors derived from the other combination (which is undergoing or has completed in-vehicle service accumulation) will be applied to the combination for which the requirement is waived.

(ii) If a manufacturer for which the Administrator has previously waived in-use mileage accumulation under paragraph (c)(8)(i) of this section ceases to be a small volume manufacturer, the Administrator may withdraw the waiver and require the manufacturer to begin in-use mileage accumulation using production engines from the model year in which the manufacturer ceased to be a small volume manufacturer. In-use deterioration factors derived from the other combination (which has been undergoing or has completed in-use mileage accumulation) shall continue to be used until one vehicle in the manufacturer's own fleet has reached the 24,000-mile point.

(9)(i) Data from all emission tests (including voideds tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided

test. The Administrator may require emission tests at points in addition to those specified in this subpart. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.083–23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(10) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, it shall provide such information concerning components used on the vehicle as the Administrator may require and make the vehicle available for such testing under § 86.083–29 as the Administrator may require, before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data later submitted for this vehicle.

(11) Once the manufacturer begins to operate an emission-data or durability-data vehicle, as indicated by compliance with paragraph (c)(1) of this section, it shall continue to run any emission-data vehicle to 4,000 miles plus or minus 250 miles and shall complete the in-use mileage accumulation as required by this section. The manufacturer may not remove a durability-data vehicle from the durability fleet except as required or permitted by this section.

(12)(i) The Administrator may elect to test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (Subparts B and P of this part) will be followed by the Administrator. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(13) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

10. A new § 86.083–28 is proposed to read:

§ 86.083–28 Compliance with emission standards.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles.

(2) The applicable exhaust and fuel evaporative emission standards of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the exhaust emission results of the durability-data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, and exhaust NO_x for each engine-system combination. A separate evaporative emission deterioration factor shall be determined for each evaporative emission family-evaporative emission control system combination from the testing conducted by the manufacturer.

(A) The applicable results to be used in determining the exhaust emission deterioration factors for each engine-system combination shall be:

(1) All valid exhaust emission data from the tests required under § 86.079–26(a)(4) except the zero-mile tests. These shall include the official test results, as determined in § 86.079–29 for all tests conducted on all durability-data vehicles of the combination selected under § 86.079–24(c) (including all vehicles elected to be operated by the manufacturer under § 86.079–24(c)(1)(ii)).

(2) All exhaust emission data from the tests conducted before and after the scheduled maintenance provided in § 86.079–25.

(3) All exhaust emission data from test required by maintenance approved under § 86.079–25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in § 86.078–8 or § 86.079–9, as applicable, or the data will not be acceptable for use in calculaiton of a deterioration factor, unless no applicable data point exceeded the standard. An exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor=Exhaust emissions interpolated to 50,000 miles÷exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTME 29–67.

(C) An evaporative emission deterioration factor shall be determined from the testing conducted as described in § 86.079–21(b)(4)(ii), for each evaporative emission family-evaporative emission control system combination to indicate the evaporative emission level at 50,000 miles relative to the evaporative emission level at 4,000 miles as follows:

Factor=Evaporative emission level at 50,000 miles minus the evaporative emission level at 4,000 miles.

The factor shall be established to a minimum of two places to the right of the decimal.

(ii)(A) The official exhaust emission test results for each emission-data vehicle at the 4,000-mile test point shall be multiplied by the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results for each evaporative emission-data vehicle at the 4,000-mile test points hall be adjusted by addition of the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that

deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraph (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTME 29–67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Every test vehicle of an engine family must comply with the exhaust emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(v) Every test vehicle of an evaporative emission family must comply with the evaporative emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The exhaust emission standards for gasoline-fueled engines in § 86.079–10 or for Diesel engines in § 86.079–11 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of a gasoline-fueled engine which has accumulated 1,500 hours of dynamometer operation or a Diesel engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determing compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data engines for each engine-system combination. Separate factors shall be established for HC, CO, and for the combined emissions of HC and NO_x. For Diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B") and the peak opacity (designated as "C").

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the tests required under § 86.079–26(b). These shall include the official test results, as determined in § 86.079–29, for all tests conducted on all gasoline-fueled durability-data engines of the combination selected under § 86.079–24(c)(2) or on all Diesel durability-data engines of the combination selected under § 86.079–24(c)(3) (including all engines elected to be operated by the manufacturer under § 86.079–24(c)(2)(iii) for gasoline-fueled engines or under § 86.079–24(c)(3)(ii) for Diesel engines).

(*2*) All emission data from the tests conducted before and after maintenance provided in § 86.079–25(c)(2)(i)(A) for gasoline-fueled engines or in § 86.079–25(c)(2)(i)(B) for Diesel engines.

(*3*) All emission data from the tests conducted before and after maintenance provided in § 86.079–25(c)(2)(v)(C) for Diesel engines if emission tests were conducted.

(B) All applicable emission results for (1) HC, (2) CO, (3) HC+NOx, (4) acceleration smoke ("A"), (5) lugging smoke ("B"), and (6) peak smoke ("C") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1,500-hour points for gasoline-fueled engines or the 1,000-hour point for Diesel engines on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 86.079–10 for gasoline-fueled engines or in § 86.079–11 for Diesel engines or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions interpolated to 1,500 hours for gasoline-fueled engines or to 1,000 hours for Diesel engines minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero.)

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to two significant figures in accordance with ASTM E 29–67 for each emission-data engine.

(iv) Every test engine of engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

(c)(1) Paragraph (c) of this section applies to light-duty trucks.

(2) The exhaust and fuel evaporative emission standards of § 86.083–9 apply to the emissions of vehicles for their useful life.

(3) Since emission control efficiency generally decreases with mileage accumulation on the vehicle, deterioration factors will be used in combination with emission-data vehicle test results as the basis for determining compliance with the standards.

(4)(i) Paragraph (c)(4) of this section describes the procedure for determining compliance of a new vehicle with exhaust emission standards, based on preliminary deterioration factors supplied by the manufacturer. The procedure described here shall be used for the first model year for which the manufacturer applies for a certificate of conformity with the standards of § 86.083–9 for an engine family-control system combination. The procedure also shall be used for the following model year if no durability-data vehicle in the combination has accumulated at least 24,000 miles three months prior to the new model year.

(ii) Separate preliminary exhaust emission deterioration factors, determined from tests of vehicles, engines, subsystems, or components conducted by the manufacturer, shall be supplied for each engine-system combination. Separate factors shall be established for transient HC, CO, and NOx, idle HC, idle CO, and exhaust particulate (diesel vehicles only).

(iii) For transient HC, CO, and NOx, idle HC, idle CO, and exhaust particulate (diesel vehicles only), the official exhaust emission results for each emission-data vehicle at the 4,000-mile test point shall be adjusted by multiplication by the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than one, it shall be one for the purposes of this paragraph.

(iv) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(4)(iii) of this section rounded to two significant figures in accordance with ASTM E 29–67 for each emission-data engine.

(5)(i) Paragraph (c)(5) of this section describes the procedure for determining compliance of a new vehicle with exhaust emission standards, based on partial or full results of in-use mileage accumulation. The proceudre described here shall be used for any engine family-control system combination which has been certified to the standards of § 86.083–9 in a previous model year and

for which at least one vehicle in the durability-data fleet has accumulated 24,000 miles three months prior to the new model year.

(ii) Separate emission deterioration factors shall be determined from the emission results collected to date from the durability-data vehicles in each engine-system combination. Separate factors shall be established for transient HC, CO, and NOx, idle HC, idle CO, and exhaust particulate (diesel vehicles only).

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(1) The results of the emission tests conducted on durability-data vehicles after accumulating 4,000 miles according to the Durability Driving Schedule.

(2) The results of all emission tests conducted on durability-data vehicles during in-use mileage accumulation, as required or permitted by § 86.083–26(c)(5)(vi), except those excluded under §§ 86.083–25(b)(l)(ix) or 86.083-26(c)(5)(vii).

(B) All applicable exhaust emission results for (1) transient HC, (2) transient CO, (3) transient NOx, (4) idle HC, (5) idle CO, and (6) exhaust particulate (diesel vehicles only) shall be plotted as a function of accumulated miles. Separate plots shall be made for each durability-data vehicle which has been tested in the 24,000 to 27,000 mileage interval. Emission results for vehicles which have not yet been tested in this interval shall not be used in the calculation of the deterioration factors. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points.

(C) Exhaust emission deterioration factors for each engine contributing emission results to the calculation, for transient HC, CO, and NOx, idle HC, idle CO, and exhaust particulate (diesel vehicles only) shall be calculated by whichever of the following two methods result in the larger factor.

(1) Divide exhaust emissions extrapolated using the best fit straight line (or interpolated if in-use mileage accumulation is complete) to the useful life point of each vehicle by the exhaust emissions interpolated to the 4,000-mile point. A factor less than one shall be set equal to one.

(2) Divide the largest emission test result (or the largest average of results at a single test point if the manufacturer conducted multiple tests at each point) for each vehicle by the result of the test (or the average of the tests) of the vehicle after 4,000 miles of Durability Driving Schedule operation. A factor less than one shall be set equal to one.

(D) The single deterioration factor for each engine family-control system combination, for each of transient HC, CO, and NOx, idle HC, idle CO, and exhaust particulate (diesel vehicles only) shall be the arithmetic mean of the corresponding factors for each vehicle as determined in paragraph (c)(5)(ii)(C) of this section.

(iii) For transient HC, CO, and NOx, idle HC, idle CO, and exhaust particulate (diesel vehicles only), the official exhaust emission results for each emission-data vehicle at the 4,000-mile test point shall be adjusted by multiplication by the appropriate deterioration factor.

(iv) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(5)(iii) of this section rounded to two significant figures in accordance with ASTM E 29–67 for each emission-data vehicle.

(6)(i) Paragraph (c)(6) of this section describes the procedure for determining compliance of a new vehicle with fuel evaporative emission standards. The procedure described here shall be used for all vehicles in all model years.

(ii) The manufacturer shall determine, based on testing described in § 86.083–21(b)(4)(ii), and supply an evaporative emission deterioration factor for each evaporative emission family-evaporative emission control system combination. The factor shall be calculated by subtraction the emission level at 4,000 miles from the emission level at the useful life point.

(iii) The official evaporative emission test results for each evaporative emission-data vehicle at the 4,000-mile test point shall be adjusted by the addition of the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than zero, it shall be zero for the purposes of this paragraph.

(iv) The emission value to compare with the standards shall be the adjusted emission value of paragraph (c)(6)(iii) of this section rounded to two significant figures in accordance with ASTM E 29–67 for each evaporative emission-data vehicle.

(7) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (c)(4)(iv) or (c)(5)(iv) and paragraph (c)(6) of this section, before any vehicle in that family will be certified.

11. A new § 86.083–30 is proposed to read:

§ 86.083-30 Certification.

(a) (1) If after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.078–7(c) and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section. If applicable, the certificate will state which vehicles are certified for sale at high altitude.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the ——— model year production period of the said manufacturer, as defined in 40 CFR 86.079–2.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.078–7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) covered by this certificate, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.078–7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR § 86.079–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.079–30 (c) or (d).

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards except that for gasoline-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family-evaporative emission family combination and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, introduces or delivers for introduction into commerce any light-duty vehicle or light-duty truck, subject to the regulations under the Act, which is not

covered by a certificate of conformity at high altitude issued under this part:

(i) At a designated high-altitude location, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location; or,

(ii) At an other than designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle is intended by the ultimate purchaser to be used principally at a designated high-altitude location.

(5) For the purpose of paragraph (a) of this section, "designated high-altitude location" is any county which has substantially all of its area located above 1,219 meters (4,000 feet) and which is identified below.

Counties Located Substantially Above 1,219 Meters (4,000 feet) in Elevation

State of Arizona

Apache	Navajo

State of Colorado.

Adams	Jefferson
Alamosa	Lake
Arapahoe	La Plata
Archuleta	Larimer
Boulder	Las Antimas
Chaffee	Lincoln
Clear Creek	Mesa
Conejos	Mineral
Costilla	Moffat
Crowley	Montezuma
Custer	Montrose
Dolores	Morgan
Delta	Ouray
Denver	Park
Douglas	Pitkin
Eagle	Pueblo
Elbert	Rio Banco
El Paso	Rio Grande
Fremont	Routt
Garfield	Saguache
Gilpin	San Juan
Grant	San Miguel
Gunnison	Summit
Hinsdale	Teller
Huerfano	Washington
Jackson	Weld

State of Idaho

Bannock	Custer
Bear Lake	Franklin
Bingham	Fremont
Blaine	Jefferson
Bonneville	Madison
Butte	Minidoka
Camas	Oneida
Caribou	Power
Cassia	Teton
Clark	Valley

State of Montana

Beaverhead	Madison
Deer Lodge	Meagher
Gallatin	Park
Jefferson	Silver Bow

State of Nebraska

Banner	Sioux
Kimball	

State of Nevada

Carson City	Lander
Douglas	Lyon
Elko	Mineral
Esmeralda	Storey
Eureka	White Pine
Humboldt	

State of New Mexico

Bernalillo	Mora
Catron	Rio Arriba
Colfax	Sandoval
Curry	San Juan
De Baca	San Miguel
Grant	Santa Fe
Guadalupe	Sierra
Harding	Socorro
Lincoln	Taos
Los Alamos	Torrance
Luna	Union
McKinley	Valencia

State of Oregon

Lake

State of Utah

Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	San Juan
Daggett	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Grand	Uintah
Iron	Utah
Juab	Wasatch
Kane	Wayne
Millard	Weber
Morgan	

State of Wyoming

Albany	Natrona
Carbon	Niobrara
Converse	Park
Fremont	Platte
Goshen	Sublette
Hot Springs	Sweetwater
Johnson	Teton
Laramie	Uinta
Lincoln	Weston

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light-duty vehicle or light-duty truck, sold, offered for sale, introduced, or delivered for introduction into commerce in California, provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

(7) Certificates issued for light-duty vehicles or light-duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for the importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

(8) Certificates issued for incomplete light-duty trucks shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For incomplete light-duty trucks, this certificate covers only those new motor vehicles which when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in 40 CFR 86.079–21(d)."

(9) Certificates issued for heavy-duty engines shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For heavy-duty engines, this certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in 40 CFR 86.079–2."

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards by observing the following relationships:

(i) *Light-duty vehicles.* (A) The durability-data vehicle(s) selected under § 86.079–24(c)(1)(i) shall represent all vehicles of the same engine-system combination.

(B) The emission-data vehicle(s) selected under § 86.079–24 (b)(1)(ii), (b)(1)(iii), and (b)(1)(iv) shall represent all vehicles of the same engine-system combination as applicable to be sold below 4,000 ft.

(C) The emission-data vehicle(s) selected under § 86.079–24(b)(1)(ii)(A) and (b)(i)(vii)(B) shall represent all vehicles of the same evaporative control system within the evaporative family, as applicable, to be sold below 4,000 ft.

(D) The emission-data vehicle(s) selected under § 86.079–24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(E) The emission-data vehicle(s) selected under § 86.079–24(b)(1)(vii)(D) shall represent all vehicles of the same evaporative control system within the evaporative family sold at high altitude.

(ii) *Gasoline-fueled heavy-duty engines.* (A) A test engine selected under § 86.079–24(b)(2) (ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A test engine selected under § 86.079–24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A test engine selected under § 86.079–24(c)(2)(i) shall represent all engines of the same engine-system combination.

(iii) *Diesel heavy-duty engines.* (A) A test engine selected under § 86.079–24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(B) A test engine selected under § 86.079–24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engines.

(C) A test engine selected under § 86.078–24(c)(3)(i) shall represent all engines of the same engine-system combination.

(iv) *Light-duty trucks.* (A) The durability-data vehicles selected under § 86.083–24(c)(4)(ii) shall together represent all engines of the same engine-system combination.

(B) The emission-data vehicle(s) selected under § 86.083–24 (b)(1)(ii), (b)(1)(iii), and (b)(1)(iv) shall represent all vehicles of the same engine-system combination as applicable to be sold below 4,000 ft.

(C) The emission-data vehicle(s) selected under § 86.083–24(b)(1)(vii)(A) and (b)(i)(vii)(B) shall represent all vehicles of the same evaporative control system within the evaporative family, as applicable, to be sold below 4,000 ft.

(D) The emission-data vehicle(s) selected under § 86.083–24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(E) The emission-data vehicle(s) selected under § 86.083–24(b)(1)(vii)(D) shall represent all vehicles, of the same evaporative control system within the evaporative family sold at high altitude.

(2) The administrator will proceed as in paragraph (a) of this section with respect to the vehicles (or engines) belonging to an engine family or engine family-evaporative emission family combination (as applicable), all of which comply with all applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.079–29, data or information derived from any inspection carried out under § 86.078–7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(4) For light-duty vehicles and light-duty trucks the manufacturer may, at his option, proceed with any of the following alternatives with respect to an emission-data vehicle determined not in compliance with all applicable standards for which it was tested:

(i) Request a hearing under § 86.078–6; or

(ii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed, from his application;

(A) If the failed vehicle was tested for compliance with exhaust emission standards only: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle to be tested for exhaust emission compliance only.

(B) If the failed vehicle was tested for compliance with both exhaust and evaporative emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle which will be tested for compliance with both exhaust and evaporative emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two vehicles may be selected (i.e., one vehicle to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicle selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed from the application and add a vehicle configuration(s), (or evaporative vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative emission code, as applicable) and demonstrate by testing that it meets applicable standards for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in § 86.079–24(b), a new emission-data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicles selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards for which it was originally tested. The Administrator may require a new emission-data vehicle, of identical vehicle configuration (or evaporative vehicle configuration, as applicable) to the failed vehicle, to be operated and tested for compliance with the applicable standards for which the failed vehicle was originally tested.

(5) For heavy-duty engines the manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 86.078–6; or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 86.079–32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(6) If the manufacturer does not request a hearing or present the required data under paragraphs (b)(4) or (b)(5)

(as applicable) of this section, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) (or certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this part with respect to such vehicle (or engine);

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.078–7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or buildup into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in (C) of this subdivision;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above;

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.078–7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(v) [Reserved]

(i) The manufacturer fails to select light-duty truck durability-data vehicles of the appropriate engine family-control system combination within two months of the start of production of the appropriate configuration(s) as required by § 86.083–24(c)(4)(ii), or the manufacturer fails to place the durability-data vehicles into service within one month of selection, as required by § 86.083–26(c)(5)(i).

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii) or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.078–7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.078–6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6)The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.078–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue he will grant the request with respect to such issue.

(d)(1) Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.603; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.603; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.609; or

(iv) The manufacturer renders inaccurate any test data which he submits pursuant to § 86.609; or

(v) Any EPA Enforcement Officer is denied access to a facility on the terms specified in § 86.606; or

(vi) Any EPA Enforcement Officer is denied the opportunity on the terms specified in § 86.606 to:

(A) Monitor vehicle selection pursuant to § 86.607; or

(B) Select vehicles for testing pursuant to § 86.607; or

(C) Monitor vehicle testing performed to satisfy any of the requirements of this part; of

(vii) Any EPA Enforcement Officer is denied "reasonable assistance" as defined in § 86.606 in examining any of the items listed in that section; or

(viii) The manufacturer refuses to comply with the requirements of §§ 86.604(a), 86.605, and 86.607, 86.608, 86.610, or 86.611

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (d)(1) (i), (ii), or (viii) of this section where such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but not be limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanctions of suspending a certificate may be imposed for the reasons in paragraphs (d)(1) (iii), (iv), (v), (vi), or (vii) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of

conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.606 in fact occurred, the manufacturer, if he wishes to contend that even though the voiolation occurred, the vehicle configuration or engine family in question was not involved in the violation to the degree that would warrant suspension of certification under either paragraph (d)(1)(v), (d)(1)((vi), or (d)(1)(vii) of this secton, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.613 hereof, and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

12. A new § 86.083-35 is proposed to read:

§ 86.083-35 Labeling.

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards of this subpart, shall at the time of manufacturing, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.083-30(a).

(1) *Light-duty vehicles.* (i) A permanent, legible label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity from such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The lable shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches), engine, family identification and evaporative family identification;

(D) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable) as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation;

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles oir light-duty trucks;

(F) The altitude at which the vehicle is intended for sale to the public as specified by a certificate of conformity under § 86.079-30.

(2) *Heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The lable shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family and model designations;

(D) Date of engine manufacture (month and year);

(E) Engine specifications and adjustments as recommended by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) For gasoline-fueled engines the lable should include the idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash.

(G) For Diesel engines the label should include the advertised hp. at rpm fuel rate at advertised hp. in mm ^{3}/stroke, valve lash, initial injection timing, and idle speed.

(H) An unconditional statement of compliance with the appropriate model year (e.g. 1979) U.S. Environmental Protection Agency regulations applicable to heavy-duty engines.

(iv) The label may be made up of one or more pieces: *Provided,* That all pieces are permanently attached to the same engine or vehicle part as applicable.

(3) *Light-duty trucks.* (i) A legible, permanent label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Important Vehicle Information;

(B) Full corporate name and trademark of manufactuer;

(C) Engine displacement (in cubic inches) and engine family identification;

(D) Engine tuneup specifications and adjustments, as recommended by the manufacturer to the ultimate purchaser, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable) as well as other parameters deemed necessary by the manfacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation. If a manufacturer provides tuneup specifications and adjustments for its vehicle for operation at an altitude other than that at which compliance was demonstrated, e.g., adjustments for operation below 1,219 meters for vehicles which demonstrated compliance at elevations above 1,219 meters, the manufacturer may either include these specifications and adjustments on its engine compartment label, or may indicate on the label where these adjustments might be

found, i.e., by reference to the owner's manual or shop manual.

(E) The prominent statement: "(Manufacturer's corporate name) has determined that this vehicle has an average useful life before retirement or engine replacement or rebuild of miles or hours of operation, whichever occurs first. This vehicle conforms to U.S. EPA regulations applicable to 19 Model Year New Light-Duty Trucks, for this period." The manufacturer may alter this statement only to express the useful life in terms other than miles or hours (e.g., years, or hours only).

(F) The altitude at which the vehicle has demonstrated compliance with the applicable emission standards as specified by the certificate of conformity issued under § 86.083–30. (An example of an acceptable statement is: "Compliance demonstrated above/below 4,000 feet.")

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable State emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

(c)(1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards of this subpart shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 40 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The Heading: "Vehicle Emission Control Information".

(ii)(A) *For light-duty vehicles,* the statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 19 Model Year New Motor Vehicles."

(B) *For light-duty trucks,* the statement: "Manufacturer's Corporate Name Has Determined That This Vehicle Has an Average Useful Life Before Retirement or Engine Replacement or Rebuild of Miles or Hours of Operation, Whichever Occurs First. This Vehicle Conforms to U.S. EPA Regulations Applicable to 19 Model Year New Motor Vehicles, for This Period." The manufacturer may alter this statement only to express the useful life in terms other than miles or hours (e.g., years, or hours only.)

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii) of this section.

(d) Incomplete light-duty trucks or incomplete heavy-duty vehicles optionally certified as light-duty trucks shall have the following statement printed on the label required in paragraph (a)(3) of this section in lieu of the statement required by paragraph (a)(3)(iii)(E) of this section: "(Manufacturer's corporate name) has determined that this vehicle has an average useful life before retirement or engine replacement or rebuild of —— miles or —— hours of operation, whichever occurs first. This vehicle conforms to U.S. EPA regulations applicable to 19— Model Year New Motor Vehicles when completed at a maximum curb weight of —— pounds and a maximum frontal area of —— square feet, for this period."

(e) Incomplete heavy-duty vehicles having an 8,500 pound gross vehicle weight rating or less shall have the following statement printed on the label required in paragraph (a)(2) or (a)(3) of this section in lieu of the statement required by paragraph (a)(2)(iii)(F) or (a)(3)(iii)(F) of this section: "This engine conforms to U.S. EPA regulations applicable to 19— Model Year New Heavy-Duty Engines when installed in a vehicle completed at a curb weight of more than 6,000 pounds or with a frontal area greater than 46 square feet."

(f) The manufacturer of any incomplete vehicle shall notify the purchaser of such vehicle of any curb weight, frontal area, or gross vehicle weight rating limitations affecting the emissions certificate applicable to that vehicle. This notification shall be transmitted in a manner consistent with National Highway Traffic Safety Administration safety notification requirements published in 49 CFR part 568.

13. A new § 86.083–38 is proposed to read:

§ 86.083–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle (or motor vehicle engine) subject to the standards prescribed in §§ 86.078–8, 86.079–9, 86.079–10, or 86.079–11, as applicable, written instructions for the maintenance and use of the vehicle (or engine) by the purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

(c) *For gasoline-fueled light-duty vehicles.* (1) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.079–25(a)(2) or § 86.079–25(b)(2) as applicable, and shall explain the conditions under which EGR system and catalytic converter maintenance are to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the

vehicle to meet emissions standards when operated at high altitude.

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(d) *For diesel light-duty vehicles.* (1) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(e) For gasoline-fueled heavy-duty engines, such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.079–25(c)(2). Scheduled maintenance in addition to that performed on the durability-data engine under § 86.079–25(c)(2) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1,500 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis and/or mileage basis in addition to the engine service time basis that was followed by the manufacturer under § 86.079–25(c)(2).

(f) For Diesel heavy-duty engines, such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.079–25(c)(2). Scheduled maintenance in addition to that performed on the durability-data engine under § 86.079–25(c)(2) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1,000 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis, mileage basis, engine service time basis, or combinations of each.

(g) *For light-duty trucks.* (1) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.083–25(b), and shall explain the conditions under which maintenance to emission-related components for which visual signals are employed is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(2) [Reserved]

(3) Such instructions shall specify the useful life of the vehicle as determined by the manufacturer. This useful life shall be expressed as a period of vehicle operation or as an equivalent vehicle mileage (or both). The manufacturer shall also include in the instructions an explanation of the method(s) used to determine the useful life of the vehicle. The explanation shall be in clear, nontechnical language that is understandable to the ultimate purchaser.

14. The existing § 86.601 of Subpart G is proposed to be amended to read:

86.601 Applicability.

The provisions of this subpart are applicable to all model year gasoline-fueled and diesel light-duty vehicles and are applicable to all gasoline-fueled and diesel light-duty trucks produced up until the end of the 1982 model year.

15. A new Subpart K is proposed to be added to Part 86 and reads as follows:

Note.—This proposed subpart is concerned only with regulations for light-duty trucks. EPA has previously proposed this subpart for heavy-duty engines in an independent Notice of Proposed Rulemaking.[1] However, for the purposes of the present proposed rulemaking, references to heavy-duty engines may be disregarded.

Subpart K—Selective Enforcement Auditing and Production Compliance Auditing of New Gasoline-Fueled and Diesel Heavy-Duty Engines and Light-Duty Trucks

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Appendix X—Sampling Plans for Initial Selective Enforcement Auditing of Heavy-Duty Engines and Light-Duty Trucks.

Authority.—Secs. 206, 208, 301(a) of the Clean Air Act as amended (42 U.S.C. 7525, 7542, 7601(a)).

Subpart K—Selective Enforcement Auditing and production Compliance Auditing of New Gasoline-Fueled and Diesel Heavy-Duty Engines and Light-Duty Trucks

§ 86.1001–83 Applicability.

The provisions of this subpart are applicable for 1983 and later model year gasoline-fueled and diesel heavy-duty engines and light-duty trucks.

§ 86.1002–83 Definitions.

(a) The definitions in this section apply to this subpart.

(b) As used in this subpart, all terms not defined herein have the meaning given them in the Act.

"Acceptable Quality Level" (AQL) means the maximum percentage of failing engines that, for purposes of sampling inspection, can be considered satisfactory as a process average.

"Compliance level" means the emissions level at the 90th percentile point for a population of heavy-duty engines or light-duty trucks subject to Production Compliance Audit testing pursuant to this subpart. A compliance level can be determined for each pollutant for which an upper limit has been established.

"Configuration" means a subclassification, if any, of a heavy-duty engine family for which a separate projected sales figure is listed in the manufacturer's Application for Certification and which can be described on the basis of emission control system, governed speed, injector size, engine calibration, and other parameters which may be designated by the Administrator, or a subclassification of a light-duty truck engine family-emission control system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, rear axle ratio, and other parameters

[1] See 44 FR 9464, February 13, 1979.

which may be designated by the Administrator.

"In the Hands of the Manufacturer" means that heavy-duty engines or light-duty trucks are still in the possession of the manufacturer and have not had their bills of lading transferred to another person for the purpose of transporting.

"Upper limit" means the emission level for a specific heavyduty engine or light-duty truck pollutant beyond which certification for that engine or truck cannot be granted or for which the certificate of conformity can be suspended or revoked. The upper limits will be established by amendments to this part.

§ 86.1003-83 Test orders.

(a) The Administrator shall require any testing under this subpart by means of a test order addressed to the manufacturer.

(b) The test order will be signed by the Assistant Adminstrator for Enforcement or his designee. The test order will be delivered in person by an EPA Enforcement Officer to a company representative or sent by registered mail, return receipt requested, to the manufacturer's representative who signs the Application for Certification submitted by the manufacturer pursuant to the requirements of the applicable sections of Subpart A of this part. Upon receipt of a test order, the manufacturer shall comply with all of the provisions of this subpart and instructions in the test order.

(c) The test order will specify the engine or vehicle configuration selected for testing, the manufacturer's vehicle or engine assembly plant or associated storage facility from which the engines or vehicles must be selected, the time and location at which engines or vehicles must be selected, and the procedure by which engines or vehicles of the specified configuration must be selected. The test order may include alternative configurations to be selected for testing in the event that engines or vehicles of the first specified configuration are not available for testing because those engines or vehicles are not being manufactured at the specified assembly plant, not being manufactured during the specified time, or not being stored at the specified assembly plant or associated storage facility. In addition, the test order may include other directions or information essential to the administration of the required testing.

(d) A manufacturer may submit a list of engine families and the corresponding assembly plants or associated storage facilities from which the manufacturer prefers to have engines or vehicles selected for testing in response to a test order. In order that a manufacturer's preferred location be considered for inclusion in a test order for a configuration of a particular engine family, the list must be submitted prior to issuance of the test order. Notwithstanding the fact that a manufacturer has submitted the above list, the Administrator may order selection at other than a preferred location.

(e) Upon receipt of a test order, a manufacturer shall proceed in accordance with the provisions of this subpart.

(f)(1) During a given model year, the Administrator shall not issue to a manufacturer more Selective Enforcenment Auditing (SEA) test orders than an annual limit determined by the following:

(i) For heavy-duty gasoline engine manufacturers, the number determined by dividing the projected heavy-duty gasoline engine sales for that year, as made by the manufacturer in its Application for Certification, by 30,000 and rounding to the nearest whole number, unless the projected sales are less than 15,000, in which case the number is one;

(ii) For heavy-duty diesel engine manufacturers, the number determined by dividing the projected heavy-duty diesel engine sales for that year, as made by the manufacturer in its Application for Certification, by 10,000 and rounding to the nearest whole number, unless the projected sales are less than 5,000, in which case the number is one;

(iii) For manufacturers producing both gasoline and diesel heavy-duty engines, the numbers determined by applying paragraphs (f)(1)(i) and (f)(1)(ii) of this section apply individually for heavy-duty gasoline and diesel engines; or

(iv) For manufacturers of light-duty trucks, either gasoline-fueled or diesel, the number determined by dividing the projected light-duty truck sales for that model year, as made by the manufacturer in its Application for Certification, by 300,000 and rounding to the nearest whole number, unless the projected sales are less than 150,000, in which case the number is one.

(2) Any SEA test order for which the configuration fails in accordance with § 86.1010-83 or for which testing is not completed will not be counted against the annual limit.

(3) SEA test orders issued on the basis of any evidence which indicates noncompliance of a configuration with the AQL will not count toward the annual limit. An SEA test order issued on this basis will include a statement as to the reason for its issuance.

§ 86.1004-83 Testing by the Administrator.

(a) The Administrator may require by test order that engines or vehicles of a specified configuration be selected in a manner designated by him and submitted to him at such place as he may designate for the purpose of conducting emission tests. These tests will be conducted in accordance with § 86.1008-83 of these regulations to determine whether engines or vehicles manufacturered by the manufacturer conform with the regulations with respect to which the certificate of conformity was issued.

(b)(1) Whenever the Administrator conducts a test on a test engine or vehicle or the Administrator and manufacturer each conduct a test on the same test engine or vehicle, the results of the Administrator's test will comprise the official data for that engine or vehicle.

(2) Whenever the manufacturer conducts all tests on a test engine or vehicle, the manufacturer's test data will be accepted as the official data: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section that there is a substantial lack of agreement between the manufacturer's test results and the Administrator's test results, no manufacturer's test data from the manufacturer's test facility will be accepted for purposes of this subpart.

(c) In the event that testing conducted under paragraph (a) of this section demonstrates a lack of agreement under paragraph (b)(2) of this section, the Administrator shall—

(1) Notify the manufacturer in writing of his determination that the test facility is inappropriate for conducting the tests required by this subpart and the reasons therefor; and

(2) Reinstate any manufacturer's data upon a showing by the manufacturer that the data acquired under paragraph (a) of this section was erroneous and the manufacturer's data was correct.

(d) The manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(2) of this section based on data or information which indicates that changes have been made to the test facility and these changes have resolved the reasons for disqualification.

§ 86.1005-83 Maintenance of records; submittal of information.

(a) The manufacturer of any new gasoline-fueled or diesel heavy-duty engine or light-duty truck subject to any of the provisions of this subpart shall establish, maintain, and retain the following adequately organized and indexed records:

(1) *General records.* A description of all equipment used to test engines or vehicles in accordance with § 86.1008-83 pursuant to a test order issued under this subpart, specifically—

(i) If testing heavy-duty gasoline engines, the equipment requirements specified in §§ 86.1306-83 and 86.1506-83 of this part;

(ii) If testing heavy-duty diesel engines, the equipment requirements specified in §§ 86.1306-83, 86-1506-83, 86-879-6, 86.879-8, and 86.879-9 of this part;

(iii) If testing heavy-duty gasoline-fueled trucks, the equipment requirements specified in §§ 86.106 (excluding all references to evaporative and particulate emission testing) and 86.1506-83 of this part; and

(iv) If testing light-duty diesel trucks, the equipment requirements specified in §§ 86.106 (excluding all references to evaporative emission testing) and 86.1506-83 of this part.

(2) *Individual records.* These records pertain to each audit conducted pursuant to this subpart.

(i) The location where audit testing was performed;

(ii) The number of hours of service accumulated on the engine or the number of miles on the vehicle when the test began and ended;

(iii) The names of all personnel, including supervisory personnel, involved in the conduct of the test;

(iv) A record and description of any repairs performed prior to and/or subsequent to approval by the Administrator, giving the date and time of the repair, the reason for it, the person authorizing it, and the names of all personnel involved in the supervising and performance of the repair;

(v) The date when the engine or vehicle was shipped from the assembly plant or associated storage facility and when it was received at the testing facility;

(vi) A complete record of all emission tests performed pursuant to this subpart (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each test, or exact copies thereof, specifically—

(A) If testing heavy-duty gasoline engines, the record requirements specified in §§ 86.1342-83 and 86.1542-83 of this part;

(B) If testing heavy-duty diesel engines, the record requirements specified in §§ 86.1342-83, 86.1542-83, and 86.879-10;

(C) If testing light-duty gasoline-fueled trucks, the record requirements specified in §§ 86.142 (excluding all references to diesel vehicles) and 86.1542-83; and

(D) If testing light-duty diesel trucks, the record requirements specified in §§ 86.142 and 86.1542-83; and

(vii) A brief description of any significant audit events commencing with the test engine or vehicle selection process, but not described by any subparagraph under paragraph (a)(2) of this section, including such extraordinary events as engine damage during shipment or vehicle accident.

(3) The manufacturer shall record test equipment description, pursuant to paragraph (a)(1) of this section, for each test cell that can be used to perform emission testing under this subprt.

(b) The manufacturer shall retain all records required to be maintained under this subpart for a period of one (1) year after completion of all testing in response to a test order. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending upon the manufacturer's record retention procedure: *Provided,* That in every case all the information contained in the hard copy is retained.

(c) Heavy-duty engine or light-duty truck manufacturers shall submit to the Administrator on a quarterly basis no later than thirty days after the close of each calendar quarter all emission data, whether or not from FTP testing, from testing of production engines or vehicles. The manufacturer shall provide the following information with respect to these engines or vehicles:

(1) Description of quality audit or other program under which production engines or vehicles are tested including a description of sampling plans, method of sample selection, sampling rates, and emissions test employed.

(2) EPA engine family.

(3) Engine or vehicle identification number.

(4) Configuration.

(5) Engine or vehicle model year and build date.

(6) Number of hours of service accumulated on engine or number of miles on vehicle prior to testing.

(7) Description of any preparation, maintenance, modification or repair on test engines or vehicles.

(8) Emission test results for each valid test. If the above information is available on Automatic Data Processing (ADP) equipment, the manufacturer shall submit the information on an ADP storage device such as magnetic tape, magnetic disc, punched cards, etc. EPA shall return ADP equipment submitted by the manufacturer or, upon a request by the manufacturer, furnish the necessary ADP storage devices. Information submitted once need not be submitted again if there are no subsequent changes.

(d) Pursuant to a request made by the Administrator, the manufacturer shall submit to him the following information with regard to engine or vehicle production:

(1) Number of engines or vehicles, by configuration and assembly plant, scheduled for production for the time period designated in the request.

(2) Number of engines or vehicles, by configuration and assembly plant, produced during the time period designated in the request which are complete for introduction into commerce.

(e) Nothing in this section limits the Administrator's discretion in requiring the manufacturer to retain additional records or submit information not specifically required by this section.

(f) The manufacturer shall address all reports, submissions, notifications, and requests for approvals made under this subpart to:

Director, Mobile Source Enforcement Division, U.S. Environmental Protection Agency, EN-340, 401 M Street S.W., Washington, D.C. 20460.

§ 86.1006-83 Entry and access.

(a) To allow the Administrator to determine whether a manufacturer is complying with the provisions of this subpart and a test order issued thereunder, EPA Enforcement Officers are authorized to enter during operating hours and upon presentation of credentials any of the following:

(1) Any facility where any engine or vehicle to be introduced into commerce or any emission related component is manufactured, assembled, or stored;

(2) Any facility where any tests conducted pursuant to a test order or any procedures or activities connected with these tests are or were performed;

(3) Any facility where any engine or vehicle which is being tested, was tested, or will be tested is present; and

(4) Any facility where any record or other document relating to any of the above is located.

(b) Upon admission to any facility referred to in subsection (a) of this section, EPA Enforcement Officers are authorized to perform the following inspection-related activities:

(1) To inspect and monitor any aspects of engine or vehicle manufacture, assembly, storage, testing and other procedures, and the facilities in which these procedures are conducted;

(2) To inspect and monitor any aspect of engine or vehicle test procedures or activities, including, but not limited to, monitoring engine or vehicle selection, preparation, service or mileage accumulation, preconditioning, emission test cycles, and maintenance; and to verify calibration of test equipment;

(3) To inspect and make copies of any records or documents related to the assembly, storage, selection and testing of an engine or vehicle in compliance with a test order; and

(4) To inspect and photograph any part or aspect of any engine or vehicle and any component used in the assembly thereof that is reasonably related to the purpose of the entry.

(c) EPA Enforcement Officers are authorized to obtain reasonable assistance without cost from those in charge of a facility to help them perform any function listed in this subpart and are authorized to request the recipient of a test order to make arrangements with those in charge of a facility operated for its benefit to furnish reasonable assistance without cost of EPA whether or not the recipient controls the facility.

(d) EPA Enforcement Officers are authorized to seek a warrant or court order authorizing the EPA Enforcement Officers to conduct activities related to entry and access as authorized in this section, as appropriate, to execute the functions specified in this section. EPA Enforcement Officers may proceed *ex parte* to obtain a warrant whether or not the Enforcement Officers first attempted to seek permission of the recipient of the test order or the party in charge of the facilities in question to conduct activities related to entry and access as authorized in this section.

(e) A recipient of a test order shall permit EPA Enforcement Officers who present a warrant or court order as described in paragraph (d) of this section to conduct activities related to entry and access as authorized in this section and as described in the warrant or court order. The recipient shall cause those in charge of its facility or a facility operated for its benefit to permit EPA Enforcement Officers to conduct activities related to entry and access as authorized in this section pursuant to a warrant or court order whether or not the recipient controls the facility. In the absence of such a warrant or court order, EPA Enforcement Officers may conduct activities related to entry and access as authorized in this section only upon the consent of the recipient of the test order or the party in charge of the facilities in question.

(f) It is not a violation of this Part or the Clean Air Act for any person to refuse to permit EPA Enforcement Officers to conduct activities related to entry and access as authorized in this section without a warrant or court order.

(g) A manufacturer is responsible for locating its foreign testing and manufacturing facilities in jurisdictions in which local foreign law does not prohibit EPA Enforcement Officers from conducting the entry and access activities specified in this section. EPA will not attempt to make any inspections which it has been informed that local foreign law prohibits.

(h) For purposes of this section, the following definitions are applicable:

(1) "Presentation of Credentials" means display of the document designating a person as an EPA Enforcement Officer.

(2) Where engine or vehicle storage areas or facilities are concerned, "operating hours" means all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(3) Where facilities or areas other than those covered by paragraph (h)(2) of this section are concerned, "operating hours" means all times during which an assembly line is in operation, engine or vehicle assembly is taking place, testing, repair, service accumulation, preparation or compilation of records is taking place, or any other procedure or activity related to engine or vehicle manufacture, assembly or testing is being carried out in a facility.

(4) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpreting and translating services, and the making available on an EPA Enforcement Officer's request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his or her questions. Any employee whom an EPA Enforcement Officer requests the manufacturer to cause to appear for questioning will be entitled to be accompanied, represented and advised by counsel.

§ 86.1007-83 Sample selection.

(a) Engines or vehicles comprising a test sample which are required to be tested, pursuant to a test order issued in accordance with this subpart, will be selected at the location and in the manner specified in the test order. If a manufacturer determines that the test engines or vehicles cannot be selected in the manner specified in the test order, an alternative selection procedure may be employed: *Provided*, that the manufacturer requests approval of the alternative procedure in advance of the start of test sample selection and that the Administrator approves the procedure.

(b) The manufacturer shall have assembled the test engines or vehicles of the configuration selected for testing using its normal mass production processes for engines or vehicles to be distributed into commerce. In the case of heavy-duty engines, if the test engines are selected at a location where they do not have their operational and emission control system installed, the test order will specify the manner and location for selection of components to complete assembly of the engines and the manner in which assembly is to be completed.

(c) No quality control, testing, or assembly procedures will be used on the completed test engine or vehicle or any portion thereof, including parts and subassemblies, that will not be used during the production and assembly of all other engines or vehicles of that configuration: *Except*, That the Administrator may approve a deviation in the normal assembly procedures for heavy-duty engines pursuant to paragraph (b) of this section.

(d) The test order may specify that EPA Enforcement Officers, rather than the manufacturer, will select the test engines or vehicles according to the method specified in the test order.

(e) The test order will specify the order in which test results are to be used in applying the sampling plan.

(f) The manufacturer shall keep on hand all untested engines or vehicles, if any, comprising the test sample until such time as a pass or fail decision is reached in accordance with § 86.1010-83(d) or § 86.1011-83(d) or until such time as the compliance level is determined in accordance with § 86.1011-83(g), whichever is applicable.

§ 86.1008-83 Test procedures.

(a)(1) For heavy-duty engines, the prescribed test procedure is the Federal Test Procedure as described in Subparts N, I, and P of this Part.

(2) For light-duty trucks, the prescribed test procedure is the Federal Test Procedure as described in Subparts B and P of this part. The manufacturer shall not perform the evaporative emission test procedure contained in Subpart B.

(b)(1) The manufacturer shall not adjust, repair, prepare, or modify the

engines or vehicles selected for testing and shall not perform any emission tests on engines or vehicles selected for testing pursuant to the test order unless this adjustment, repair, preparation, modification, and/or tests are documented in the manufacturer's engine or vehicle assembly and inspection procedures and are actually performed or unless these adjustments and/or tests are required or permitted under this subpart or are approved in advance by the Administrator.

(2) For 1983 and later model years the Administrator may adjust or cause to be adjusted any engine parameter which the Administrator has determined to be subject to adjustment for certification, Selective Enforcement Audit and Production Compliance Audit testing in accordance with § 86.083–22(e)(1), to any setting within the physically adjustable range of that parameter, as determined by the Administrator in accordance with § 86.083–22(e)(3)(ii), prior to the performance of any tests. However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to any setting which causes a lower engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter if the manufacturer had accumulated 125 hours of service on the engine or 4,000 miles on the vehicle under paragraph (c) of this section, all other parameters being identically adjusted for the purpose of the comparison. The Administrator, in making or specifying these adjustments, may consider the effect of the deviation from the manufacturer's recommended setting on emissions performance characteristics as well as the likelihood that similar settings will occur on in-use heavy-duty engines or light-duty trucks. In determining likelihood, the Administrator may consider factors such as, but not limited to, the effect of the adjustment on engine or vehicle performance characteristics and surveillance information from similar in-use engines or vehicles.

(c) The manufacturer may accumulate up to 125 hours of service on each selected engine or 4,000 miles on each vehicle prior to performing exhaust emission testing. Service accumulation may be performed in any manner the manufacturer desires.

(1) The manufacturer shall accumulate service at a minimum rate of 16 hours or mileage at a minimum rate of 300 miles during each 24-hour period, unless otherwise provided by the Administrator.

(2) Service or mileage accumulation shall be performed on a sufficient number of test engines or vehicles during each 24-hour period to assure that the number of engines or vehicles tested per day fulfills the requirements of paragraph (g) of this section.

(d) No maintenance shall be performed on test engines or vehicles after selection for testing nor will any test engine or vehicle substitution or replacement be allowed, unless requested of the Administrator by the manufacturer and approved by the Administrator in advance of the performance of any maintenance or engine or vehicle substitution.

(e) The manufacturer shall expeditiously ship test engines or vehicles from the point of selection to the test facility. If the test facility is not located at or in close proximity to the point of selection, the manufacturer shall assure that test engines or vehicles arrive at the test facility within 24 hours of selection: *Except,* That the Administrator may approve more time based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) In the event that an engine or vehicle is incapable of completing the service or mileage accumulation or emission tests because of engine or vehicle malfunction, the manufacturer may request that the Administrator authorize the repair or replacement of the engine or vehicle. Any replacement engines or vehicles will be selected in a manner prescribed in the test order.

(g) Within one working day of receipt of the test order, the manufacturer shall notify the Administrator which test facility will be used to comply with the test order. If no test cells are available at a desired facility, the manufacturer must provide alternate testing capability satisfactory to the Administrator.

(1) Heavy-duty gasoline engine manufacturers with projected annual sales of 30,000 or greater, and heavy-duty diesel engine manufacturers with projected annual sales of 10,000 or greater, as made in their respective Applications for Certification, shall complete emission testing at their testing facility on a minimum of two engines per 24 hour period, including voided tests.

(2) Heavy-duty gasoline engine manufacturers with projected annual sales of less than 30,000, and heavy-duty diesel engine manufacturers with projected annual sales of less than 10,000, as made in their respective Applications for Certification, shall complete emission testing at their testing facility on a minimum of one engine per 24 hour period, including voided tests.

(3) Light-duty truck manufacturers shall complete emission testing on a minimum of four vehicles per 24-hour period, including voided tests.

(4) The Administrator may approve a longer period of time for conducting emission tests based upon a request by a manufacturer accompanied by a satisfactory justification.

(h) The manufacturer shall perform test engine or vehicle selection, shipping, service accumulation, and testing in such a manner as to assure that the audit is performed in an expeditious manner.

(i) The manufacturer may retest any engines or vehicles tested during a Selective Enforcement Audit once a fail decision for the audit has been reached in accordance with § 86.1010–83(d) based on the first test on each engine or vehicle. The manufacturer may test each engine or vehicle a total of three times. The manufacturer shall test each engine or vehicle the same number of times. The manufacturer may accumulate additional service or mileage before conducting a retest, although the total amount of service accumulation on each heavy-duty engine prior to testing shall not exceed 125 hours and the mileage on each light-duty truck shall not exceed 4,000 miles.

§ 86.1009–83 Calculation and reporting of test results.

(a) Initial test results are calculated following the Federal Test Procedure specified in paragraph (a) of § 86.1008–83.

(b) Final test results are calculated by summing the initial test results derived in paragraph (a) of this section for each test engine or vehicle, dividing by the number of tests conducted on the engine or vehicle, and rounding in accordance with ASTM E29–67 to two places to the right of the decimal point.

(c) *Final deteriorated test results.* For the purpose of this paragraph, if a deterioration factor as computed during the certification process is less than one, that deterioration factor is equal to one.

(1) The final deteriorated test results for each heavy-duty engine or light-duty truck tested according to Subpart B, N, or P of this Part are calculated by mulitplying the final test results by the appropriate deterioration factor, derived from the certification process for the engine family-control system combination and model year for the selected configuration to which the test engine belongs.

(2) The final deteriorated test results for each heavy-duty engine tested

according to Subpart I of this Part are calculated by adding the appropriate deterioration factor, derived from the certification process for the engine family-control system combination and model year for the selected configuration to which the test engine belongs, to the final test results.

(3) The final deteriorated test results are rounded to two significant figures in accordance with ASTM E29-67.

(d) Within five working days after completion of testing of all engines or vehicles pursuant to a test order, the manufacturer shall submit to the Administrator a report which includes the following information:

(1) The location and description of the manufacturer's exhaust emission test facilities which were utilized to conduct testing reported pursuant to this section;

(2) The applicable standards against which the engines or vehicles were tested;

(3) Deterioration factors for the engine family to which the selected configuration belongs;

(4) A description of the engine or vehicle and any emission-related component selection method used and the name of the manufacturer's representative in charge of the selection process;

(5) for each test conducted,

(i) Test engine or vehicle description, including:

(A) Configuration and engine family identification,

(B) Year, make and build date,

(C) Engine or vehicle identification number, and

(D) Number of hours of service accumulated on engine or number of miles on vehicle prior to testing;

(ii) Location where service or mileage accumulation was conducted and description of accumulation procedure and schedule;

(iii) Test number, date, initial test results before and after rounding, final test results and final deteriorated test results for all exhaust emission tests, whether valid or invalid, and the reason for invalidation, if applicable;

(iv) A complete description of any modification, repair, preparation, maintenance, and/or testing which was performed on the test engine or vehicle and has not been reported pursuant to any other paragraph of this subpart and will not be performed on all other production engines or vehicles;

(v) Where a replacement engine or vehicle was authorized by the Administrator, the reason for the replacement and the information in (iii) above, if any, for the replacement engine or vehicle; and

(vi) Any other information the Administrator may request relevant to the determination as to whether the new heavy-duty engines or light-duty trucks being manufactured by the manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued; and

(6) The following statement and endorsement:

This report is submitted pursuant to section 206 and section 208 of the Clean Air Act. This Selective Enforcement Audit was conducted in complete conformance with all applicable regulations under 40 CFR Part 86 et seq., and the conditions of the test order. All data and information reported herein is, to the best of (Company name)——— knowledge, true and accurate. I am aware of the penalties associated with violations of the Clean Air Act and the regulations thereunder.

(Authorized Company Representative) ———

§ 86.1010-83 Compliance with acceptable quality level and passing and failing criteria for Selective Enforcement Audits.

(a) The prescribed acceptable quality level is 10 percent.

(b) A failed engine or vehicle is one whose final deteriorated test results pursuant to paragraph 86.1009-83(c), for one or more of the applicable exhaust pollutants, exceed the applicable emission standard or compliance level as prescribed in paragraph (g) of § 86.1011-83, if applicable.

(c) The manufacturer shall test heavy-duty engines or light-duty trucks over 6,000 pounds GVW comprising the test sample until a pass or fail decision is reached for all pollutants, or a fail decision is reached for a pollutant for which no upper limit is established in this part, or a fail decision is reached with respect to the upper limit according to paragraph (f) of this section. The manufacturer shall test light-duty trucks of 6,000 pounds GVW or less comprising the test sample until a pass decision is reached for all pollutants or a fail decision is reached for one pollutant. A pass decision is reached when the cumulative number of failed engines or vehicles, as defined in paragraph (b) of this section, for a pollutant is less than or equal to the pass decision number appropriate to the cumulative number of engines or vehicles tested. A fail decision is reached when the cumulative number of failed engines or vehicles for a pollutant is greater than or equal to the fail decision number appropriate to the cumulative number of engines or vehicles tested. The pass and fail decision numbers associated with the cumulative number of engines or vehicles tested are determined by use of the tables in Appendix X of this part appropriate for the annual projected sales as made by the manufacturer in its Application for Certification. In the Tables in Appendix X, sampling plan "stage" refers to the cumulative number of engines or vehicles tested.

(d) Passing or failing of an SEA audit occurs when the decision is made on the last engine or vehicle required to make a decision under paragraph (c) of this section.

(e) The Administrator may terminate testing earlier than required in paragraph (c) of this section.

(f) If a fail decision is reached in accordance with paragraph (d) of this section, then a determination will also be made based on the test results up to that point whether the configuration fails with respect to the upper limit, if one has been established.

(g) If a manufacturer conducts a follow-up SEA audit pursuant to paragraph (j)(2) or (k)(2) of § 86.1012-83 subsequent to suspension or revocation of a certificate of conformity for the purpose of reinstatement or reissuance of the certificate, the provisions of this section are applicable except that the manufacturer shall use the tables in Appendix XI to make a decision under paragraph (c) of this section.

(h) Whenever a manufacturer conducts an SEA audit pursuant to a test order issued for a configuration whose official certification test results exceeded one or more standards, the provisions of this section are applicable except that the manufacturer shall use the tables in Appendix XI to make a decision under paragraph (c) of this section.

(i) If a manufacturer is issued a test order to conduct an SEA of a configuration which serves as a replacement for a configuration which had its certificate of conformity suspended or revoked for failure of an SEA, the provisions of this section are applicable except that the manufacturer shall use the tables in Appendix XI to make a decision under paragraph (c) of this section.

(j) A manufacturer may request that a Selective Enforcement Audit be conducted on a configuration on which the manufacturer is paying a nonconformance penalty pursuant to § 86.1013-83 in order to demonstrate that the engines or vehicles of the configuration have been brought into compliance with the applicable emission standards. In this case, provisions of this section are applicable except that the manufacturer shall use the tables in Appendix XI to make a decision under paragraph (c) of this section.

§ 86.1011-83 Production Compliance Auditing.

(a)(1) During a model year in which certification above the heavy-duty engine or light-duty truck emission standards for one or more exhaust pollutants is specifically permitted by amendments to this part, a manufacturer may conduct a Production Compliance Audit (PCA) for each configuration which did not pass a Selective Enforcement Audit in accordance with paragraph (d) of § 86.1010-83 with respect to a pollutant for which an upper limit had been established in this part and for which the manufacturer does not intend to make a design change or changes to the engine and/or emission control system as described in the Application for Certification or does not intend to institute a quality control procedure to remedy the nonconformity.

(2) The provisions of this section are not applicable to light-duty trucks rated at 6,000 pounds GVW or less.

(b) Production Compliance Audits are initiated upon a written request from the manufacturer. All applicable conditions in the original SEA test order apply to the PCA. Test results from the SEA audit will be used in establishing a noncompliance level or reaching a fail decision for the PCA audit.

(c) Unless specified as being appropriate only to Selective Enforcement Auditing or to model years in which certification above the emission standards for heavy-duty engines or light-duty trucks is not specifically permitted by regulations, all other sections of this subpart are applicable to Production Compliance Audit testing.

(d) The manufacturer shall test consecutive engines or vehicles comprising the test sample until a fail decision at the upper limit is reached for each pollutant for which an upper limit has been established or the maximum sample size has been tested. A fail decision is reached for a pollutant for which an upper limit has been established when the number of engines or vehicles whose final deteriorated tests results exceed the upper limit for that pollutant is equal to or greater than the fail decision number. The fail decision number and maximum test sample size are determined from the tables in Appendix XII.

(e) A fail decision is reached for a pollutant for which no upper limit has been established when the number of engines or vehicles whose final deteriorated test results exceed the standard for that pollutant is equal to or greater than the fail decision number in Table II of Appendix XII.

(f) The Administrator may terminate testing earlier than required in paragraph (d) of this section.

(g) If the maximum number of engines or vehicles were tested pursuant to paragraph (d) of this section and a fail decision under paragraph (d) was not made for one or more pollutants for which an upper limit has been established, a compliance level is established for each of these pollutants according to the following procedure:

(1) For each pollutant, rank all the final deteriorated test results obtained for that pollutant in order from the lowest to the highest value.

(2)(i) If using code letter A in Appendix XII, the sixteenth lowest test result in the sequence is the compliance level.

(ii) If using code letter B in Appendix XII, the nineteenth lowest test result in the sequence is the compliance level.

(iii) If using code letter C in Appendix XII, the twenty-fourth lowest test result in the sequence is the compliance level.

(iv) If using code letter D in Appendix XII, the twenty-fifth lowest test result in the sequence is the compliance level.

§ 86.1012-83 Suspension and revocation of certificates of conformity.

(a) The certificate of conformity is suspended with respect to any engine or vehicle failing pursuant to paragraph (b) of § 86.1010-83 effective from the time that testing of that engine or vehicle is completed.

(b) During those model years in which heavy-duty engines or light-duty trucks are not permitted by this part to exceed emission standards for one or more pollutants, the Administrator may suspend the certificate of conformity for a configuration which does not pass and SEA, pursuant to paragraph § 86.1010-83(c), based on the first test or all tests conducted on each engine or vehicle or does not pass a PCA, pursuant to paragraph § 86.1011-83(e), with respect to the standards for those pollutants for those engines or vehicles produced at that plant. This suspension will not occur before ten days after failure to pass the audit.

(c) During those model years in which heavy-duty engines or light-duty trucks are permitted by amendments to this part to exceed the emission standards for one more pollutants, the Administrator may suspend the certificate of conformity for a configuration which does not pass an SEA, pursuant to paragraph § 86.1010-83(f), based on the first test or all tests conducted on each engine or vehicle or does not pass a PCA audit, pursuant to paragraph § 86.1011-83(d), with respect to the upper limits for those pollutants for those engines or vehicles produced at that plant. This suspension will not occur before ten days after failure to pass the audit.

(d) If a manufacturer does not elect to conduct a PCA audit for a configuration pursuant to §86.1011-83(a), the Administrator may suspend the certificate of conformity for all engines or vehicles of that configuration produced at the plant where the configuration failed the SEA audit. A suspension for failure to elect a PCA pursuant to § 86.1011-83(a) will not occur before ten days after failure to pass the audit.

(e) If the results of testing pursuant to these regulations indicate that engines or vehicles of a particular configuration produced at one plant of a manufacturer do not conform to the regulations with respect to which the certificate of conformity was issued, the Administrator may suspend the certificate of conformity with respect to that configuration for engines or vehicles manufactured by the manufacturer at all other plants.

(f) The Administrator may suspend the certificate of conformity for all engines or vehicles of a configuration produced at all plants if a manufacturer fails to pay a nonconformance penalty on all engines or vehicles for which a penalty is applicable within the time prescribed in § 86.1013-83(c).

(g) The Administrator shall notify the manufactuer in writing of any suspension or revocation of a certificate of conformity in whole or in part: *Except*, That the certificate is immediately suspended with respect to any failed engines or vehicles as provided for in paragraph (a) of this section.

(h) The Administrator may revoke a certificate of conformity for a configuration when the certificate has been suspended pursuant to paragraph (b), (c) or (e) of this section if the proposed remedy for the nonconformity, as reported by the manufacturer to the Administrator, is one requiring a design change or changes to the engine and/or emission control system as described in the Application for Certification of the affected configuration.

(i) Once a certificate has been suspended for a failed engine or vehicles as provided for in paragraph (a) of this section, the manufacturer shall take the following actions:

(1) Before the certificate is reinstated for that failed engine or vehicle,

(i) Remedy the noncomformity, and

(ii) Demonstrate that the engine or vehicle conforms to the applicable

standards or compliance levels, if established, by retesting the engine or vehicle in accordance with these regulations; and

(2) Submit a written report to the Administrator within five working days after completion of testing which contains a description of the remedy and test results for each engine or vehicle in addition to other information that may be required by this regulation.

(j) Once a certificate for a failed configuration has been suspended pursuant to paragraph (b), (c) or (e) of this section, the manufacturer shall take the following actions before the Administrator will consider reinstating the certificate:

(1) Submit a written report to the Administrator which identifies the reason for the noncompliance of the engines or vehicles, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the manufacturer to prevent future occurrences of the problem, and states the date on which the remedies will be implemented; and

(2) Demonstrate that the engine or vehicle configuration for which the certificate of conformity has been suspended does in fact comply with these regulations by testing engines or vehicles selected from normal production runs of that engine or vehicle configuration, at the plant(s) or associated storage facilities specified by the Administrator, in accordance with paragraph § 86.1010-83(g) and the conditions specified in the initial test order; *Except*, That if the manufacturer elects to continue testing individual engines or vehicles after suspension of a certificate, the certificate is reinstated for any engine or vehicle actually determined to be in conformance with the applicable standards through testing in accordance with the applicable test procedures: *Provided*, That the Administrator has not revoked the certificate pursuant to paragraph (g) of this section.

(k) Once the certificate has been revoked for a configuration and the manufacturer desires to continue introduction into commerce of the configuration, the following actions will be taken before the Administrator will consider reissuing the certificate:

(1) If the Administrator determines that the proposed change or changes in engine design may have an effect on emission performance deterioration, he shall notify the manufacturer within five (5) working days after receipt of the report in paragraph (h) of this section, whether subsequent testing under this subpart will be sufficient to evaluate the proposed change or changes or whether additional testing will be required; and

(2) After implementing the change or changes intended to remedy the nonconformity, the manufacturer shall demonstrate that the engine or vehicle configuration for which the certificate of conformity was revoked does in fact conform with these regulations by testing engines or vehicles selected from normal production runs of that engine or vehicle configuration in accordance with paragraph § 86.1010-83(g) and the conditions specified in the initial test order. This testing will be considered by the Administrator to satisfy the testing requirements of § 86.078-32 or § 86.079-33 if the Administrator had so notified the manufacturer. If the subsequent audit results in passing of the audit at the level of the standards, the Administrator shall reissue or amend the certificate, as the case may be, to include that configuration: *Provided*, That the manufacturer has satisfied the testing requirements specified pursuant to paragraph (j)(2) of this section. If the subsequent audit is failed, the revocation remains in effect. Any design change approvals under this subpart are limited to the configuration affected by the test order.

(l) At any time subsequent to an initial suspension of a certificate of conformity for a test engine or vehicle pursuant to paragraph (a) of this section, but not later than fifteen (15) days or such other period as may be allowed by the Administrator after notification of the Administrator's decision to suspend or revoke a certificate of conformity in whole or in part pursuant to paragraph (b), (c), (d), (e) or (h) of this section or establishment of a compliance level in accordance with § 86.1011-83 which exceeds a standard, a manufacturer may request a hearing as to whether the tests have been properly conducted or any sampling methods have been properly applied.

(m) After the Administrator suspends or revokes a certificate of conformity pursuant to this section or notifies a manufacturer of his intent to suspend, revoke or void a certificate of conformity under paragraph § 86.079-30(e), and prior to the commencement of a hearing under § 86.1014-83, if the manufacturer demonstrates to the Administrator's satisfaction that the decision to suspend, revoke or void the certificate was based on erroneous information, the Administrator shall reinstate the certificate.

(n) To permit a manufacturer to avoid storing non-test engines or vehicles when conducting an audit of a configuration subsequent to suspension or revocation of the certificate of conformity for that configuration resulting from failure of an SEA or PCA audit, it may request that the Administrator conditionally reinstate the certificate for that configuration. The Administrator may reinstate the certificate subject to the condition that the manufacturer consents to recall all engines or vehicles of that configuration produced from the time the certificate is conditionally reinstated if the configuration fails the subsequent audit at the level of the standard or upper limits, as applicable, and to remedy any nonconformity at no expense to the owner.

§ 86.1013-83 Nonconformance penalties.

(a) The nonconformance penalty is determined according to the following formula:

$$\left[\left(\frac{\frac{CL_{HC}}{HC_{STD}} + \frac{CL_{CO}}{CO_{STD}} + \frac{CL_{NOx}}{NOx_{STD}}}{3}\right) - 1\right] \times 100 \times MC \times F$$

where

CL_{HC} = compliance level for HC, according to paragraph § 86.1011-83(g).

CL_{CO} = compliance level for CO, according to paragraph § 86.1011-83(g)

CL_{NOx} = compliance level for NOx, according to paragraph § 86.1011-83(g)

HC_{STD} = heavy-duty engine or light-duty truck emission standard, as applicable, for HC for the model year in which CL_{HC} is established.

CO_{STD} = heavy-duty engine or light-duty truck emission standard, as applicable, for CO for the model year in which CL_{CO} is established.

NOx_{STD} = heavy-duty engine emission or light-duty truck standard, as applicable, for NOx for the model year in which CL_{COx} is established.

MC = marginal cost of compliance with emission standards as determined in paragraph (a)(3) of this section.

F = periodic penalty adjustment factor.

= 1.0 for the first model year in which the HC_{STD}, CO_{STD} and/or NOx_{STD} are applicable.

= $1 + [(n - 1) \times 0.25]$ for the nth model year in which the HC_{STD}, CO_{STD} and/or NOx_{STD} are applicable.

(1) The compliance level for a pollutant is equal to the standard for that pollutant in each of the following cases:

(i) No upper limit is established in this part for that pollutant;

(ii) An upper limit has been established in this part for that pollutant

and the compliance level is less than the emission standard for that pollutant; or

(iii) The configuration passed the Selective Enforcement Audit preceeding the Production Complaince Audit with respect to the standard for that pollutant and did not fail the Production Compliance Audit with respect to the standard for that pollutant.

(2) If the compliance level determined pursuant to paragraph § 86.1011-83(g) exceeds the upper limit for the applicable pollutant, the compliance level is equal to the upper limit for purposes of performing the calculation in paragraph (a) of this section.

$$(3)\quad MC = \frac{I.C.}{\left[\left(\frac{HC_{INC}}{HC_{STD}} + \frac{CO_{INC}}{CO_{STD}} + \frac{NOx_{INC}}{NOx_{STD}}\right) - 1\right] \times 100}{3}$$

where:

HC_{INC} = hydrocarbon emission standard an increment above HC_{STD}.

CO_{INC} = a carbon monoxide emission standard an increment above CO_{STD}.

NOx_{INC} = an oxides of nitrogen emission standard an increment above NOx_{STD}.

I.C. = IC_{HDE} or IC_{LDT}, as applicable, where

$I.C._{LDT}$ = cost of bringing a gasoline-fueled or diesel light-duty truck over 6,000 pounds GVW which is in compliance with the incremental standards for light-duty trucks into compliance with HC_{STD}, CO_{STD}, and NOx_{STD} for light-duty trucks.

$I.C._{HDE}$ = cost of bringing a heavy-duty gasoline-fueled or diesel engine which is in compliance with the incremental standards for heavy-duty engines into compliance with HC_{STD}, CO_{STD} and NOx_{STD} for heavy-duty engines.

= $C_v + C_{sv} + C_{user}$, where:

C_v = Variable costs of compliance with HC_{STD}, CO_{STD}, and NOx_{STD} (e.g., labor and materials for pollution control equipment and warranty obligations).

C_{sv} = semi-variable costs of compliance (e.g., amortized research and development and retooling costs).

C_{user} = user-borne costs of compliance (e.g., mileage penalty and increased maintenance requirements).

(b) The nonconformance penalty determined in paragraph (a) of this section is assessed against the following engines or vehicles of the noncomplying configuration:

(1) Those engines or vehicles produced at all plants since the beginning of the model year and distributed into commerce, until the time that the noncompliance level(s) is (are) established; and

(2) Those engines or vehicles produced at all plants after the noncompliance level(s) is (are) established and distributed into commerce, until such time, if any, that the configuration is brought into compliance with applicable emission standards as demonstrated by passing an SEA pursuant to § 86.1010-83(j).

(c) The nonconformance penalty or penalties must be paid within 15 days of the end of each calendar quarter (March 31, June 30, September 30, and December 31) for all nonconforming engines or vehicles produced by a manufacturer and distributed into commerce for that quarter. Payment must be made to the United States Treasury and be delivered to:

Director, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

86.1014-83 Hearings on suspension, revocation and voiding of certificate of conformity.

(a) *Applicability.* The procedures prescribed by this section apply whenever a manufacturer requests a hearing pursuant to § 86.079-30(e)(6)(i), § 86.079-30(e)(7), or § 86.1012-83(1).

(b) *Definitions.* The following definitions are applicable to this section:

(1) "Hearing Clerk" shall mean the Hearing Clerk of the Environmental Protection Agency.

(2) "Manufacturer" means a manufacturer contesting a suspension or revocation order directed at the manufacturer.

(3) "Party" means the Agency and the manufacturer.

(4) "Presiding Officer" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930 as amended).

(5) "Judicial Officer" means an officer or employee of the Agency appointed as a Judicial Officer by the Administrator pursuant to this section who shall meet the qualifications and perform functions as follows:

(i) Officer—there may be designated for the purposes of this section one or more Judicial Officers. As work requires, there may be a Judicial Officer designated to act for the purposes of a particular case.

(ii) Qualifications—a Judicial Officer may be a permanent or temporary employee of the Agency who performs other duties for the Agency. The Judicial Officer shall not be employed by the Office of Enforcement or have any connection with the preparation or presentation of evidence for a hearing held pursuant to this subpart.

(iii) Functions—the Administrator may consult with Judicial Officer or delegate all or part of his authority to act in a given case under this section to a Judicial Officer: *Provided,* That this delegation does not preclude the Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer determines such referral to be appropriate.

(c) *Request for public hearing.* (1) If the manufacturer disagrees with the Administrator's decision to suspend, revoke or void a certificate or disputes the basis for an automatic suspension pursuant to § 86.1012-83(a), the manufacturer may request a public hearing as described in this section. The manufacturer shall file with the Administrator a request for this hearing not later than fifteen (15) days after the Administrator's notification of his decision to suspend or revoke unless otherwise specified by the Administrator. The manufacturer shall simultaneously serve two copies of this request upon the Director of the Mobile Source Enforcement Division and file two copies with the Hearing Clerk. Failure of the manufacturer to request a hearing within the time provided constitutes a waiver of the right to a hearing. Subsequent to the expiration of the period for requesting a hearing as of right, the Administrator may, in his discretion and for good cause known, grant the manufacturer a hearing to contest the suspension or revocation.

(2) The manufacturer shall include in the request for a public hearing—

(i) A statement as to which engine or vehicle configuration is to be the subject of the hearing;

(ii) A concise statement of the issues to raised by the manufacturer at the hearing: *Provided, however,* that in the case of the hearing requested under § 86.1012-83(1), the hearing is restricted to the following issues:

(A) Whether tests have been properly conducted, specifically, whether the tests were conducted in accordance with applicable regulations under this part and whether test equipment was properly calibrated and functioning; and

(B) Whether sampling plans have been properly applied, specifically, whether sampling procedures specified in Appendix X, XI, or XII, as applicable, were followed and whether there exists a baisis for distinguishing engines or vehicles produced at plants other than the one from which engines or vehicles were selected for testing which would invalidate the Administrator's decision under § 86.1012-83(e) or cause the compliance level to be different at the other plants;

(iii) A statement specifying reasons why the manufacturer believes it will prevail on the merits of each of the issues raised; and

(iv) A summary of the evidence which supports the manufacturer's position on each of the issues raised.

(3) A copy of all requests for public hearings will be kept on file in the Office of the Hearing Clerk and will be made available to the public during Agency business hours.

(d) *Summary decision.* (1) In the case of a hearing requested under § 86.1012-83(1), when it clearly appears from the data and other information contained in the request for a hearing that there is no genuine and substantial question of fact with respect to the issues specified in § 86.1014-83(c)(2)(ii), the Administrator shall enter an order denying the request for a hearing and reaffirming the original decision to suspend or revoke a certificate of conformity, if this decision has been made pursuant to § 86.1012-83(g) at any time prior to the decision to deny the request for a hearing.

(2) In the case of a hearing requested under § 86.079-30(e)(6)(i), to challenge a proposed suspension of a certificate of conformity for the reasons specified in § 86.079-30(e)(1)(i) or (e)(1)(ii), when it clearly appears from the data and other information contained in the request for a hearing that there is no genuine and substantial question of fact with respect to the issue of whether the refusal to comply with the provisions of a test order or any other requirement of § 86.1003-83 was caused by conditions and circumstances outside the control of the manufacturer, the Administrator shall enter an order denying the request for a hearing and suspending the certificate of conformity.

(3) Any order issued under paragraphs (d)(1) or (d)(2) of this section has the force and effect of a final decision of the Administrator, as issued, pursuant to paragraph (w)(4) of this section.

(4) If the Administrator determines that a genuine and substantial question of fact does exist with respect to any of the issues referred to in paragraphs (d)(1) and (d)(2) of this section he shall grant the request for a hearing and publish a notice of public hearing in accordance with paragraph (h) of this section.

(e) *Filing and service.* (1) An original and two copies of all documents or papers required or permitted to be filed pursuant to this section must be filed with the Hearing Clerk. Filing is considered timely if mailed, as determined by the postmark, to the Hearing Clerk within the time allowed by this section. If filing is to be accomplished by mailing, the documents must be sent to the address set forth in the notice of public hearing as described in paragraph (h) of this section.

(2) To the maximum extent possible, testimony will be presented in written form. Copies of written testimony will be served upon all parties as soon as practicable prior to the start of the hearing. A certificate of service will be provided on or accompany each document or paper filed with the Hearing Clerk. documents to be served upon the Director of the Mobile Source Enforcement Division must be sent by registered mail to:

Director, Mobile Source Enforcement Division, U.S. Environmental Protection Agency, EN-340, 401 M Street S.W., Washington, D.C. 20460.

Service by registered mail is complete upon mailing.

(f) *Time.* (1) In computing any period of time prescribed or allowed by this section, except as otherwise provided, the day of the act or event from which the designated period of time begins to run is not included. Saturdays, Sundays, and Federal legal holidays are included in computing the period allowed for the filing of any document or paper, except that when the period expires on a Saturday, Sunday, or Federal legal holiday, the period is extended to include the next following business day.

(2) A prescribed period of time within which a party is required or permitted to do an act is computed from the time of service, except that when service is accomplished by mail, three days will be added to the prescribed period.

(g) *Consolidation.* The Administrator or the Presiding Officer in his discretion may consolidate two or more proceedings to be held under this section for the purpose of resolving one or more issues whenever it appears that consolidation will expedite or simplify consideration of these issues. Consolidation does not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(h) *Notice of public hearings.* Notice of a public hearing under this section is given by publication in the Federal Register and by such other means as the Administrator finds appropriate to provide notice to the public. To the extent possible hearings under this section will be scheduled to commence within fourteen (14) days of receipt of the application in paragraph (c) of this section.

(i) *Amicus curiae.* Persons not parties to the proceeding wishing to file briefs may do so by leave of the Presiding Officer granted on motion. A motion for leave must identify the interest of the applicant and state the reasons why the proposed amicus brief is desirable.

(j) *Presiding Officer.* The Presiding Officer shall conduct a fair and impartial hearing in accordance with 5 U.S.C. sections 554, 556 and 557 and take all necessary action to avoid delay in the disposition of the proceedings and to maintain order. He shall have all power consistent with Agency rule and with the Administrative Procedure Act necessary to this end, including the power—(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and exclude irrelevant or repetitious material;

(3) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(4) To hold conferences for simplification of the issues or any other proper purpose;

(5) To consider and rule upon all procedural and other motions appropriate to these proceedings;

(6) To require the submission of direct testimony in written form with or without affidavit whenever, in his opinion, oral testimony is not necessary for full and true disclosure of the facts;

(7) To enforce agreements and orders requiring access as authorized by law;

(8) To require the filing of briefs on any matter on which he is required to rule;

(9) To require any party or any witness, during the course of the hearing, to state his position on any issue;

(10) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(11) To make decisions or recommend decisions to resolve the disputed issues on the record of the hearing; and

(12) To issue, upon good cause shown, protective orders as described in paragraph (n) of this section.

(k) *Conferences.* (1) The Presiding Officer may hold conferences prior to or during any hearing. The Presiding Office shall direct the Hearing Clerk to notify all parties of the time and location of any conference. At the discretion of the Presiding Officer, persons other than parties may attend. At a conference the Presiding Officer may—(i) Obtain stipulations and admissions, receive requests, order depositions to be taken, identify disputed issues of fact and law, and require or allow the submission of written testimony from any witness or party;

(ii) Set a hearing schedule for as many of the following as he considers necessary:

(A) Oral and written statements;

(B) Submission of written direct testimony as required or authorized by the Presiding Officer;

(C) Oral direct and cross-examination of a witness where necessary as prescribed in paragraph (p) of this section; and

(D) Oral argument, if appropriate;

(iii) Identify matters of which official notice may be taken;

(iv) Consider limitation of the number of expert and other witnesses;

(v) Consider the procedure to be followed at the hearing; and

(vi) Consider any other matter that may expedite the hearing or aid in the disposition of the issue.

(2) The Presiding Officer shall summarize in writing the results of any conference, including all stipulations, if not transcribed, and shall make the summary part of the record.

(l) *Primary discovery (exchange of witness lists and documents).* (1) At a prehearing conference or within some reasonable time set by the Presiding Officer prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence. Thereafter, witnesses, documents, or exhibits may be added and summaries of expected testimony amended upon motion by a party.

(2) The Presiding Officer, may, upon motion by a party or other person, and for good cause shown, by order—(i) Restrict or defer disclosure by a party of the name of a witness or a narrative summary of the expected testimony of a witness; and

(ii) Prescribe other appropriate measures to protect a witness.

(3) Any party affected by an action in paragraph (l)(2) of this section shall have an adequate opportunity, once he learns the name of a witness and obtains the narrative summary of his expected testimony, to prepare for the presentation of his case.

(m) *Other discovery.* (1) Except as provided by paragraph (1) of this section, further discovery, under this paragraph, is permitted only upon determination by the Presiding Officer—(i) That this discovery will not in any way unreasonably delay the proceeding;

(ii) That the information to be obtained is not obtainable voluntarily; and

(iii) That the information has significant probative value. The Presiding Officer shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery will be undertaken except upon order of the Presiding Officer or upon agreement of the parties.

(2) The Presiding Officer shall order depositions upon oral questions only upon a showing of good cause and upon a finding that—(i) The information sought cannot be obtained by alternative methods; or

(ii) There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(3) Any party to the proceeding desiring an order of discovery shall make a motion or motions therefor. The motion must include—(i) The circumstances warranting the taking of the discovery;

(ii) The nature of the information expected to be discovered; and

(iii) The proposed time and place where it will be taken. If the Presiding Officer determines the motion should be granted, he shall issue an order for the taking of the discovery together with the conditions and terms thereof.

(4) Failure to comply with an order issued pursuant to this paragraph may lead to the inference that the information to be discovered would be adverse to the person or party from whom the information was sought.

(n) *Protective orders, in camera proceedings.* (1) Upon motion by a part or by the person from whom discovery is sought, and upon a showing by the movant that the disclosure of the information to be discovered, or a particular part thereof (other than emission data), would result in methods or processes entitled to protection as trade secrets of the person being divulged, the Presiding Officer may enter a protective order with respect to this material. Any protective order will contain terms governing the treatment of the information which are appropriate under the circumstances to prevent disclosure outside the hearing: *Provided,* That the order states that the material will be filed separately from other evidence and exhibits in the hearing. Disclosure is limited to parties to the hearing, their counsel and relevant technical consultants, and authorized representatives of the United States concerned with carrying out the Act. Except in the case of the government, disclosure may be limited to counsel for parties who shall not disclose such information to the parties themselves. Except in the case of the government, disclosure to a party or his counsel is conditioned on execution of a sworn statement that no disclosure of the information will be made to persons not entitled to receive it under the terms of the protective order. (This provision is not necessary where government employees are concerned because disclosure by them is subject to the terms of 18 U.S.C. 1905.)

(2)(i) A party or person seeking a protective order may be permitted to make all or part of the required showing in camera. A record will be made of the in camera proceedings. If the Presiding Officer enters a protective order following a showing in camera, the record of the showing will be sealed and preserved and made available to the Agency or court in the event of appeal.

(ii) Attendance at any in camera proceeding may be limited to the Presiding Officer, the Agency, and the person or party seeking the protective order.

(3) Any party, subject to the terms and conditions of any protective order issues pursuant to paragraph (n)(1) of this section, desiring for the presentation of his case to make use of any in camera documents or testimony, shall make application to the Presiding Officer by motion setting forth the justification therefor. The Presiding Officer, in granting this motion, shall enter an order protecting the rights of the affected persons and parties and preventing unnecessary disclosure of this information, including the presentation of the information and oral testimony and cross-examination concerning it in executive session, as in his discretion is necessary and practicable.

(4) In the submittal of proposed findings, briefs, or other papers, counsel for all parties shall make a good faith attempt to refrain from disclosing the specific details of in camera documents and testimony. This shall not preclude references in these proposed findings, briefs, or other papers to the documents or testimony, including generalized statements based on their contents. To the extent that counsel considers it necessary to include specific details in their presentations, these details will be incorporated in separate proposed findings, briefs, or other papers marked "confidential", and will become part of the in camera record.

(o) *Motions.* (1) All motions, except those made orally during the course of the hearing, must be in writing and state with particularity the grounds therefor, set forth the relief or order sought, and be filed with the Hearing Clerk and served upon all parties.

(2) Within the time fixed by the Administrator, the judicial officer, or the Presiding Officer, as appropriate, any

party may serve and file an answer to the motion. The movant shall, if requested by the Administrator, the judicial officer, or the Presiding Officer, as appropriate, serve and file reply papers, within the time set by the request.

(3) The Presiding Officer shall rule upon all motions filed or made prior to the filing of his decision or accelerated decision, as appropriate. The Administrator or the judicial officer, as appropriate, shall rule upon all motions filed prior to the appointment of a Presiding Officer and all motions filed after the filing of the decision of the Presiding Officer or accelerated decision. Oral argument of motions will be permitted only if the Presiding Officer, the Administrator or the judicial officer, as appropriate, considers it necessary.

(p) *Evidence.* (1) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, constitute the record. Immaterial or irrelevant parts of an admissible document will be segregated and excluded so far as practicable. Documents or parts thereof subject to a protective order under paragraph (n) of this section will be segregated. Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence will be determined by its reliability and probative value.

(2) The Presiding Officer shall allow the parties to examine and cross-examine a witness to the extent that this examination and cross-examination is necessary for a full and true disclosure of the facts.

(3) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of examination and cross-examination, and other procedural matters will appear in the record.

(4) Parties shall automatically be presumed to have taken exception to an adverse ruling.

(q) *Record.* (1) Hearings will be stenographically reported and transcribed and the original transcripts will be part of the record and the sole official transcript. Copies of the record will be filed with the Hearing Clerk and made available during Agency business hours for public inspection. Any person desiring a copy of the record of the hearing or any part thereof, except as provided in paragraph (n) of this section, shall be entitled to the same upon payment of the cost thereof.

(2) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, constitute the record.

(r) *Proposed findings, conclusions.* (1) Within four (4) days of the close of the reception of evidence, or within such longer time as the Presiding Officer may fix, any party may submit for the consideration of the Presiding Officer proposed findings of fact, conclusions of law, and proposed order, together with reasons therefor and briefs in support thereof. These proposals will be in writing, be served upon all parties, and contain adequate references to the record and authorities relied upon.

(2) The record will show the Presiding Officer's ruling on the proposed findings and conclusions except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

(s) *Decision of the Presiding Officer.* (1) Unless extended by the Administrator, the Presiding Officer shall issue and file with the Hearing Clerk his decision within fourteen (14) days (or within seven (7) days in the case of a hearing requested under § 86.1012(i)) after the period for filing proposed findings as provided for in paragraph (r) of this section has expired.

(2) The Presiding Officer's decision becomes the decision of the Administrator—(i) When no notice of intention to appeal as described in paragraphs (t) and (u) of this section is filed, ten (10) days after issuance thereof, unless in the interim the Administrator shall have acted to review or stay the effective date of the decision; or

(ii) When a notice of intention to appeal is filed but the appeal is not perfected as required by paragraph (t) or (u) of this section, five (5) days after the period allowed for perfection of an appeal has expired unless within that five (5) day period, the Administrator shall have acted to review or stay the effective date of the decision.

(3) The Presiding Officer's decision must include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record and an appropriate rule or order. The decision must be supported by substantial evidence and based upon a consideration of the whole record.

(4) At any time prior to the issuance of his decision, the Presiding Officer may reopen the proceeding for the reception of further evidence. Except for the correction of clerical errors, the jurisdiction of the Presiding Officer is terminated upon the issuance of his decision.

(t) *Appeal from the decision of the Presiding Officer.* (1) Any party to a proceeding may appeal the Presiding Officer's decision to the Administrator: *Provided,* That within ten (10) days after issuance of the Presiding Officer's decision the party files a notice of intention to appeal and an appeal brief within twenty (20) days of the decision.

(2) When an appeal is taken from the decision of the Presiding Officer, any party may file a brief with respect to the appeal. The party shall file the brief within fifteen (15) days of the date of the filing of the appellant's brief.

(3) Any brief filed pursuant to this paragraph will contain, in the order indicated, the following:

(i) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged), textbooks, statutes, and other material cited, with page references thereto:

(ii) A specification of the issues intended to be urged; provided, however, that in the case of a hearing requested under § 86.1012–83(1), the brief will be restricted to the issues specified in paragraph (c)(2)(ii) of this section;

(iii) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each issue, with specific page references to the record and the legal or other material relied upon; and

(iv) A proposed order for the Administrator's consideration if different from the order contained in the Presiding Officer's decision.

(4) No brief in excess of 40 pages will be filed without leave of the Administrator.

(5) The Administrator may allow oral argument.

(u) *Summary appeal.* (1) In the case of a hearing requested under § 86.1012–83(1), any appeal taken from the decision of the Presiding Officer will be conducted under this sub-section.

(2) Any party to the proceeding may appeal the Presiding Officer's decision to the Administrator by filing a notice of appeal within ten (10) days.

(3) The notice of appeal must be in the form of a brief and conform to the requirements of paragraph (t)(3) of this section.

(4) Within ten (10) days after a notice of appeal from the decision of the Presiding Officer is filed under this paragraph, any party may file a brief with respect to that appeal.

(5) No brief in excess of fifteen (15) pages will be filed without leave of the Administrator.

(v) *Review of the Presiding Officer's decision in the absence of appeal.* (1) If,

after the expiration of the period for taking appeal as provided for by paragraphs (t) or (u) of this section, no notice of intention to appeal the decision of the Presiding Officer has been filed, or if filed, not perfected, the Hearing Clerk shall so notify the Administrator.

(2) The Administrator, upon receipt of notice from the Hearing Clerk that no notice of intention to appeal has been filed, or if filed, not perfected pursuant to paragraphs (t) or (u) of this section, may, on his own motion, within the time limits specified in paragraph (s)(2) of this section, review the decision of the Presiding Officer. Notice of the intention of the Administrator to review the decision of the Presiding Officer will be given to all parties and will set forth the scope of the review and the issues to be considered and will make provision for filing of briefs.

(w) *Decision of appeal or review.* (1) Upon appeal from or review of the Presiding Officer's decision, the Administrator shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented and in addition shall, to the extent necessary or desirable, exercise all the powers which he could have exercised if he had presided at the hearing.

(2) In rendering his decision, the Administrator shall adopt, modify or set aside the findings, conclusions, and order contained in the decision of the Presiding Officer and shall set forth in his decision a statement of the reasons or basis for his action.

(3) In those cases where the Administrator believes that he should have further information or additional views of the parties as to the form and content of the rule or order to be issued, the Administrator, in his discretion, may withhold final action pending the receipt of the additional information or views, or may remand the case to the Presiding Officer.

(4) Any decision rendered under this paragraph which completes disposition of a case constitutes a final decision of the Administrator.

(x) *Reconsideration.* (1) Within twenty (20) days after issuance of the Administrator's decision, any party may file with the Administrator a petition for reconsideration of this decision, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Presiding Officer or the Administrator: *Provided,* however, that in the case of a hearing requested under § 86.1012–83(1) these questions will be limited to the issues specified in paragraph (c)(2)(ii) of this section.

(2) Any party desiring to oppose this petition shall file an answer thereto within ten (10) days after the filing of the petition. The filing of a petition for reconsideration does not operate to stay the effective date of the decision or order or to toll the running of any statutory time period affecting the decision or order unless specifically so ordered by the Administrator.

(y) *Accelerated decision, dismissal.* (1) The Presiding Officer, upon motion of any party or sua sponte, may at any time render an accelerated decision in favor of the Agency or the manufacturer as to all or any part of the proceeding, without further hearing or upon limited additional evidence such as affidavits which he may require, or dismiss any party with prejudice, for any of the following reasons:

(i) Failure to state a claim upon which relief can be granted, or direct or collateral estoppel;

(ii) The lack of any genuine issue of material fact, causing a party to be entitled to judgment as a matter of law; or

(iii) Such other reasons as are just, including specifically failure to obey a procedural order of the Presiding Officer.

(2) If, under this sub-section, an accelerated decision is issued as to all the issues and claims joined in the proceeding, the decision will be treated for the purposes of these procedures as the decision of the Presiding Officer as provided in paragraph (s) of this section.

(3) If, under this sub-section, judgment is rendered on less than all issues or claims in the proceeding, the Presiding Officer shall determine what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon issue an order specifying the facts which appear without substantial controversy, and the issues and claims upon which the hearing will proceed.

(z) *Conclusion of hearing.* (1) If, after the expiration of the period for taking an appeal as provided for by paragraphs (t) and (u) of this section, no appeal has been taken from the Presiding Officer's decision, and after the expiration of the period for review by the Administrator on his own motion as provided for by paragraph (v) of this section, the Administrator does not move to review the decision, the hearing is considered ended at the expiration of all periods allowed for the appeal and review.

(2) If an appeal of the Presiding Officer's decision is taken pursuant to paragraphs (t) and (u) of this section, or if, in the absence of this appeal, the Administrator moves to review the decision of the Presiding Officer pursuant to paragraph (v) of this section, the hearing is considered ended upon the rendering of a final decision by the Administrator.

(aa) *Judicial review.* (1) The Administrator shall designate the General Counsel, Environmental Protection Agency as the officer upon whom copy of any petition for judicial review must be served. This officer shall be responsible for filing in the court the record on which the order of the Administrator is based.

(2) Before forwarding the record to the court, the Agency shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made, shall forward the record to the court.

Appendix X.—*Sampling Plans for Initial Selective Enforcement Auditing of Heavy-Duty Engines and Light-Duty Trucks*

Table 1.—*Sampling Plan Code Letter*

Annual sales	Code letter
50–99	A
100–199	B
200–399	C
400 or greater	D

Table 2.—*Sample Plan for Code Letter "A" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	3
7	0	3
8	0	4
9	0	4
10	0	4
11	1	4
12	1	4
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	6
20	2	6
21	3	6
22	3	6
23	3	6
24	3	6
25	4	6
26	4	7
27	4	7
28	4	7
29	4	7
30	6	7

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

Table 3.—*Sample Plan for Code Letter "B" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	3
7	0	4
8	0	4
9	0	4
10	0	4
11	0	4
12	1	5
13	1	5
14	1	5
15	1	5
16	1	5
17	2	6
18	2	6
19	2	6
20	2	6
21	3	6
22	3	7
23	3	7
24	3	7
25	3	7
26	4	7
27	4	7
28	4	8
29	4	8
30	4	8
31	5	8
32	5	8
33	5	9
34	5	9
35	6	9
36	6	9
37	6	9
38	6	9
39	6	9
40	8	9

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

Table 4.—*Sample Plan for Code Letter "C" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	4
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	1	6
17	2	6
18	2	6
19	2	6
20	2	6
21	3	7
22	3	7
23	3	7
24	3	7
25	3	7
26	4	8
27	4	8
28	4	8
29	4	8
30	4	8
31	5	8
32	5	9
33	5	9
34	5	9
35	5	9
36	6	9
37	6	10
38	6	10
39	6	10

Table 4.—*Sample Plan for Code Letter "C" Sample Inspection Criteria*—Continued

Stage	Pass No.	Fail No.
40	6	10
41	7	10
42	7	11
43	7	11
44	7	11
45	8	11
46	8	11
47	8	11
48	8	11
49	8	11
50	10	11

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

Table 5.—*Sample Plane for Code Letter "D" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	4
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	1	6
17	2	6
18	2	6
19	2	6
20	2	6
21	2	7
22	3	7
23	3	7
24	3	7
25	3	7
26	3	8
27	4	8
28	4	8
29	4	8
30	4	8
31	4	9
32	5	9
33	5	9
34	5	9
35	5	9
36	6	10
37	6	10
38	6	10
39	6	10
40	6	11
41	7	11
42	7	11
43	7	11
44	7	11
45	7	12
46	8	12
47	8	12
48	8	12
49	8	12
50	8	13
51	9	13
52	9	13
53	9	13
54	9	13
55	9	13
56	10	13
57	10	13
58	10	13
59	10	13
60	12	13

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

Appendix XI.—*Sampling Plans for Follow-Up Selective Enforcement Auditing of Heavy-Duty Engines and Light-Duty Trucks*

Table 1.—*Sampling Plan Code Letter*

Population size	Code letter
50-99	A
100-199	B
200-299	C
300-499	D
500-699	E
700 or greater	F

Table 2.—*Sample Plan for Code Letter "A" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	4
10	(1)	4
11	0	4
12	0	4
13	0	5
14	0	5
15	0	5
16	1	5
17	1	5
18	1	5
19	1	5
20	1	5
21	2	6
22	2	6
23	2	6
24	2	6
25	2	6
26	2	6
27	3	6
28	3	6
29	3	6
30	5	6

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

Table 3.—*Sample Plan for Code Letter "B" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	4
5	(1)	4
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	4
10	(1)	5
11	(1)	5
12	0	5
13	0	5
14	0	5
15	0	5
16	0	5
17	1	6
18	1	6
19	1	6
20	1	6
21	1	6
22	1	6
23	2	6
24	2	7
25	2	7
26	2	7
27	2	7
28	3	7
29	3	7

Table 3.—*Sample Plan for Code Letter "B" Sample Inspection Criteria*—Continued

Stage	Pass No.	Fail No.
30	3	8
31	3	8
32	3	8
33	3	8
34	4	8
35	4	8
36	4	8
37	4	8
38	4	8
39	5	8
40	7	8

[1]Test sample passing not permitted at this stage.
[2]Test sample failure not permitted at this stage.

Table 4.—*Sample Plan for Code Letter "C" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	([1])	([2])
2	([1])	([2])
3	([1])	([2])
4	([1])	4
5	([1])	4
6	([1])	4
7	([1])	4
8	([1])	4
9	([1])	4
10	([1])	5
11	([1])	5
12	0	5
13	0	5
14	0	5
15	0	5
16	0	6
17	0	6
18	1	6
19	1	6
20	1	6
21	1	6
22	1	7
23	1	7
24	2	7
25	2	7
26	2	7
27	2	7
28	3	7
29	3	8
30	3	8
31	3	8
32	3	8
33	3	8
34	3	8
35	4	9
36	4	9
37	4	9
38	4	9
39	4	9
40	4	9
41	5	9
42	5	9
43	5	9
44	5	9
45	5	9
46	6	9
47	6	9
48	6	9
49	6	9
50	8	9

[1]Test sample passing not permitted at this stage.
[2]Test sample failure not permitted at this stage.

Table 5.—*Sample Plan for Code Letter "D" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	([1])	([2])
2	([1])	([2])
3	([1])	([2])
4	([1])	4
5	([1])	4
6	([1])	4
7	([1])	4

Table 5.—*Sample Plan for Code Letter "D" Sample Inspection Criteria*—Continued

Stage	Pass No.	Fail No.
8	([1])	4
9	([1])	5
10	([1])	5
11	([1])	5
12	([1])	5
13	0	5
14	0	5
15	0	5
16	0	6
17	0	6
18	1	6
19	1	6
20	1	6
21	1	6
22	1	7
23	1	7
24	2	7
25	2	7
26	2	7
27	2	7
28	2	8
29	2	8
30	3	8
31	3	8
32	3	8
33	3	8
34	3	9
35	3	9
36	4	9
37	4	9
38	4	9
39	4	9
40	4	9
41	4	10
42	5	10
43	5	10
44	5	10
45	5	10
46	5	10
47	5	11
48	6	11
49	6	11
50	6	11
51	6	11
52	6	11
53	7	11
54	7	11
55	7	11
56	7	11
57	7	11
58	7	11
59	8	11
60	10	11

[1]Test sample passing not permitted at this stage.
[2]Test sample failure not permitted at this stage.

Table 6.—*Sample Plan for Code Letter "E" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	([1])	([2])
2	([1])	([2])
3	([1])	([2])
4	([1])	4
5	([1])	4
6	([1])	4
7	([1])	4
8	([1])	4
9	([1])	4
10	([1])	4
11	([1])	4
12	([1])	4
13	0	5
14	0	5
15	0	6
16	0	6
17	0	6
18	0	6
19	1	6
20	1	6
21	1	7
22	1	7
23	1	7
24	2	7
25	2	7
26	2	7

Table 6.—*Sample Plan for Code Letter "E" Sample Inspection Criteria*—Continued

Stage	Pass No.	Fail No.
27	2	7
28	2	8
29	2	8
30	3	8
31	3	8
32	3	8
33	3	8
34	3	9
35	3	9
36	4	9
37	4	9
38	4	9
39	4	9
40	4	10
41	4	10
42	5	10
43	5	10
44	5	10
45	5	10
46	5	11
47	5	11
48	6	11
49	6	11
50	6	11
51	6	11
52	6	12
53	6	12
54	7	12
55	7	12
56	7	12
57	7	12
58	7	12
59	7	12
60	8	12
61	8	12
62	8	12
63	8	12
64	8	12
65	8	12
66	9	12
67	9	12
68	9	12
69	9	12
70	11	12

[1]Test sample passing not permitted at this stage.
[2]Test sample failure not permitted at this stage.

Table 7.—*Sample Plan for Code Letter "F" Sample Inspection Criteria*

Stage	Pass No.	Fail No.
1	([1])	([2])
2	([1])	([2])
3	([1])	([2])
4	([1])	4
5	([1])	4
6	([1])	4
7	([1])	4
8	([1])	4
9	([1])	5
10	([1])	5
11	([1])	5
12	([1])	5
13	0	5
14	0	5
15	0	6
16	0	6
17	0	6
18	0	6
19	1	6
20	1	6
21	1	7
22	1	7
23	1	7
24	1	7
25	2	7
26	2	7
27	2	8
28	2	8
29	2	8
30	2	8
31	3	8
32	3	8
33	3	9
34	3	9
35	3	9

Table 7.—*Sample Plan for Code Letter "F" Sample Inspection Criteria*—Continued

Stage	Pass No.	Fail No.
36	3	9
37	4	9
38	4	9
39	4	10
40	4	10
41	4	10
42	4	10
43	5	10
44	5	10
45	5	11
46	5	11
47	5	11
48	5	11
49	6	11
50	6	11
51	6	12
52	6	12
53	6	12
54	6	12
55	7	12
56	7	12
57	7	13
58	7	13
59	7	13
60	7	13
61	8	13
62	8	13
63	8	14
64	8	14
65	8	14
66	8	14
67	9	14
68	9	14
69	9	14
70	9	14
71	9	14
72	9	14
73	10	14
74	10	14
75	10	14
76	10	14
77	10	14
78	10	14
79	11	14
80	13	14

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

Appendix XII.—*Sampling Plans for Production Compliance Auditing of Heavy-Duty Engines and Light-Duty Trucks*

Table 1.—*Sampling Plan Code Letter*

Annual sales	Code letter
50–99	A
100–399	B
400–599	C
600 or greater	D

Table 2.—*Test Sample Passing and Failure Criteria; Maximum Size*

Code letter	Fail No. with respect to upper limits*	Maximum test sample size
A	4	17
B	5	21
C	6	26
D	6	27

*Fail Number with respect to Standard for those pollutants for which no upper limit has been established.

16. A new Subpart P of Part 86 is proposed to read:

Note.—This proposed subpart is concerned only with regulations for light-duty trucks. EPA has previously proposed this subpart for heavy-duty engines in an independent Notice of Proposed Rulemaking.[1] However, for the purposes of the present proposed rulemaking, references to heavy-duty engines may be disregarded.

Subpart P—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines and Vehicles and New Light-Duty Trucks; Idle Test Procedures

Sec.

86.1501–83 Scope; applicability.
86.1502–83 Definitions.
86.1503–83 Abbreviations.
86.1504–83 Section numbering; construction.
86.1505–83 Introduction; structure of subpart.
86.1506–83 Equipment required and specifications; overview.
86.1507–83 [Reserved]
86.1508–83 [Reserved]
86.1509–83 Exhaust gas sampling system.
86.1510–83 [Reserved]
86.1511–83 Exhaust gas analysis system.
86.1512–83 [Reserved]
86.1513–83 Fuel specifications.
86.1514–83 Analytical gases.
86.1515–83 [Reserved]
86.1516–83 Calibration; frequency and overview.
86.1517–83 [Reserved]
86.1518–83 [Reserved]
86.1519–83 CVS calibration.
86.1520–83 [Reserved]
86.1521–83 Hydrocarbon analyzer calibration.
86.1522–83 Carbon monoxide analyzer calibration.
86.1523–83 [Reserved]
86.1524–83 Carbon dioxide analyzer calibration.
86.1525–83 [Reserved]
86.1526–83 Calibration of other equipment.
86.1527–83 Idle test procedure; overview.
86.1528–83 [Reserved]
86.1529–83 [Reserved]
86.1530–83 Test sequence; general requirements.
86.1531–83—86.1536–83 [Reserved]
86.1537–83 Idle test run.
86.1538–83 [Reserved]
86.1539–83 [Reserved]
86.1540–83 Idle exhaust sample analysis.
86.1541–83 [Reserved]
86.1542–83 Information required.
86.1543–83 [Reserved]
86.1544–83 Calculations; idle exhaust emissions.

Authority: Section 202, 206, 208, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7521, 7525, 7542 and 7601(a)).

Subpart P—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines and Vehicles and New Light-Duty Trucks; Idle Test Procedures

§ 86.1501–83 Scope; applicability.

This subpart contains gaseous emission idle test procedures for heavy-duty gasoline-fueled engines and vehicles, heavy-duty diesel engines and vehicles, and light-duty trucks. It applies to 1983 and later model years.

§ 86.1502–83 Definitions.

The definitions in § 86.083–2 apply to this subpart.

§ 86.1503–83 Abbreviations.

The abbreviations in § 86.083–3 apply to this subpart.

§ 86.1504–83 Section numbering; construction.

(a) The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is effective. A section remains effective until superseded.

Example: Section § 86.1511–83 applies to the 1983 and subsequent model years until superseded. If a section § 86.1511–85 is promulgated, it would take effect beginning with the 1985 model year; § 86.1511–83 would apply to model years 1983 and 1984.

(b) A section reference without a model year suffix refers to the section applicable for the appropriate model year.

(c) Unless indicated, all provisions in this subpart apply to gasoline-fueled and diesel heavy-duty engines and vehicles and light-duty trucks.

§ 86.1505–83 Introduction; structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform idle exhaust emission tests on gasoline-fueled and diesel heavy-duty engines and vehicles and light-duty trucks. Subpart A sets forth the testing requirements and test intervals necessary to comply with EPA certification procedures.

(b) Four topics are addressed in this subpart. Sections 86.1505 through 86.1515 set forth specifications and equipment requirements; §§ 86.1516 through 86.1526 discuss calibration methods and frequency; test procedures and data requirements are listed (in approximately chronological order) in §§ 86.1527 through 86.1542; and calculation formulas are found in § 86.1544.

§ 86.1506–83 Equipment required and specifications; overview.

(a) This subpart contains procedures for idle exhaust emission tests on diesel or gasoline-fueled heavy-duty vehicles and engines and light-duty trucks. Equipment required and specifications are as follows:

(1) *Exhaust emission tests.* All vehicles subject to this subpart are

[1] 44 FR 9464, February 13, 1979.

tested for exhaust emissions. Diesel and gasoline-fueled vehicles and engines are tested identically. Necessary equipment and specifications appear in §§ 86.1509 through 86.1511.

(2) *Fuel and analytical gas specifications.* Fuel requirements for idle exhaust emission testing are specified in § 86.1513. Analytical gases are specified in § 86.1514.

§ 86.1507-83 [Reserved]
§ 86.1508-83 [Reserved]

§ 86.1509-83 Exhaust gas sampling system.

(a) The exhaust gas sampling system shall transport the exhaust sample from the engine or vehicle tailpipe to the analysis system in such a manner as to maintain the integrity of the sample constituents that are to be analyzed.

(b) The sample system shall supply a dry sample (i.e., water removed) to the analysis system.

(c) A CVS sampling system with bag analysis as specified in Subpart N is permitted. The inclusion of an additional raw CO_2 analyzer as specified in Subpart D is required if the CVS system is used in order to accurately determine the CVS dilution factor (D.F.). The heated sample line specified in Subpart D for raw emission measurements is not required for the raw CO_2 measurement.

(d) A raw exhaust sampling system as specified in Subpart D is permitted.

§ 86.1510-83 [Reserved]

§ 86.1511-83 Exhaust gas analysis system.

(a) Analyzers used for this subpart shall meet the following specifications:

(1) The analyzers used must have ranges such that

(i) The carbon monoxide (CO) idle standard specified in § 86.083-10 and § 86.083-11 for heavy-duty engines or vehicles and for light-duty trucks will provide an analyzer response between 45 and 90 percent of full scale deflection on the CO analyzer.

(ii) The hydrocarbon (HC) idle standard specified in § 86.083-10 and § 86.083-11 for heavy-duty engines or vehicles and for light-duty trucks will provide an analyzer response between 45 and 90 percent of full scale deflection on the HC analyzer. The standard in ppmC can be divided by 6.0 to obtain n-hexane values (ppmC-6).

(2) The resolution of the readout device for the ranges specified in (a)(1) of this section shall be equal to or less than the following:

(i) 0.05 percent for a carbon monoxide analyzer, and

(ii) 5 ppmC-6 (n-hexane) for a hydrocarbon analyzer.

(3) For the ranges specified in (a)(1) of this section the precision shall be less than ±3 percent of full scale deflection. The precision is defined as 2 times the standard deviation of 5 repetitive responses to a given calibration gas.

(4) For the ranges specified in (a)(1) of this section, the mean response to a zero calibration gas shall not exceed ±3 percent of full scale during a one hour period.

(5) For the ranges specified in (a)(1) of this section the mean calibration response shall be less than ±3 percent of full scale during a one hour period. The calibration response is defined as the analyzer response to a calibration gas after the analyzer has been spanned by the electrical spanning network at the beginning of the one hour period.

(6) The analyzer must respond to an instantaneous step change at the entrance to the sampling system with a response equal to 90 percent of that step change within 15 seconds or less on the ranges specified in (a)(1) of this section. The step change shall be at least 60 percent of full scale deflection.

(7) The interference gases listed shall individually or collectively produce an analyzer reading less than ±2 percent of full scale on the ranges specified in (a)(1) of this section.

Interference gas	Concentration	Applicable analyzer
CO_2	14%	HC, CO.
C_3H_8	1%	CO.
CO	7%	HC.
H_2O	Saturated Vapor at 200° F.	HC, CO.
NOx	1000 ppm	HC, CO.
O_2	5%	HC, CO.

(8) The analyzer shall be able to meet the specifications in paragraph (a) of this section.

(i) after a 30 minute warm-up from the prevailing ambient conditions,

(ii) between the ambient temperatures of −20° C and 45° C (−4° F to 113° F),

(iii) between 0 to 85 percent relative humidity, and

(iv) during flow variations of ±50 percent.

(b) The following analysis systems are permitted when the analysis system is in a temperature controlled environment.

(1) A CVS sampling system with bag analysis as specified in Subpart N provided suitable corrections are used to convert dilute wet-basis results to raw dry-basis results. The inclusion of an additional raw CO_2 analyzer as specified in Subpart D is required if the CVS system is used in order to accurately determine the CVS dilution factor (D.F.).

(c) A raw exhaust analysis system as specified in Subpart D provided suitable corrections are used to convert raw wet-basis results to raw dry-basis results. Measurements made on a raw dry-basis do not need correction.

§ 86.1512-83 [Reserved]

§ 86.1513-83 Fuel specifications.

Fuel meeting the engine or vehicle manufacturer's recommendations to the ultimate purchaser shall be used. Fuels meeting the specifications in § 86.1313-83 for heavy-duty engines or vehicles, or § 86.113-79 for light-duty trucks as applicable are permitted.

§ 86.1514-83 Analytical gases.

(a) *Analyzer gases.* (1) Calibration gases for the CO analyzer shall be single blends using nitrogen as the diluent.

(2) Calibration gases for the (n-hexane) HC analyzer shall be single blends of propane using nitrogen as the diluent. The conversion factor from propane (ppm C-3) to n-hexane (ppmC-6) shall be:

ppm propane (0.50) = ppm n-hexane.

(3) Ambient air may be used for zero gas provided it is treated to remove impurities or draw from a source that would tend to minimize CO and HC background levels (e.g., a large room with no vehicles, ambient air, etc.).

(b) Calibration gases shall be traceable to within 3 percent of NBS gas standards, or other standards which have been approved by the Administrator.

(c) Calibration gases shall be equivalent in concentration (±10%) to the standards specified in § 86.083-10 and § 86.083-11 for heavy-duty engines or vehicles and for light-duty trucks.

(d) If the CVS sampling is used, the analytical gases specified in Subpart N shall be used.

(e) If the raw sampling system (Subpart D) is used, the analytical gases specified in Subpart D shall be used.

§ 86.1515-83 [Reserved]

§ 86,1516-83 Calibration; frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.1518 through 86.1526.

(b) At least weekly or after any maintenance which could alter calibration, check the calibration of the HC and CO analyzers. Adjust or repair the analyzer as necessary.

(c) Water traps, filters, or conditioning columns should be checked at least daily.

(d) If the sampling and analysis procedures of Subpart D or N are used, the required calibrations and their frequencies are specified in their respective Subparts.

§ 86.1517-83 [Reserved]

§ 86.1518-83 [Reserved]

§ 86.1519-83 CVS calibration.

If the CVS system is used for sampling during the idle emission test, the calibration instructions are specified in § 86.1319-83 of Subpart N.

§ 86.1520-83 [Reserved]

§ 86.1521-83 Hydrocarbon analyzer calibration.

(a) *Initial check.* (1) Follow the manufacturers instructions for instrument start-up and operation. Adjust the analyzer to optimize performance on the range specified in § 86.1511(a)(1).

(2) Calibrate the analyzer with the calibration gas specified in § 86.1514(c).

(3) Adjust the electrical span network such that the electrical span point is correct when the analyzer reads the calibration gas correctly.

(4) Determine that the analyzer complies with the specifications in § 86.1511.

(b) *Periodic check.* Follow steps (a)(1), (2), and (3) of this section as specified in § 86.1516(b). Adjust or repair the analyzer as necessary.

(c) If the analysis procedures of Subparts D or N are used, the required calibrations are specified in their respective Subparts.

§ 86.1522-83 Carbon monoxide analyzer calibration.

(a) *Initial check.* (1) Follow the manufacturers instructions for instrument start-up and operation. Adjust the analyzer to optimize performance on the range specified in § 86.1511(a)(1).

(2) Calibrate the analyzer with the calibration gas specified in § 86.1514(c).

(3) Adjust the electrical span network such that the electrical span point is correct when the analyzer reads the calibration gas correctly.

(4) Determine that the analyzer complies with the specifications in § 86.1511.

(b) *Periodic check.* Follow steps (a)(1), (2), and (3) of this section as specified by § 86.1516(b). Adjust or repair the analyzer as necessary.

(c) If the analysis procedures of Subpart D or N are used, the required calibrations are specified in their respective Subparts.

§ 86.1523-83 [Reserved]

§ 86.1524-83 Carbon dioxide analyzer calibration.

(a) The calibration requirements for the dilute-sample carbon dioxide analyzer are specified in Subpart N.

(b) The calibration requirements for the raw carbon dioxide analyzer are specified in Subpart D.

(c) If another sampling and analyzing system is used that does not require carbon dioxide (CO_2) analysis, this section may be disregarded.

§ 86.1525-83 [Reserved]

§ 86.1526-83 Calibration of other equipment.

Other test equipment used for testing shall be calibrated as often as required by the manufacturer or as necessary according to good practice.

§ 86.1527-83 Idle test procedure; overview.

(a) The idle emission test procedure is designed to determine the raw concentrations (in parts per million of carbon) of hydrocarbons and carbon monoxide in the exhaust flow at idle. The test procedure begins with a warm engine, required to be at the normal operating temperature. (For example, the warm-up for an engine may be a transient dynamometer test, or for a vehicle it may be any convenient operation).

(b) *Vehicles.* (1) If the idle test is being performed on a vehicle, all emission control systems shall be intact and functioning.

(c) *Engines.* (1) If the idle test is being performed on an engine, the required engine configuration is specified in Subpart N.

§ 86.1528-83 [Reserved]

§ 86.1529-83 [Reserved]

§ 86.1530-83 Test sequence; general requirements.

The test sequence shown in Figure P83-1 shows the major steps encountered during the idle test described by the subsequent procedures. The average ambient temperature of the engine test cell (in the case of an engine dynamometer test) or the vehicle environment (in the case of a vehicle test) shall be between −20°C and 45°C (−4°F to 113°F).

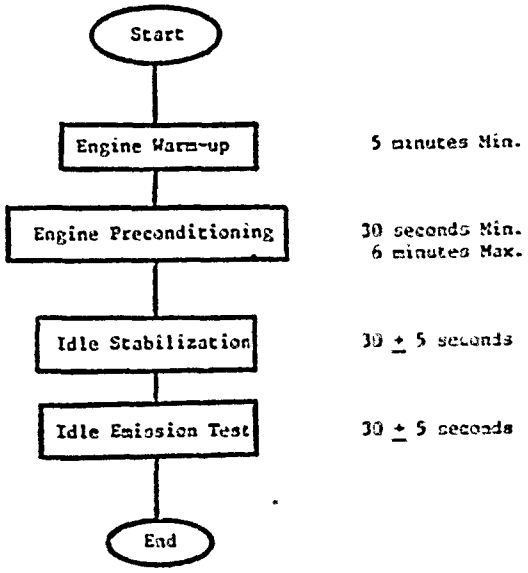

Figure P83-1 - Test Sequence

§§ 86.1531-83—86.1536-83 [Reserved]

§ 86.1537-83 Idle test run.

(a) *Test run.* The following steps shall be taken for each test:

(1) Achieve normal engine operating parameters. The transient emission dynamometer test is an acceptable technique to warm-up the engine to normal operating parameters for an engine test. If the transient emission test is not performed prior to the idle emission test, the engine may be warmed-up according to § 86.1332-83(d)(1)(i) through (iii) (applies to gasoline-fueled engines) or § 86.1332-83(d)(2)(i) through (iii) (applies to diesel engines). For a vehicle test, sufficient vehicle operation shall take place to achieve normal operating parameters.

(2) Check the device(s) for removing water from the exhaust sample and the sample filter(s). Remove any water from the water trap(s). Clean and replace the filter(s) as necessary.

(3) Set the zero and span points of the HC and CO analyzers with the electrical spanning network. It is permitted to set the analyzer span with calibration gases.

(4) Hook-up or attach the sampling system to the tailpipe of the engine or vehicle.

(5) Operate the engine at 2500±50 rpm for gasoline-fueled engines (1200±50 rpm for diesel) and zero load for a minimum of 30 seconds and a maximum of 6 minutes.

(6) Operate the engine at curb idle for 30±5 seconds with the dynamometer off for the engine test, or the transmission in neutral (or park for automatic transmissions) for the vehicle tests.

(7) Sample the exhaust (after step 6) for an additional 30±5 seconds for raw dry-basis HC in ppm C-6 (n-hexane) and raw dry-basis CO in percent. The highest value observed during this sample period shall be the value recorded.

(b) If the CVS sampling system is used, the following procedures apply:

(1) Warm-up the engine as specified in (a)(1) of this section.

(2) Precondition the engine as specified in (a)(5) of this section.

(3) With the sample selector valves in the "standby" position, connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(4) Start the CVS (if not already on), the sample pumps, the temperature recorder, the engine cooling fan, the heated hydrocarbon analysis recorder (diesel only), and the raw CO_2 analyzer. (The heat exchanger of the constant volume sampler, if used, diesel hydrocarbon analyzer continuous sample line, and filter (if applicable) shall be preheated to their respective operating temperatures before the test begins.

(5) Adjust the sample flow rates to the desired flow rate and set the gas flow measuring devices to zero.

(6) Operate the engine at the conditions specified in (a)(6) of this section.

(7) Begin HC and CO bag sampling and raw CO_2 sampling.

(8) Sample idle emissions long enough to obtain a sufficient bag sample, but in no case shorter than 60 seconds nor longer than 6 minutes. Follow the sampling and exhaust measurements requirements of subpart D for the conducting of the idle modes of the gasoline or diesel steady-state test for the raw CO_2 measurement.

(9) As soon as possible, transfer the idle test exhaust and dilution air samples to the analytical system and process the samples according to § 86.1540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(10) Disconnect the exhaust tube from the engine tailpipe(s).

(11) The CVS may be turned off, if desired.

(c) If the raw exhaust sampling and analysis technique specified in Subpart D is used, the following procedures apply:

(1) Warm-up the engine as specified in (a)(1) of this section.

(2) Precondition the engine as specified in (a)(5) of this section.

(3) Operate the engine at the conditions specified in (a)(6) of this section.

(4) Follow the sampling and exhaust measurement requirements of subpart D for conducting the idle modes. The respective mode lengths for gasoline-fueled and diesel engines apply.

(d) If the engine stalls at any time during the test run, the test is void.

§ 86.1538-83 [Reserved]

§ 86.1539-83 [Reserved]

§ 86.1540-83 Idle exhaust sample analysis.

(a) Record the idle concentrations in ppm C-6 (n-hexane) for HC and percent for CO.

(b) If the CVS sampling system is used, the analysis procedures for dilute HC, CO, and CO_2 specified in Subpart N apply. Follow the raw CO_2 analysis procedure specified in Subpart D for the raw CO_2 analyzer. The HC may be recorded as ppm propane (ppmC-3) or ppm carbon (ppmC).

(c) If the continuous raw exhaust sampling technique (Subpart D) is used, the analysis procedures for HC and CO specified in Subpart D apply. The HC may be recorded as ppm propane (ppmC-3) or ppm carbon (ppmC).

§ 86.1541-83 [Reserved]

§ 86.1542-83 Information required.

(a) *General data.* The following information shall be recorded for each idle emission test:

(1) Vehicle identification number for a vehicle test.

(2) Engine identification number for an engine test.

(3) Engine family.

(4) Engine displacement.

(5) Analyzer operator(s).

(6) Vehicle (engine) operator(s).

(7) Fuel identification.

(8) Date of purchase of analytical equipment.

(9) Date of most recent analytical assembly calibration.

(10) All pertinent instrument information such as tuning, gain, serial numbers, detector number, calibration curve numbers, etc. As long as this information is traceable, it may be summarized by system number or analyzer identification numbers.

(11) *Pre-test data.* (i) Date and time of day.

(ii) Test number.

(iii) Ambient temperature (vehicle test) or engine intake air temperature (engine test).

(iv) Vehicle mileage or engine hours as applicable.

(12) *Test data.* (i) Curb idle speed during the test.

(ii) Idle exhaust HC concentration.

(iii) Idle exhaust CO concentration.

(b) If a CVS sampling system with bag analysis is used for the idle emission test, record the additional information specified in Subpart N as applicable. In addition, record the raw exhaust CO_2 concentration during the test.

(c) If the raw exhaust sampling and analysis system specified in Subpart D is used, record the additional information specified in Subpart D as applicable.

§ 86.1543-83 [Reserved]

§ 86.1544-83 Calculations; idle exhaust emissions.

(a) The final idle emission test results shall be reported as ppmC (equivalent carbon) for hydrocarbons and percent for carbon monoxide, both on a dry basis. The results shall be reported to the same number of significant digits as the idle standards specified in § 86.083-10 and § 86.083-11.

(b) Convert dry-basis ppmC-6 (n-hexane) to ppmC (equivalent carbon) by:

$$\text{ppmC} = (6.0)\ \text{ppmC-6}$$

(c) If a CVS sampling system is used, the following procedure shall apply:

(1) Use the procedures, as applicable, in Subpart N to determine the dilute wet-basis HC in ppmC, and CO and CO_2 in percent.

(2) Use the procedure, as applicable, in Subpart D to determine the raw dry-basis CO_2 in percent.

(3) Convert the raw dry-basis CO_2 to raw wet-basis. An assumption that the percent of water by volume in the raw sample is equal to the percent of raw dry-basis CO_2 minus 0.5 percent is acceptable. For example:

$$10.0\%\ \text{dry}\ CO_2 - 0.5\% = 9.5\%\ \text{water}$$
$$(1.00 - 0.095)\ (10.0\%\ \text{dry}\ CO_2) = 9.05\%\ \text{wet}\ CO_2.$$

(4) Calculate the CVS dilution factor (DF) by:

$$DF = \frac{\text{Raw Wet } CO_2 - \text{Background } CO_2}{\text{Dilute Wet } CO_2 - \text{Background } CO_2}$$

(5) Convert the dilute wet-basis HC and CO to dilute dry-basis values. An assumption that the percent of water by volume in the sample bag is 2 percent is acceptable. For example:

dilute dry HC=(dilute wet HC) / (1.00 − 0.02)

(6) Calculate the raw dry-basis HC and CO values by:

raw dry HC=(DF) (dilute dry HC)
raw dry CO=(DF) (dilute dry CO)

(d) If the raw exhaust sampling and analysis system specified in Subpart D is used, the following procedure shall apply:

(1) Use the procedure, as applicable, in Subpart D to determine raw wet-basis HC and raw dry-basis CO and CO_2.

(2) Use the calculations specified in Subpart D to determine raw dry-basis HC.

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Thursday
July 12, 1979

Part IV

Endangered Species Scientific Authority

Exports of Appendix II Species;
Proposed Findings for 1979-1980 Season

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

[50 CFR Part 810]

Exports of Appendix II Species: Bobcat, Lynx, River Otter, Alaskan Brown Bear, and Alaskan Gray Wolf—Proposed Export Findings for the 1979-80 Season

AGENCY: Endangered Species Scientific Authority.

ACTION: Proposed rulemaking.

SUMMARY: The Endangered Species Scientific Authority (ESSA) proposes findings on a state-by-state basis as to whether commercial export of bobcat, lynx, river otter taken in 1979–80 will not be detrimental to the survival of those species; and, proposes findings for each of these species as to whether such export will not be detrimental to the survival of similar species protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Both findings must be positive before export can be allowed. Findings for export of brown bear and gray wolf from Alaska are proposed relative only to whether export will not be detrimental to other populations of the same species. These findings are meant to satisfy ESSA's responsibilities under Article IV, paragaph 2 of the CITES. Federal export permits may be issued only for pelts that were harvested in states for which ESSA has found no detriment and subject to specified conditions. The ESSA seeks public comment in order to base such determinations on the best available information.

DATES: Comments are due on or before September 10, 1979.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, NW, Washington, DC 20240. Forthcoming comments and comments already received will be available for public inspection at room 536, 1717 H Street, NW, Washington, DC, 7:45 a.m. to 5:30 p.m., Mondays through Fridays except federal holidays.

FOR FURTHER INFORMATION CONTACT:

Biological findings

Dr. Peter C. Escherich, Staff Zoologist, Endangered Species Scientific Authority, 18th and C Streets, NW, Washington, DC 20240, 202/653-5948.

Export permits

Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240, 703/235-1903.

SUPPLEMENTARY INFORMATION: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its implementing regulations, 50 CFR Part 23, control international trade in animal and plant species, subspecies or geographically separate populations included in any of three CITES Appendices. A list of species included in the appendices can be found at 50 CFR 23.23. Currently 52 nations are party to the CITES. The CITES is implemented in each Party country by one or more scientific authorities and one or more management authorities. The CITES appendices are distinct from the list of species issued under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., 50 CFR 17.11.

All five species discussed in this notice are included in Appendix II. According to Article II, paragraph 2 of the CITES, Appendix II is to include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

Although the CITES provides for the inclusion of species in Appendix II for two distinct purposes, Parties proposing additions in the past usually have not clearly identified the purpose of listing in their original proposals or in other supporting documents. At the second meeting of the Conference of the Parties (held in San Jose, Costa Rica in March 1979), the Parties recommended "that proposals for additions to Appendix II should make it clear whenever possible whether the proposal is made under Article II 2(a) or Article II 2(b) * * *" (Com. 2.13, also see Com. 2.12). This recommendation is intended to clarify the responsibility of the Parties' scientific authorities in making findings on applications to export or to import specimens of species protected by the CITES.

As discussed in our notice of April 30, 1979 (44 FR 25383), the Department of the Interior, as U.S. Management Authority (MA), may grant an export permit for a specimen of an Appendix II species, only after the ESSA has found that the export "will not be detrimental to the survival of that species" (Article IV 2(a)). For specimens of species included in Appendix II under Article II 2(a), because of potential threat to their own survival, we propose to address the potential effect of exports of the listed species itself; for species included in Appendix II under Article II 2(b), to protect other species, we propose to address how such exports may affect the status of the species intended to be protected: those associated species included in Appendix II under Article II 2(a), or included in Appendix I.

In certain cases it may be necessary to include a species in Appendix II both because it may become threatened with extinction and because its trade must be regulated to effectively control trade in other species included because of biological jeopardy. In such cases the ESSA proposes to make two findings on detriment, one with respect to Article II 2(a) and the other with respect to Article II 2(b); both findings must be positive before exports are allowed.

Bobcat, Lynx, and River Otter

When a species was included in Appendix II as part of a higher taxon and the purpose for listing is not clear, the ESSA, for the present will treat the species as included in Appendix II under both Article II 2(a) and Article II 2(b). This treatment was established in ESSA's Advance Notice of Proposed Rulemaking published in the April 30, 1979 Federal Register (44 FR 25383). That notice requests comment on this policy, as does ESSA's proposed procedural regulations published at 44 FR 40598 July 11, 1979.

The above interpretation is consistent with the purpose for listing higher taxa. For example, the Berne Criteria for addition (Conf. 1.1, 5.11. 1976) state: "Genera should be listed if some of their species are threatened and identification of individual species within the genus is difficult. The same should apply to listing any smaller taxa within larger ones."

The bobcat (*Lynx rufus*) and lynx (*Lynx canadensis*) were added to Appendix II on February 4, 1977 as part of the Felidae. The proposal to include the Felidae in Appendix II was prepared by the United Kingdom of Great Britain and Northern Ireland. In this case the proposal stated that "all species must be considered as vulnerable" and that all "wild species not in Appendix I should be on Appendix II, so that the scale of their occurrence in trade can be monitored." The river otter was included in Appendix II on February 4, 1977, as part of the Lutrinae. The proposal was

prepared by Switzerland and stated, in part: "All otters are heavily exploited for their skins to the extent that they could become endangered. The skins of different species are difficult to distinguish from one another." No additional clarification was given as to why individual species of cats and otters were included in Appendix II. These statements support the interpretation that scientific authority findings on any species of these taxa should address potential threat to their own survival as well as the need to control trade in other species in the taxa.

Consequently, the ESSA intends to make separate findings on detriment with respect to Article II 2(a) and Article II 2(b) for export of specimens of bobcat, lynx, and river otter harvested in 1979–80. This approach differs from the past two seasons, when findings were limited to those conforming to listing under Article II 2(a). Both findings must be positive before exports are allowed.

Bears and Wolves

At the second meeting of the Conference of the Parties, the Parties agreed that the Alaskan and Canadian populations of brown bear, *Ursus arctos*, and wolf, *Canis lupus*, were to be treated as being included in Appendix II under Article II 2(b). After these agreements become effective on June 28, the ESSA will limit its review of export applications for Alaskan brown bear and gray wolf to the preparation of findings made with respect to Article II 2(b). When reviewing proposals to export these Alaskan specimens, the ESSA will only consider and will only make a finding on the probable impact that export of specimens from Alaska will have on the status of other populations of the same species.

Environmental Assessment

No Significant Impact

The ESSA has determined that the findings proposed below in this notice for bobcat, lynx, river otter, Alaskan brown bear, and Alaskan gray wolf taken in 1979–80 are not major Federal actions that would significantly affect the quality of the human environment within the meansing of section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, an Environmental Impact Statement on this proposal will not be prepared.

Alternative Extremes

The ESSA potentially could adopt findings allowing export of bobcat, lynx, river otter, Alaskan brown bear, and Alaskan gray wolf hides without any conditions imposed by the ESSA, or standards and conditions resulting in essentially no export. In our view, neither of these two extremes would constitute a major Federal action significantly affecting the quality of the human environment; consequently, the proposed intermediate standards, conditions and findings, and any similar final actions, would not have such an effect. For the bobcat, lynx, and river otter, the rationale for this analysis for findings under Article II 2(a) was discussed in the 1978 proposed finding published in the July 7 Federal Register (43 FR 29469).

Status

Information outlining the distribution, population estimates and trends, and reproduction of the bobcat, lynx, and river otter is reviewed in the same Federal Register notice, 43 FR 29469, under "Ecology". Data on the status of Alaskan brown bear and Alaskan gray wolf are summarized in the ESSA's general findings concerning exports of these species, communicated to the U.S. Management Authority on December 1, 1978, and available for public inspection at room 536, 1717 H Street, NW., Washington, DC, 7:45 a.m. to 5:30 p.m., Mondays through Fridays except Federal holidays.

Domestic and International Demand

Apparently most bobcat, lynx, and river otter pelts harvested in the United States are exported. For bobcat, in particular, there may be substantial domestic use, particularly in the South where pelts are less valuable. Informal estimates place exports at 80 to 90 percent for bobcat and lynx, 95 percent or more for river otter. The data for Alaskan brown bears and Alaskan gray wolves are insufficient to distinguish between domestic and international demand. However, about 58% of the brown bears taken in Alaska are shot by non-resident hunters, and many of these are foreign hunters seeking trophies (about 10% of the total take). Since 1971, the reported harvest for wolves has been relatively constant, averaging 1,130 per year, with a range from 970 to 1,335. Most animals are taken for fur, both for personal use and for sale. A small number are also shot by trophy hunters, mostly incidental to hunting for larger game.

Consequences of No Export

With respect to findings under Article II 2(a), the consequences of no export of bobcat, lynx and river otter are discussed in last year's proposed rulemaking (43 FR 29469). This discussion may be summarized as follows:

1) Effective prohibition of export probably would reduce harvest of these species, particularly bobcat and lynx.

2) Pelt price may drop, depending on the demands of the domestic market.

3) To some extent, a decrease in harvest would result in increased populations of these species. This is less certain for Alaskan lynx populations which are known to have a cyclic population, and river otter for which there is little evidence of current population stress from harvest.

4) The environmental impacts of no export cannot be described with any confidence. While a decrease in harvest may result in some increase in abundance of these species, the effect on other species is uncertain. The ESSA has received no evidence that unexploited densities of these species would lead to a significant increase in the frequency of rabies or other disease. To some extent, increases may occur in bobcat depredation on domesticated animals, but the overall magnitude of this depredation probably would be minor.

In addition, it has been argued that export restrictions may reduce incentives for state and federal conservation programs of these species. This particularly may be true for the bobcat. Many recent state efforts to monitor and manage this species' harvest and to better establish its biological status may be attributed to federal controls on export.

With respect to findings under Article II 2(b), not approving export of these five species might benefit other species of cats and otters, and other populations of brown bear and gray wolf protected by the CITES. Not approving export would reduce the volume of specimens in international trade. The volume of these specimens in international trade is large, particularly the volume of bobcat, lynx, and river otter, and no export may make available more resources for controlling trade in specimens of other species of cats and otters, and other populations of brown bear and gray wolf. In addition, it is possible that not approving export might help alleviate harvest pressure on other protected species and populations—both by reducing the opportunities for illegally traded pelts to be traded as legally obtained bobcat, lynx, river otter, Alaskan brown bear, and Alaskan gray wolf, and by precluding any stimulus such trade may have on the overall market for protected taxa. On the other hand, the ESSA has little information on

possible incentives to trade specimens of other species or populations as specimens of bobcat, lynx, river otter, Alaskan brown bear or Alaskan gray wolf; and, not approving export might increase harvest pressure on other protected species or populations. It is uncertain to what extent any of these consequences might occur.

Consequences of Export Without Restriction by the ESSA

With respect to findings under Article II 2(a), the consequences of unrestricted export of bobcat, lynx and river otter also are discussed in last year's proposed rulemaking (43 FR 24669). Unrestricted export may result in the over harvest or extirpation of certain populations of these species. On the other hand, because of state harvest controls and domestic federal controls under the Lacey Act, there are certain assurances independent of the CITES that harvest will not be detrimental. Annual ESSA review of the biology and management of the three species reinforces these controls.

Commercial export of bobcat, lynx, river otter, may in some respects be better for these species than an export prohibition (see last year's proposed rulemaking (43 FR 29469)). Given the higher price for pelts in foreign markets, permitting export increases the economic value of these species in the United States. This increased value provides incentives for better state and federal management programs. In some states increased trapping activity contributes additional funds to management programs through the sale of licenses. In addition, increased value may generate public support for sound management programs.

A potential negative impact of allowing export without restriction is the effect that international commerce in pelts of bobcat, lynx, river otter, Alaskan brown bear, and Alaskan gray wolf may have on other species and populations protected by the CITES. The effect, if any, is essentially unknown at this time. ESSA findings in favor of unrestricted exports of these species from the United States may result in the introduction of a larger volume of pelts in international trade, and may result in less rigorous documentation of these pelts. Both of these factors may dilute efforts to effectively control trade in specimens of related species, or populations. The ESSA knows of no market incentives that would lead to extensive promotion of specimens of other protected species and populations as specimens of legally obtained bobcat, lynx, river otter, Alaskan brown bear, or Alaskan gray wolf; however, specimens of these species can be confused with specimens of other species or populations. For example, river otter pelts are difficult to distinguish from the pelts of some other otters.

Consequently, enforcing trade restrictions for other cats, otters, bears and wolves is made more difficult if export of these species is permitted without certain specific conditions. For this reason, in part, we are proposing conditions requiring tagging of pelts of these specimens to help ensure they are not confused with specimens of other protected species or populations. Even if these conditions were not imposed, however, the implications of allowing or disallowing exports of these five species are so uncertain that we do not believe choosing one course or the other requires a step great enough to amount to a major federal action significantly affecting the quality of the human environment.

Guidelines for ESSA Findings on Export

Article II2(a)

For the bobcat, lynx, and river otter, the ESSA published guidelines in the April 10, 1978, Federal Register (43 FR 15097), and further amplified and discussed these guidelines on July 7, 1978 (43 FR 29469). These guidelines were originally developed for the 1978–79 season, but are considered equally applicable to the 1979–80 season (see 44 FR 25383, April 30, 1979).

These guidelines depend on analysis of both biological information and the management program adopted by the states. A Working Group on these species recommended minimum requirements for these (see 43 FR 11081, March 16, 1978):

Minimum Requirements for Biological Information

1. Population trend information * * * the method of determination to be a matter of state choice.

2. Information on total harvest of the species.

3. Information on distribution of harvest.

4. Habitat evaluation.

Minimum Requirements for a Management Program

1. There should be a controlled harvest * * * methods and seasons to be a matter of state choice.

2. All pelts should be registered and marked.

3. Harvest level objective should be determined annually.

As in previous years, not all states meet every one of the requirements, which were considered as minimums by the Working Group. The ESSA has approved export in the past from states when it was considered that other information might provide a reasonable basis for a finding of no detriment. This was done with the understanding that early stages of research and progress toward improved management might be inhibited or made more difficult were no export allowed at all. The progress in both these areas over the past two years has been encouraging, and we wish to recognize the efforts made by the states. Many of these chnges are recorded in our tables of findings for last year and in the present proposal. There remains only one state, New Mexico, in which the wildlife department has not been granted regulatory authority over the bobcat, although the species was either unregulated or bountied in a large proportion of the states only a few years ago.

On the other hand, in spite of this progress, there are still a small number of states, such as Oregon, Arizona, and Georgia, which have provided little evidence that much is being done to assess objectively the impact of relatively large harvests and export. It is difficult for the ESSA to find that export from these states is not detrimental to those populations without more evidence of current population assessment, even though there may be general suggestions or large populations in those states. Another serious problem occurs, as in North Carolina, when no reliable system has been developed to restrict issuance of tags to pelts legally taken in the state. When pelt tags are made freely available, whether by mail or issuance to dealers, and there is no check on whether animals were taken in the state where the tags are issued, such issuance may be detrimental to populations in nearby states both because it takes away from those states information which may be necessary to sound management and because it may encourage the taking of animals at times or places where prohibited. It also raises serious questions over the issuing state's ability to assess accurtely its own harvest.

The ESSA may be unable to make a finding of no detriment for those states without adequate control of tag issuance or for those states where there is little evidence of attempts to assess current population status, in spite of improvement in other areas. For the former problem, we will rely upon the Mangement Authority to work out a satisfactory program with these states

and to inform us of the results before these findings are finalized. In the latter case, we are hopeful that the states involved may have additional internal assessments or plans for these which have simply not been transmitted to the ESSA.

Application of these guidelines to brown bear and gray wolf from Alaska is not discussed because these populations are considered to have been included in Appendix II under Article II 2(b) only (see 44 FR 25480, May 1, 1979, and 44 FR 9689, February 14, 1979), and thus only a finding relative to that article is required of the ESSA.

Article II2(b)

Findings under Article II 2(b) address the question of potential detriment to other associated species. As described in more detail in the April 30, 1979, Fedeal Register (44 FR 25383), two major concerns must be satisfied: (1) that specimens of the exported species must be sufficiently distinguishable from specimens of the similar species protected by the CITES to prevent a detrimental confusion in trade, and (2) that trade in the species concerned does not stimulate trade in similar protected species which would be detrimental to those species. Because the CITES defines "species" to include "any species, subspecies, or geographically seprate population thereof" (Article I(a)), important units to consider are other populations or subspecies of the species under consideration as well as related species which are particularly difficult to distinguish. Each of the five species under consideration here has similar relatives in one or both of these categories which are included in the appendices, and which are the basis for the inclusion of the present species under Article II 2(b).

ESSA Proposed Findings Under Article II 2(a)

As discussed above, findings under Article II 2(a) are required for bobcat, lynx, and river otter. Recent information received for bobcat and river otter is summarized by state in the tables below, along with prposed findings and conditions under Article II 2(a). Information, findings, and conditions for lynx are summarized after the tables, for the five states with open seasons for that species. No findings are included here for brown bear and wolf from Alaska because of the agreement by the parties that only findings under Article II 2(b) are required. Data for prior years been summarized for the first three species in the Federal Register and will not be repeated here: August 30, 1977 (42 FR 43729), March 16, 1978 (43 FR 11081), July 7, 1978 (43 FR 29469), August 7, 1978 (43 FR 35013), August 16, 1978 (43 FR 36293), and September 1, 1978 (43 FR 39305). These notice should be consulted for background data relevant to the current proposed findings.

Approval of export by the ESSA in this section is not the only condition necessary for export. In the following section, findings are proposed relative to Article II 2(b) for each of the five species. For export, those findings must also be positive and any conditions met. In addition, an export permit must be obtained from the Federal Wildlife Permit Office (address above).

Descriptions of the table categories follow, along with explanations of abbreviations used.

Harvest Level Objective for 1979–80

As recommended by the Working Group, it is desirable to define a permissable, desirable, or projected level of harvest prior to setting regulations or controls on that harvest. Setting such an objective serves two functions: It clarifies the intent of those controls, which can aid in making decisions on the nature and level of controls to use, and it provides a standard by which the effect of those controls can later be measured. We cite here objectives which have been defined to us by the individual states. These are not quotas or limits, although certain states may have treated them as such, in various forms, in their own regulations (e.g. California and Massachusetts for bobcats). Where agencies have given us a number it is included here; qualitative objectives are indicated here by abbreviations:

M = Maintain: The state intends to maintain a harvest approximately equal to that in the previous season or to that in several recent seasons.

D = Decrease: The state intends to decrease harvest.

I = Increase: The state intends to increase harvest.

NS = None specified: The state has not identified to the ESSA a harvest level objective for 1979–80.

P = Totally protected: There is no open season for 1979–80. The species may be included in a state list of endangered wildlife, or there may be a temporary moratorium.

X = Not present: The species may never have occurred there, or may have been extirpated in historical times.

Reported Harvest, 1978–79

The state's reported harvest for the 1978–1979 trapping season. In certain cases (see abbreviations below), more than one reporting system was used, and the differing reports are given with appropriate designations. Problems of comparing harvest reports made by different systems are discussed in the March 16, 1978, notice (43 FR 11081):

NC = Not compiled: State has not finished collection of harvest data. In most cases this is in progress, and the ESSA anticipates receiving these data soon.

TR = Trapper report: Mandatory report by trapper of each kill. In most cases this includes tagging of the pelt by a state official. This is generally considered the most reliable measure of harvest.

HR = Hunter report: Mandatory report by hunter (as for trapper).

DR=Dealer report: Mandatory report by fur dealers in state of all furs bought and sold. Such reports may be misleading when no distinction is made for skins originating in one state and sold in another. Multiple sales of the same pelt can also reduce accuracy of this method.

TS=Trapper survey; HS=Hunter survey; DS=Dealer survey: Voluntary survey or reports from a sample of trappers, hunters, or fur dealers. Results of these are commonly extrapolated, with a wide range of reliability, depending on attention to statistical limitations.

ADC=Animal damage control: Report of predator control operations.

VT=Voluntary tag: State provides tags, but does not require their application to all pelts taken. Because such tags are required for identification of legally taken and approved pelts on export, pelts bearing such tags apparently receive higher prices, producing an incentive for tagging. (See also tagging column.)

Tagging

The Working Group recommended that all pelts "be registered and marked." The ESSA and the MA have required as a condition of export that all pelts be clearly identified as to state of origin and season of taking. These recommendations and conditions have generally been met through the application of state supplied tags to pelts. State requirements and mechanisms for tagging vary widely and, as described above, may have effects on the state's own ability to gather data, on programs in nearby states, as well as on the degree to which tags may identify legally taken hides from the indicated states. Abbreviations, as follows, are used to summarize the states' tagging programs. Dates following an abbreviation indicate, where known, the first year that program was applied:

MTA=Mandatory tag, applied by agent: All animals of that species taken or possessed must be tagged; a state agent applies the tag.

MSA=Mandatory tag for sale or transport of pelt, applied by agent: Only pelts to be sold or to enter interstate commerce must be tagged; a state agent applies tag. In some

cases, there may be a substantial kill not falling in these categories which is not included in such tagging.

VTA=Voluntary tag, applied by agent: Tags are applied by state agents, but are not required by the state for any particular category of pelt.

MTT=Mandatory tag for taking or possession, but issued to trapper, hunter, or dealer;

MST=Mandatory tag for taking or for sale or transport, but issued to trapper, hunter or dealer;

VTT=Voluntary tag, issued to trapper, hunter, or dealer: In these cases the state may have less control over which pelts are actually tagged.

NR=No return requirement: Where state issues tag to trapper, hunter, or dealer, there may be no requirement for return of unused tags or for accounting for those tags used.

Local Data and Management

The Working Group recommended that there be "information on distribution of harvest." In addition, the ESSA is required to consider in its finding the "species throughout its range * * *," and the CITES defines species to include subspecies and populations. Not all situations may require data on management more detailed than on a statewide level, especially in small states with little diversity in natural habitat. On the other hand, large states, especially those with considerable variety of habitat and uneven distribution of harvest effort, may find it essential to gather data in local units and to have different regulations for different parts of the state. These are indicated by the abbreviations below:

LH=Local harvest data: Harvest data is available by county or game management unit.

LR=Local research: Intensive research projects are being carried out in two or more diverse sites within the state, provideing data which may be useful in differential management of local populations.

LS=Local surveys: Qualitative surveys of abundance have been carried out which suggest abundance by county or game management unit.

LM=Local management: Regulations or other measures which may affect local abundance or harvest are set differently for different areas within the state.

Recent Management Changes and Other Comments

Continued improvement in management regimes and research programs can have an important bearing on whether the ESSA can find that export will not be detrimental.

Findings and Conditions Proposed Under Article II2(a) for the 1979–80 Season.

The ESSA's proposed findings under Article II2(a) for pelts harvested during the coming fur season are given here. Final ESSA findings in favor of export of bobcat, lynx and river otter pelts require a positive finding both under Article II2(a) and Article II2(b).

These are proposed findings, and the ESSA anticipates changes as further information is received. Publication of final findings is planned for about September 14. The proposed findings and conditions are abbreviated as follows:

A=Approved: The ESSA proposes to find that export of specimens of this species will not be detrimental to its survival. The ESSA considers that expected harvest under the state's planned management regime will not be detrimental to the survival of the species in that state. As a condition to this finding, all pelts must be clearly identified as to state of origin and season of taking. The purpose of this condition is to provide a record of the harvest and to facilitate research efforts.

Q. ###=Quota: Exports from this state are approved for pelts taken during the 1979–1980 season, on the condition that exports are limited to the specified quota, and pelts are clearly identified to state and season.

NEA=No export approved: Explanation given in "comments" for the state.

NDR=No data received; IDR=Incomplete data received; no export approved: The ESSA does not have sufficient information to support a finding of no detriment. Data from the 1978–79 season and current management plans were not received by the ESSA in time for inclusion here, or are not complete. Proposed findings will be reconsidered if such data are received during the comment period. In most cases, these data are currently being prepared by state officials, and the ESSA expects to receive these soon.

P=Protected, or X=Not Present; no export approved: As in harvest objective column. A finding in favor of export for the 1979–1980 season would be inconsistent with current state conditions.

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BOBCAT

STATE	HARVEST OBJECTIVES 1979 - 1980	REPORTED HARVEST 1978 - 1979 Number	How Reported	TAGGING	LOCAL DATA & MGMT.	RECENT CHANGES AND COMMENTS	FINDINGS & CONDITIONS under Article II 2(a) for '79 - '80
Alabama	NS	1631 NC	VT TR	VTA'78	LH	Major study recently completed. Summary only available to date.	IDR
Alaska	X						X
Arizona	NS						NDR
Arkansas	3500 max	NC	TR,HR, DR	VTA'77 MTA'78	LH	'79 - '80 season reduced ten days. Fur takers permits to be required. Dealer report mandatory. Management goal: "Harvest approx. 10%...and/or to maintain a desired age structure." Age structure data being collected.	IDR
California	15,000	12,556	VT,HS, TS,ADC	MSA'77 MTA'78	LH,LR	'79 -'80: Season reduced by one month, or to be closed when 6,000 export tags are sold (state imposed quota). All pelts held must be tagged and data and specimens turned in. Field research in progress in several areas of state. Estimate only 25% of animals killed are pelted. Harvest per successful trapper relatively constant.	A
Colorado	3-4,000,M	NC	TR,DR, TS,HS	MTA'78	LH,LS	Age structure analysis in progress. Current status evaluated annually based on comparison of prey abundance, harvest success rates, and habitat suitability by management units.	IDR
Connecticut	P						P
Delaware	P						P
Florida	NS	1698	TR,HR	MST'78	LS	Research started on population assessment, reproduction, and habitat. Insufficient data available for setting harvest objective. '79: Tagging and dealer report requirements strengthened. Tags required for interstate shipment. Season reduced from year-round to three months.	A
Georgia	NS						NDR
Idaho	NS	1320	VT	VTA'78	LH,LS	Research in progress, including age structure. '79 -'80 season and regulations to be set in August when more data available.	IDR
Illinois	P						P
Indiana	P						P
Iowa	P						P
Kansas	2,000	822 1,166 +539 949	TR TS HS DR	MSA'78		'79 regulations not finalized.	IDR

BOBCAT

STATE	HARVEST OBJECTIVES 1979 - 1980	REPORTED HARVEST 1978 - 1979 Number	How Reported	TAGGING	LOCAL DATA & MGMT.	RECENT CHANGES AND COMMENTS	FINDINGS & CONDITIONS under Article II 2(a) for '79 - '80
Kentucky	P						P
Louisiana	NS	5,672 5,164	DR VT	VTT'78	LH,LM	Age structure and reproductive data being analyzed Telemetry studies in progress. Scent post survey procedures being tested; started '78.	A
Maine	317 max.	280	TR	MTA'76	LH,LS,LM	Species plan updated regularly. Provision for closing local or statewide seasons early if allowable harvests exceeded.	A
Maryland	P					Surveys in progress.	P
Massachusetts	NS						NDR
Michigan	350-450	386	TR,HR	MTA'76	LH,LM	Status review, including age structure analysis, in progress. Trapping license sales stable. Coyote bounty to be eliminated 1980 — expected to decrease bobcat take.	A
Minnesota	300	309	TR,HR	MTA'78	LH	Scent post and radio tracking studies in progress. Prey and bobcat population considered increasing.	A
Mississippi	NS						NDR
Missouri	P						P
Montana	1250	1126	TR,HR	MTA'77	LH	Age structure data being analyzed. Detailed research to start '79-80.	A
Nebraska	100-200	106	TR,HR	MTA'78 VTA'77	LH	Carcasses being collected, analyzed for reproduction and age structure. Trapper survey in progress.	A
Nevada	M	4,638	TR,HR	MTA'78	LH,LS	Harvest data, including effort, analyzed by county and mountain range. Local age structure analysis in progress on over 4,000 animals harvested. Tagging requires turn-in of lower jaw. May provide for differential local management if indicated by age analysis and local surveys. Statewide trap-days per animal has decreased and catch per trapper increased since 1977-78.	A
New Hampshire	P						P
New Jersey	P						P
New Mexico	NS						NDR
New York	M or I	159	TR,HR	MTT'77	LH,LM	Increased apparent harvest anticipated due to greater familiarity and compliance with tagging requirement. (Actual harvest expected to remain similar to previous.) Over 20% of take not by hunters or trappers. Age structure suggests long survival.	A

BOBCAT

STATE	HARVEST OBJECTIVES 1979 - 1980	REPORTED HARVEST 1978 - 1979 Number	How Reported	TAGGING	LOCAL DATA & MGMT.	RECENT CHANGES AND COMMENTS	FINDINGS & CONDITIONS under Article II 2(a) for '79 - '80
North Carolina	850	861	DR	VTT,NR '78		Extensive research planned. State sold 2,000 non-returnable tags at $5 each, largely to dealers, but cannot account for 1139 of these. System provides no assurance that pelts tagged with North Carolina tags were taken in that state, and encourages their use on pelts from other states.	NEA
North Dakota	NS						NDR
Oklahoma	NS						NDR
Oregon	NS						NDR
Pennsylvania	P						P
Rhode Island	P						P
South Carolina	1000	NC	TR,HR,DR	MTT'78	LS	Current season data incomplete. New Fur Bearer Management Section set up. Will be carrying on detailed studies and making management recommendations.	IDR
South Dakota	NS						NDR
Tennessee	1000 max	684-900	DR,VT	VTA'77	LH,LS	Study carried out '72-'73. Data turned in at tagging. Scent post and telemetry studies planned.	A
Texas	NS						NDR
Utah	2000-2500	0		MTA'79		'79: Management transferred to Division of Wildlife Resources. Propose reopening season (closed since '76); regulations being drafted. Investigating population assessment methods. Estimate of minimum population ('77): 7181 - 8563.	IDR
Vermont	NS						NDR
Virginia	100-400	321	TR,HR,DR	MSA'78	LH,LS	Furbearer program being reviewed. Surveys and other research planned.	A
Washington	M	3,530	TR, HS	MSA'78	LH,LM,LR	Detailed studies in progress in both eastern and western parts of state.	A
West Virginia	630	588	TR,HR	MTA'77	LH	Limit of two. Carcass and age studies in progress.	A
Wisconsin	NS	223	TR,HR	MTA'73	LH,LS	"...Not certain ... whether or not a bobcat harvest season will be established for Wisconsin in 1979." Surveys in progress.	IDR
Wyoming	M or D	NC	VT	VTA'77		'79: Game and Fish Department given regulatory authority. Season reduced year-round to six months. Age structure analysis suggests improving status ('77-'78).	IDR
Navajo Nation	M,50-200	126	ADC,TS,DS	VTA'77	LH	Trapper report to be required. Extensive research proposed. Most ADC take incidental to coyote trapping. Trap-nights per bobcat have increased since 1971.	A

RIVER OTTER

STATE	HARVEST OBJECTIVES 1979-1980	REPORTED HARVEST 1978 - 1979 Number	How Reported	TAGGING	LOCAL DATA & MGMT.	RECENT CHANGES & COMMENTS	FINDINGS & CONDITIONS UNDER ARTICLE II 2(a) FOR '79 - '80
Alabama	NS	882 NC	VT TR	VTA '78	LH	Continuing research on otters in the state. Reduced pelt price for beaver expected to reduce otter harvest.	IDR
Alaska	NS						NDR
Arizona	P						P
Arkansas	600	NC(est 500)	TR, DR	MTA '77	LH	'79 - '80: Season reduced 10 days; fur taker's permit to be required; dealer report mandatory. "Reports from the public indicate ... population is increasing..." Age structure not yet analyzed.	IDR
California	P						P
Colorado	P						P
Connecticut	63-74	74	TR	MTA '78	LH	"During last 8 years, observations, predation complaints, and field sign have increased [suggesting] otters are present in larger numbers than thought..."	A
Delaware	NS	45	VT	VTA '78		'79: Trapper reports to be required, new surveys of trappers and dealers started to "gauge population fluctuations."	A
Florida	NS	2112	TR,HR	MST '78	LS	Research started on population assessment, reproduction, and habitat. Insufficient data available for setting a harvest level objective. '79: Tagging and dealer report requirement strengthened, tags required for interstate shipment.	A
Georgia	NS						NDR
Idaho	P					Study in progress.	P
Illinois	P						P
Indiana	P						P
Iowa	P						P
Kansas	P						P
Kentucky	P						P
Louisiana	NS	9,745 9,463	DR VT	VTT'78	LH	Age structure & reproduction data being analyzed. Telemetry study planned.	A
Maine	909 max.	693	TR	MTA'75	LH,LS, LM	Species plan updated regularly. Studies being started on mark-recapture methods assessment and on relationship of harvest regulations and status.	A
Maryland	300 max.	262	TR	MTT	LH,LS	Major study completed, to be published soon.	A
Massachusetts	NS						NDR
Michigan	600-700	730	TR	MTA '40	LH,LM	Bag limit of one. Almost all taken incidental to beaver trapping.	A

RIVER OTTER

STATE	HARVEST OBJECTIVES 1979-1980	REPORTED HARVEST 1978 - 1979 Number	How Reported	TAGGING	LOCAL DATA & MGMT.	RECENT CHANGES & COMMENTS	FINDINGS & CONDITIONS UNDER ARTICLE II 2(a) FOR '79 - '80
Minnesota	750	707	TR	MTA '56-'62, '78	LH,LM	Season limit of three. Southern part of state closed. Survey methods being analyzed.	A
Mississippi	NS						NDR
Missouri	P						P
Montana	35	34	TR	MTA '77	LH	Carcass collection planned for '79-'80. "Limited survey...on 4 major river systems indicates a density of one otter per 14 kilometers." More intensive surveys planned.	A
Nebraska	P						P
Nevada	P						P
New Hampshire	NS						NDR
New Jersey	P						P
New Mexico	P						P
New York	400-500, or 650-700	677	TR	MTT '54	LH,LM	Harvest data not final. Models suggest slightly increasing population.	A
North Carolina	1,125	1,357	DR	VTT,HR '78		Extensive research planned. State sold 2,000 non-returnable tags @ $5 each, largely to dealers, but cannot account for 643 of these. System not only provides no assurance that pelts with North Carolina tags were taken in that state, but encourages their use on pelts from other states.	NEA
North Dakota	P						P
Oklahoma	P						P
Oregon	NS						NDR
Pennsylvania	P						P
Rhode Island	P	25	TR,DR	MSA '77		Carcass analysis started. Furbearer project to start. No open season '79-80.	P
South Carolina	1000	NC	TR,DR	MTT '78	LS	Current season data incomplete. New Furbearer Management Section set up -- will be carrying out detailed studies and making management recommendations.	IDR
South Dakota	P						P
Tennessee	P						P
Texas	NS						NDR
Utah	P						P
Vermont	NS						NDR
Virginia	500-1000	813	TR,DR	MSA '72	LH, LM	Furbearer programs being reviewed. Surveys planned. Closed west of Blue Ridge	A

RIVER OTTER

STATE	HARVEST OBJECTIVES 1979-1980	REPORTED HARVEST 1978 - 1979 Number	How Reported	TAGGING	LOCAL DATA & MGMT.	RECENT CHANGES & COMMENTS	FINDINGS & CONDITIONS UNDER ARTICLE II 2(a) FOR '79 - '80
Washington	M	722	TR	MSA'78	LH,LM	Eastern Wash. closed;other local closures & adjustments.	A
West Virginia	P,X						P
Wisconsin	NS	NC		MTA '55	LH,LM	Status study being started. Limit of two.	IDR
Wyoming	P						P
Navajo Nation	X						X

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Lynx

Only five states have open seasons for lynx, so their data are summarized here rather than in a complete table. Information for each state is given in the same order as used in the tables for bobcat and river otter. As for bobcat and river otter, the previous Federal Register notices should be consulted for further information concerning biology and management.

The following states protect lynx, although not all have resident populations: Colorado, Connecticut, Maine, Michigan, New Hampshire, Utah, Vermont, Wisconsin, and Wyoming.

The following states have a limited open season for lynx, tag all pelts, and have other restrictive regulations:

Alaska

Finding: NDR.

Idaho

Harvest objective: NS. Harvest (VT): 3. VTA '78. Finding: A.

Minnesota

Harvest objective: 50. Harvest (TR,HR): 28. MTA '77. Local: LH,LS. Species is included in surveys and research conducted for bobcat. Recent radiotracking study. Normal cycle of species suggests considerable increase expected within next three years. Finding: A.

Montana

Harvest objective: 35. Harvest (TR,HR): 23. MTA '77. Local: LH,LS. Age structure analysis in progress. Finding: A.

Washington

Harvest objective: NS. Harvest (TR): 6; (TS): 16. MSA '78. Local: LH. Finding: A.

ESSA Proposed Findings Under Article II2(b)

The ESSA proposes to find that export of specimens of bobcat and lynx will not be detrimental to the survival of other species of felids protected by the CITES.

The ESSA proposes to find that export of specimens of river otter will not be detrimental to the survival of other species of otters protected by the CITES.

The ESSA proposes to find that export of specimens of Alaskan brown bear will not be detrimental to the survival of other populations of this species.

The ESSA proposes to find that export of specimens of Alaskan gray wolf will not be detrimental to the survival of other populations of this species.

Conditions: The ESSA proposes the following conditions on these findings:

(1) Bobcat, lynx, and river otter pelts may only be exported if taken in states approved under Article II 2(a), subject to the conditions described under those findings, and must be tagged according to standards and conditions established by the MA. In 1978–79, the MA considered the following to be necessary standards and conditions:

Tags must:

a. be made of metal or some other permanent material;

b. be permanently attached to each skin, preferably by state personnel;

c. accompany finished fur products to the port where the tags will be collected by USFWS officers. The tags are necessary to show source and tag numbers of pelts used in the manufacture of the product;

d. be applied within a specified time of taking that is set by the state;

e. show state of origin;

f. show year of taking;

g. show species; and

h. be serially unique.

A sample of each type of state tag must be sent to the Federal Wildlife Permit office.

2. Specimens of brown bear and gray wolf may only be exported if legally taken in the State of Alaska and must be tagged according to the regulations of that state. A sample of each type of tag must be sent to the Federal Wildlife Permit Office.

Additional alternative conditions: The ESSA proposes to choose one of the following additional conditions for export of pelts of each of the species considered here. Choice of which condition to apply, if any, will be based on additional information to be received and evaluated relative to the international fur trade and to harvests in other countries.

3. Either

(a) There will be no restriction as to which countries may receive exported pelts.

or

(b) Pelts may be exported only to countries which are Parties to the CITES and which have not taken reservations for the species in trade or for species which that species was included in the appendices to protect.

or

(c) Pelts may be exported only to countries whose wildlife trade and wildlife trade regulation have been reviewed by the ESSA and found to provide assurances that contributing the U.S. pelts to their trade will not be detrimental to other species included in the appendices.

or

(d) Pelts may be exported only to countries which meet the condition (b) or (c) above.

Grounds for the Proposed Finding Under Article II 2(b).

General discussion.

As discussed in the guidelines above, and in the Federal Register of April 30, 1979 (44 FR 25383), the two primary issues to be dealt with here involve identification and possible stimulation of trade in similar species.

A fundamental presumption of all findings of the ESSA must be that the provisions of the CITES are being implemented and enforced effectively. To the degree that the ESSA can place confidence in the system provided for controlling trade, we can be correspondingly satisfied that existing procedures are adequate to ensure that specimens of one species will not be confused, intentionally or unintentionally, with specimens of other species.

Tagging of pelts helps provide assurance that specimens will be identified properly. Without tags, pelts would only be identified by paper documentation accompanying entire shipments. For such shipments, there would be many opportunities for confusing the identity of individual specimens. As most states already tag harvested pelts of these species, this condition would not result in significant additional burdens to state game agencies nor to the industry. For these reasons, and because tagging is useful as a vehicle for facilitating research, we believe this condition is very appropriate.

We have noted above the tagging procedures for the involved states, and anticipate that those, together with federal requirements, will be significant vehicles for carrying out the relevant responsibilities of the ESSA pursuant to Article IV 2(b). We expect the Management Authority to take care in ensuring that the standards and conditions for tagging are fulfilled, particularly because certain populations of these species are protected or may be threatened, and we know of no unequivocal way to distinguish between at least some specimens of these species taken from different parts of their distributions.

Beyond tagging, other conditions might be appropriate to better ensure adequate identification (see 44 FR 25383, April 30, 1979). For example, even small pieces of pelts could be identified by marking the entire reverse side of the pelt with identifying symbols. This

procedure was proposed by the U.S. Fish and Wildlife Service with respect to domestic trade controls for American alligators (43 FR 45513, October 2, 1978, proposed amendment 12 of § 17.42) and subsequently complemented by the ESSA with respect to our proposed findings under Article II 2(b) for this species relative to international trade (44 FR 31583, May 31, 1979). This procedure has been used to identify pelts of fur seals in trade. Applying this condition on one or more of these species, such as the river otter, could significantly reduce problems of identification; however, it is the judgment of the ESSA that available information concerning possible abuse of the trade in these species is insufficient to warrant this condition.

It has been suggested (see 44 FR 25383, April 30, 1979) that trade in these species should be restricted to countries which are parties to the CITES and which recognize the inclusion of these and related species in the appendices. Such an approach has been proposed for export of American alligator (44 FR 31583, May 31, 1979). In that case, a substantial proportion of the trade in other crocodilians, including several on Appendix I, is known to involve countries which either are not parties to CITES or which have taken specific reservations to Appendix I crocodilians. Trade in crocodilians is known to have been detrimental to several species, and it still occurs in volume for several that are endangerd. In addition, the potential for confusing crocodilian products is great, particularly where small pieces are involved.

The present five furbearers present different cases. At present, most of the trade in these species is already with CITES Parties, and none of the major importing countries have taken reservations on these or related species. (Two exporting countries have taken such reservations: USSR for European otter and lynx, and Canada for brown bear.) U.S. Fish and Wildlife Service records indicate that the U.S. exported bobcat, lynx, or river otter in 1978 to 13 different countries, six of which are CITES Parties, and seven of which are not. The CITES countries received 85% of the exported pelts of these species, while 7% went to non-CITES countries, and unidentified countries received 8%. All known exports of brown bear and wolf went to CITES Parties. In contrast to crocodilians, evidence is much less clear that currently there is extensive potentially detrimental trade in the species most likely to be confused with the present ones. On the other hand, for some of these related species, even low levels of trade might prove detrimental, and without adequate controls on trade by other countries it may be unwise to contribute further to such trade.

One suggestion for ensuring the adequacy of such controls has been a possible limitation of exports of one or more of these species to CITES Parties without reservations for either the species in question or the ones to be protected. Such countries have at least acknowledged formally a commitment to properly controlled trade, and are subject to review of their performance by the Secretariat and the other Parties. It has also been argued that such ratification does not guarantee that control mechanisms are actually effective, that there may be countries whose controls work well independent of their status relative to the CITES, and that review of such countries might prove a better guarantee than CITES ratification. A combination of these approaches could provide support for CITES controls, as well as allowing recognition of effective controls that may exist independent of them. The ESSA is still seeking further data on trade and trade controls which may prove helpful in resolving these questions, and consequently is proposing possible alternative conditions on exports for these species. As detailed below, the situation for each of these species is somewhat different, both as to the nature of trade, other species threatened, and similarity to other species. Consequently, the ESSA may find it appropriate to decide on different conditions for each species. Further analysis may demonstrate it unnecessary to restrict the countries to which we export, or it may demonstrate a need for one of the other three alternatives.

The species discussions below also address the question of stimulation of trade in other protected populations or species. A detailed study of this question would require considerably more data than are presently available. Comparison of relative volumes in trade, and of those being harvested elsewhere, however, are relevant to this question as well as to the preceding one.

Bobcat and Lynx.

These species are treated together here because of their similarity to each other. In fact, large light-colored bobcats, especially those of the subspecies *lynx rufus pallescens,* are called "lynx cats" in the trade. The most likely confusion would be with other populations of the same species, as well as the European lynx, *Lynx lynx,* in which some authorities include *Lynx candensis* as a subspecies. The bobcat occurs primarily in the U.S., with populations extending into Canada and Mexico. As detailed above, export of these species is only allowed for pelts appropriately tagged by the state of origin, which can serve to identify any U.S.-exported skins of these species. In the last seven months of calender 1977, the U.S. Management Authority reported a combined total export of these species of 14,254 pelts and 136 coats. Of these only 236 skins (2%) and seven coats went to countries not presently parties to CITES. An additional 1,302 skins (9%) and 24 coats were exported to unspecified countries, but we have no indication that these exports went to a larger proportion of non-CITES countries than did the known exports. More complete figures for all of calender 1978 indicate that of a combined total of 25,531 pelts, 21,501 (84%) went to CITES Parties, 1,587 (6%) to non-CITES countries, and 2,443 (10%) to unidentified countries. Included in these figures are 1,731 lynx, of which 65% went to CITES Parties and 35% to non-CITES, but it is unclear whether that difference represents a long-term trend or the result of a small number of shipments. (Of 609 lynx exported to non-CITES countries, 480 were in a single shipment to Japan.) Thus, market conditions for these species generally provide for the majority of these pelts being shipped to CITES Parties. (For 1978, we have a total combined figure of 34,892 from the MA for the period Oct. 1, 1978 to May 31, 1979, which represents a partial fiscal year, and do not have reports by country yet. The apparently increasing numbers probably suggest improving compliance and reporting but may actually represent a larger proportion or number exported.)

The lynx is the more valuable of these two species, so there would be greater financial incentive to misidentify the more plentiful bobcat as lynx at the sales point. U.S. harvest of lynx is only a small part of the world market in that species. Between 1970 and 1977, U.S., harvest of this cyclic species varied from about 1,600 to 10,000 pelts, while Canada took from 13,000 to over 53,000 (Deems and Pursley, 1978, North American Furbearers: Report of Fur Resources Committee, International Association of Fish and Wildlife Agencies). Canadian Custom statistics for 1973–77 report most of these lynx exported; of those, between 11,000 and 21,000 have been exported annually to the U.S. Presumably many of these are re-exported from the U.S., but we do not have data reflecting such re-exports. In addition the USSR is known to harvest

large numbers of closely related *Lynx lynx*, although we do not have reliable statistics. The most likely populations of Lynx lynx which would be potentially threatened by exports of American cats could be those of Europe. Our best information is that most of these populations are closely regulated, with little poaching for the pelt trade.

There are other spotted cats with coats similar to bobcat and lynx, but few of these are in trade. Most spotted cats in trade, especially the more valuable ones, can be fairly readily identified based on color, spotting pattern, hair length, and, in some cases, size.

River Otter

The pelt of this species is one of the most difficult to distinguish from that of similar species. It has been widely reported that even experts have difficulty in identifying pelts of different *Lutra* species, especially if the nose and feet are removed from the pelt, as is commonly done. Trade has frequently been cited as an important factor in the decline of otter species, especially those from South America (e.g., Goodwin and Holloway, 1972, IUCN Red Data Book, Vol. 1, Mammalia). On the other hand, we have been unable to obtain quantitative data on this point to suggest its nature and extent; nor do we have any indications of the extent that labelling as North American river otter may be used to facilitate such trade.

As for the lynx, the U.S. is not the only contributor to otter trade. Canada, 1970–77, has had an average annual harvest between 15,000 and 20,000 (Deems and Pursley, 1978). This is comparable to the U.S. harvest until about 1976, but has consistently had higher average pelt values. On the other hand, Canadian Customs only reports total exports of this species form 1973–77 at 1,200 to 9,200. We do not have statistics available for the Soviet Union, but understand that country may have a considerable harvest of the closely related *Lutra lutra*, to which they have taken a reservation under the CITES. The U.S. Management Authority reported exports of *Lutra canadensis* in the last seven months of calender 1977 totalling 3,019 skins and two coats. Of those, 681 skins (23%) went to non-CITES parties (Austria and Italy), and 1,119 (37%) went to unknown destinations. In calender 1978, of 11,139 total exports of pelts, 9,628 (86%) went to CITES Parties, 901 (8%) to non-CITES, and 610 (5%) to unidentified countries. Again, the majority of exports appear to go to CITES parties. (As for the previous species, the MA has given us a preliminary figure of 9,555 exported between Oct. 1, 1978 and May 31, 1979, but reports by country are not yet available.)

Tagging systems for otters taken in most states of the U.S. have been established for longer than those for bobcat and lynx, and their reliability is somewhat higher. Given this fact and the volume of other otters legitimately in trade, the ESSA is undecided as to whether it should restrict exports to certain countries. It should be made clear, however, that identification problems make this the most difficult to distinguish of the five species considered here, and the ESSA is seeking and will examine closely any data it may be provided which is relevant to this problem.

Brown Bear From Alaska.

This species provides a strong contrast to the other species being considered here. Alaskan law prohibits commercial sale of pelts, and very restrictive laws on taking make such use even less likely. As a result, almost all amimals taken become trophies. Export of such specimens is almost exclusively by hunters from the Federal Republic of Germany, a Convention party whose hunters have gone to considerable time and expense to secure those trophies. Unlike the commercial fur trade, where large volumes of pelts may pass through a series of hands, accounting of these trophies is particularly close. Alaska requires licenses both of the hunter and his resident guide, registration of the animal taken, and notification of any shipment. Generally, the hide goes from the hunter or guide to a taxidermist and is then shipped directly to the original hunter at his residence. In spite of these controls, there is some potential for abuse. Four populations of *Ursus arctos* are included in Appendix I: The Mexican grizzly, the Italian population of brown bears, and two Asian subspecies. We know little about the status of the Asian subspecies, but the Mexican population is considered close to extinction if not already so, and the Italian population is probably ten or fewer individuals (Roth, 1974, Bears—Their Biology and Management, 3rd Int. Conf., IUCN). Any harvest from those populations would be severely threatening.

There is evidence of only limited commercial trade in this species. For example, the U.S.S.R. estimates a population of 70–100,000 brown bears, and an annual harvest of five to six thousand, of which only five to fifteen percent enter into commercial use (Vereschagin, 1974, in Bears, Their Biology and Management, Third Int. Conf., IUCN).

Gray Wolf From Alaska

Although Alaska's control over gray wolf is less restrictive than that over brown bear, it does require close accounting of all pelts taken through a tagging and registration system, and also requires reports and marking of all hides shipped. In recent years the harvest has averaged 1,130 per year, with a range from 970 to 1,335. The MA reports only one pelt and 3 live animals exported in 1978, although actual exports may exceed these figures. We are aware that a significant but unknown number are used within the U.S. for domestic purposes.

Pelts of wolves from different areas may be difficult to distinguish, and there are certainly other wolf populations more threatened than Alaska's. On the other hand, restriction of Alaskan wolf exports may not significantly benefit other wolf populations. Canada's wolf harvest has recently been about 5–6,000 per year (Deems and Pursley, 1974), and the Soviet Union is known to take large numbers of wolves (8,800 in 1963) although not all of these enter commerce (Mech, 1970, The Wolf; and pers. comm.). There is no indication that this harvest is detrimental to these populations. Coyote fur (*Canis latrans*) is frequently substituted for wolf fur in garments, and that species is not in any danger of extinction. In 1976–77 the U.S. harvested over 320,000 coyotes (Deems and Pursley, 1978). Because coyote fur is less expensive and more readily available, as well as difficult to distinguish, it is frequently sold under trade names suggesting a kind of wolf. Canadian Customs report the export of "wolf, including coyote," and from 1973–1977 that country exported from 47,000 to 74,000 pelts of this combined category, of which 8,000 to 20,000 went to the U.S.

Proposed Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 810, Chapter VIII, Title 50 of the Code of Federal Regulations. The current unlettered "Annex" to Part 810 would be deleted. Annex C, D, E, F, and G would be added and are proposed to read as follows (findings prior to 1979–80 are adopted from previous determinations):

Annex C—Bobcat (*Lynx rufus*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977–78 Harvest: Alabama (Quota 4,000), Arizona (Q 8,000), Arkansas (Q 3,000), California (Q 6,000), Colorado (Q 4,000), Florida (Q 3,500), Georgia (Q 4,000), Idaho (Q 1,475), Louisiana (Q 4,000), Maine (Q 500), Massachusetts (Q 50), Michigan (Q 350), Minnesota (Q 150), Mississippi (Q 4,000), Montana (Q 1,070), Nebraska (Q 400), Nevada (Q 2,225), New Mexico (Q 6,000), New York (Q 225), North Carolina (Q 800), North Dakota (Q 165), Oregon (Q 3,000), South Dakota (Q 500), Tennessee (Q 1,000), Texas (Q 10,000), Vermont (Q 200), Virginia (Q 1,500), Washington (Q 6,000), West Virginia (Q 500), Wisconsin (Q 300), Wyoming (Q 2,000), Navajo Nation (Q 500).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978–1979 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico (Q 6,000), New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming (Q 2,000), and the Navajo Nation.

Condition on Findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979–1980 Harvest: California, Florida, Louisana, Maine, Michigan, Minnesota, Montana, Nebraska, Nevada, New York, Tennessee, Virginia, Washington, West Virginia, Navajo Nation.

Conditions on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA. (Additional condition will be chosen from alternative 3(a) to (d) of proposed finding under Article II 2(b).)

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979 (citations to subsequent Federal Register documents will be provided at a later date).

Annex D—River Otter (*Lutra canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977–1978 Harvest: Alabama (Quota 1,500), Alaska (open), Arkansas (Q 400), Connecticut (Q 100), Delaware (Q 60), Florida (Q 6,000), Georgia (Q 4,000), Louisiana (Q 7,500), Maine (Q 600), Maryland (Q 165), Massachusetts (Q 68), Michigan (Q 810), Minnesota (Q 700), Mississippi (Q 350), Montana (Q 36), New Hampshire (Q 200), New York (Q 700), North Carolina (Q 1,200), Oregon (Q 335), Rhode Island (Q 15), South Carolina (Q 650), Vermont (Q 50), Virginia (Q 585), Washington (Q 770), Wisconsin (Q 1,200).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978–1979 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, Rhode Island, South Carolina, Vermont, Virginia, Washington, Wisconsin.

Condition on Findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar otter species included in the CITES appendices.

1979–1980 Harvest: Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Michigan, Minnesota, Montana, New York, Virginia, Washington.

Conditions on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA. (Additional condition will be chosen from alternative 3(a) to (d) of proposed finding under Article II 2(b).)

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979 (citations to subsequent Federal Register documents will be provided at a later date).

Annex E—Lynx (*Lynx canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977–1978 Harvest: Alaska (open), Idaho (Quota 25), Minnesota (Q 25), Montana (Q 200), Washington (Q 35).

Condition on Findings: Pelts must clearly be identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979–1980 Harvest: Idaho, Minnesota, Montana, Washington.

Condition on Findings: Pelts must be clearly identified as to state of origin and state of taking, including tagging according to standards and conditions established by the MA. (Additional condition will be chosen from alternative 3(a) to (d) of proposed finding under Article II 2(b).)

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979 (citations to subsequent Federal Register documents will be provided at a later date).

Annex F—Gray wolf (*Canis lupus*)

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan gray wolf.

1977–78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other wolf populations.

1979–80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska. (Additional condition will be chosen from alternative 3 (a) to (d) of proposed finding under Article II 2(b).)

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979 (citations to subsequent Federal

Register documents will be provided at a later date).

Annex G—Brown bear *(Ursus arctos)*

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan brown bear.

1977–78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other brown bear populations.

1979–80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska. (Additional condition will be chosen from alternative 3 (a) to (d) of proposed finding under Article II 2(b).)

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979 (citations to subsequent Federal Register documents will be provided at a later date).

Publication of these proposed findings has been approved by the members of the Endangered Species Scientific Authority.

Dated: July 6, 1979.

William Y. Brown,

Executive Secretary.

[FR Doc. 79-21430 Filed 7-11-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Thursday
July 12, 1979

Part V

Department of Housing and Urban Development

Office of the Secretary

Environmental Criteria and Standards

HOUSING AND URBAN DEVELOPMENT

24 CFR Part 51

[Docket No. R-79-595]

Environmental Criteria and Standards

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This final rule adds a new Part 51, Environmental Criteria and Standards to Title 24 of the CFR. The rule sets forth Subparts A and B covering General Provisions and Noise Abatement and Control respectively.

EFFECTIVE DATE: August 13, 1979.

FOR FURTHER INFORMATION CONTACT: James F. Miller or Gretchen Van Hyning, Office of Environmental Quality, Room 7266, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, 20410 D.C. (202) 755-8909 (this is not a toll-free number).

SUPPLEMENTAL INFORMATION: A Notice of Proposed Rulemaking was published on December 27, 1978 (43 FR 60396) indicating that HUD proposed to add a new Part 51, Environmental Criteria and Standards, to Title 24 of the CFR. The proposed rule would include Subpart A, General Provisions, and Subpart B, Noise Abatement and Control. The Notice invited public comment until January 26, 1979.

Subpart B establishes Departmental standards, requirements, and guidelines on noise abatement and control, replacing and revising the noise policies, standards and procedures previously set forth in HUD Circular 1390.2, which is cancelled when this final rule becomes effective.

Subpart B converts the existing noise policy to regulation format and makes revision and improvements intended to make the policy more flexible and consistent with other Federal agencies' noise programs. Revisions to the current policy (1) bring into conformity, through the use of the day-night average sound level, separate standards and measurements for aircraft and non-aircraft noise; (2) afford Field Offices more flexibility in implementing the policy thus reducing the number of cases having to come into the Region and Headquarters Offices; (3) remove the dual exterior and interior standards, hence, if exterior noise levels are found to be acceptable, the interior noise will be considered acceptable using normal building techniques; and (4) allow easy use of already existing data, particularly from FHWA and DOD. The standards apply primarily to HUD support for new residential construction in certain noise zones—as does the existing policy.

Overall, the comments indicated strong support for the revisions to the noise policy, particularly the use of the day-night average sound level descriptor and the acceptability thresholds used by the Department. The one topic which generated substantial discussion and a divergence of opinion was the methodology for describing "loud implusive sounds."

The following discussion summarizes the significant comments and the changes that were made in the final rule.

1. *Use of the Day-Night Average Sound Level (DNL) to Describe Noise.*—Of the 18 responses, 15 commented on the proposed noise descriptor. Only two of these expressed reservations (one Federal agency and one industry group) about use of the day-night average sound level; these two comments were directed to use of a nighttime penalty in DNL. Both parties recommended substituting a computer based model which itself, among other things, incorporates a nighttime penalty. The same agency has also issued advisory materials containing noise metrics which include the nighttime correction.

The proposed methodology for describing noise has been widely used to relate individual and community reaction to aircraft and road traffic noise, to predict the likelihood and the severity of interference with speech and sleep, and to correlate hearing loss with noise exposure. The simple concept of average sound level must be somewhat refined to account for the fact, documented by most community response and public opinion surveys, that the same noise level is considered more disturbing or annoying during the nighttime than during daytime. Not only do the requirements for undisturbed sleep and relaxation make a lower nighttime noise level desirable, but the exterior background noise level in most communities drops during the night by 10 dB or more and reduced activity inside homes contributes to a general lowering of interior noise levels. Consequently, intrusive noises are more disturbing during the night. To assess nighttime noise events in a way that accounts for their increased potential for causing disturbances a weighting factor of 10 dB is applied to all nighttime noises; i.e., nighttime noises are treated as if they were 10 dB noiser than they actually are. The need for a nighttime correction has also received international concensus through the International Organization for Standardization (ISO).

In view of the acceptance and support for the DNL descriptor, HUD is publishing the final rule using the DNL with the nighttime correction for application of the standards.

2. *Proposed Standards.*—Most responses indicated the appropriateness of the general goals and levels proposed by HUD. Two responses however indicated concern that noise transmitted within multifamily dwellings was not addressed. This problem is however covered in Section 51.101(a)(10); the relevant reference to the Minimum Property Standards for Multifamily Housing is Section 404 on Acoustic Control.

Several comments related to conversion of existing data to DNL. The conversion factors have been clarified in the final rule and the conversion indicates the measures "are approximately equal to" rather than the same. In the final rule one descriptor for aircraft noise was added—(Community Noise Equivalent Level, used in California) and one was deleted (Composite Noise Rating). The Composite Noise Rating methodology was developed in the early 1960's and is subject to error and is used only infrequently and therefore it has been dropped from the final rule (see Section 51.106).

Conversion of highway levels (Section 51.106) to DNL is discussed in the National Cooperative Highway Research Program Report No. 173 on "Highway Noise Generation and Control," published by the Transportation Research Board in 1976.

3. *Analysis of Loud Impulsive Sounds.*—Five responses were directed to the methodology for calculating "loud impulsive sounds." The method for characterizing noise from explosions or sonic booms proposed by HUD in Section 103(b) is consistent with the interim procedures of the Department of Defense. HUD recognizes that the subject is currently undergoing technical debate, but no alternative has emerged upon which the technical community has agreed. This method is likely to be applied mostly in rare instances where sites are proposed in the vicinity of artillery firing ranges or other similar activities. In view of the current debate the final rule has been amended, in the text and in the Appendix, to emphasize that this methodology is to be used on an *interim basis.* When a final procedure is adopted by all the concerned Federal agencies, HUD's rule will be changed to incorporate the agreed upon methodology.

4. *Noise Attenuation.*—It was recommended by one reviewer that noise attenuation be expressed in terms of total sound attenuation rather than the requirement for attenuation measures in addition to the attenuation provided by housing as commonly constructed in the area. The results are essentially the same and both approaches have been considered. It was determined that the suggested approach by the reviewer may overstate the requirements while HUD's policy is to state minimum requirements to provide adequate protection at minimum cost. The final rule was changed to indicate that the additional noise attenuation measures are minimum requirements.

5. *Other Comments.*—Several reviewers provided editorial and technical corrections which have been included in the final rule. Some comments were not relevant to the specific rule, while other suggested that the Department prepare documents setting forth the rationale for the HUD standards and provide guidance to local governments. This work is underway, and a revised "Noise Assessment Guidelines" document should be available by the time the rule becomes effective. A technical background report on the policy is also in preparation and will be available at a later date. Two reviewers also suggested that HUD develop a procedure for notifying purchasers of existing properties if noise levels exceed those of the established regulation. HUD does consider noise as a marketability factor in Section 51.101(a)(4) in determining the amount of insurance or other assistance that may be given but does not propose to include a specific additional notification procedure in the appraisal process.

Some reviewers suggested that HUD take a major role in Federal efforts to control noise. HUD is cooperating with the EPA, DOT and DOD in interagency noise programs; these other agencies have responsibility for controlling noise at the source. HUD's regulations are necessarily limited to programs administered by the Department; however, the standards and guidance material should assist local governmental agencies and others in formulating policies to achieve quieter urban environments.

OTHER INFORMATION: A Finding of Inapplicability with regard to Environmental Impact has been prepared in accordance with HUD's environmental procedures. Copies of the statement and findings are available for inspection and copying in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Title 24 of the CFR is amended by adding a new Part 51 to read as follows:

PART 51—ENVIRONMENTAL CRITERIA AND STANDARDS

Subpart A—General Provisions

Sec.
51.1 Purpose.
51.2 Authority.
51.3 Responsibilities.
51.4 Program coverage.
51.5 Coordination with environmental clearance requirements.
51.6 [Reserved]

Subpart B—Noise Abatement and Control

51.100 Purpose and authority.
51.101 General policy.
51.102 Responsibilities.
51.103 Criteria and standards.
51.104 Special requirements.
51.105 Exceptions.
51.106 Implementation.

Appendix

Authority: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 51.1 Purpose.

The Department of Housing and Urban Development is providing program Assistant Secretaries and administrators and field offices with environmental standards, criteria and guidelines for determining project acceptability and necessary mitigating measures to insure that activities assisted by the Department achieve the goal of a suitable living environment.

§ 51.2 Authority.

This Part implements the Department's responsibilities under the following statutes:

(a) The National Housing Act of 1934 (Pub. L. 73–479) which was enacted "to encourage improvements in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes," thus providing the basis for HUD's Minimum Property Standards (MPS) which have evolved as required by legislation over the past 44 years.

(b) The Housing Act of 1949 (Pub. L. 81–171) which sets forth the national goal of "a decent home and a suitable living environment for every American family," affirmed by the Housing and Urban Development Act of 1968 (Pub. L. 90–448).

(c) The Department of Housing and Urban Development Act of 1965 (Pub. L. 89–174) which provides that the Secretary may make such rules and regulations as may be necessary to carry out functions, powers, and duties, and sets forth, as a matter of national purpose, the sound development of the Nation's communities and metropolitan areas.

(d) The National Environmental Policy Act of 1969 (Pub. L. 91–190) which directs Federal agencies to develop procedures to carry out the purposes of the Act.

(e) Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577) which, under Title IV, directs that Federal programs and projects serve the objectives of appropriate land use for housing, commercial, industrial, governmental, institutional, and other purposes to achieve sound and orderly development of all areas, both urban and rural.

§ 51.3 Responsibilities.

(a) *Assistant Secretary for Community Planning and Development.* The Assistant Secretary for Community Planning and Development shall be responsible for administering environmental regulations, and shall provide oversight, interpretation and guidance, and shall update the regulations as required. The Assistant Secretary shall also maintain liaison with other Federal agencies on matters of environmental policy implementation.

(b) *Assistant Secretary for Policy Development and Research.* The Assistant Secretary for Policy Development and Research shall undertake research and demonstration studies necessary for the technical development of environmental standards, criteria, and implementing techniques as a basis for the development and implementation of environmental regulations. The Assistant Secretary shall also maintain liaison with Federal agencies on related technical matters.

(c) *Other Assistant Secretaries, Administrators, and the General Counsel.* Other Assistant Secretaries, Administrators, and the General Counsel shall:

(1) Incorporate adopted environmental regulations by reference into program regulations, guidance documents, and administrative forms and procedures;

(2) Evaluate the effects of, and compliance with Departmental environmental regulations policy and report significant issues and problems to the Assistant Secretary for Community Planning and Development; and

(3) Identify program areas under their jurisdiction in which additional

environmental regulations are needed, and refer them to the Assistant Secretary for Community Planning and Development.

(d) *Regional Administrators, Area Office Managers and Service Office Supervisors.* Regional Administrators, Area Office Managers and Service Office Supervisors shall assure that adopted environmental regulations are implemented in relation to program decisions and recommendations. They shall also monitor projects to assure that mitigation measures are implemented.

§ 51.4 Program coverage.

Environmental standards shall apply to all HUD actions except where special provisions and exemptions are contained in each Subpart.

§ 51.5 Coordination with environmental clearance requirements.

Environmental standards shall be implemented prior to commitment in the decision-making process and, where environmental clearances are required, the decision points shall be identical. Compliance with HUD environmental standards shall be addressed in the environmental clearance process.

§ 51.6 [Reserved]

Subpart B—Noise Abatement and Control

§ 51.100 Purpose and authority.

(a) *Purpose.* The Department of Housing and Urban Development finds that noise is a major source of environmental pollution which represents a threat to the serenity and quality of life in population centers and that noise exposure may be a cause of adverse physiological and psychological effects as well as economic losses.

It is the purpose of this Subpart to:

(1) Call attention to the threat of noise pollution;

(2) Encourage the control of noise at its source in cooperation with other Federal departments and agencies;

(3) Encourage land use patterns for housing and other noise sensitive urban needs that will provide a suitable separation between them and major noise sources;

(4) Generally prohibit HUD support for new construction of noise sensitive uses on sites having unacceptable noise exposure;

(5) Provide policy on the use of structural and other noise attenuation measures where needed; and

(6) Provide policy to guide implementation of various HUD programs.

(b) *Authority.* Specific authorities for noise abatement and control are contained in:

(1) The Noise Control Act of 1972 (Pub. L. 92–574) which directs Federal agencies to administer their programs in ways which reduce noise pollution.

(2) The Quiet Communities Act of 1978 (Pub. L. 95–609) which amended Pub. L. 92–574.

(3) The General Services Administration, Federal Management Circular 75–2: *Compatible Land Uses at Federal Airfields* prescribes the Executive Branch's general policy with respect to achieving compatible land uses on either public or privately owned property at or in the vicinity of Federal airfields.

(4) Section 1113 of the Housing and Urban Development Act of 1965 (Pub. L. 89–117) directs the Secretary "* * * to determine feasible methods of reducing the economic loss and hardships suffered by homeowners as a result of the depreciation in the value of their properties following the construction of airports in the vicinity of their homes, including a study of feasible methods of insulating such homes from the noise of aircraft."

§ 51.101 General policy.

(a) It is HUD's general policy to provide minimum national standards applicable to HUD programs to protect citizens against excessive noise in their communities and places of residence.

(1) *Comprehensive planning assistance.* HUD requires that grantees give adequate consideration to noise exposures and sources of noise as an integral part of the urban environment in HUD assisted comprehensive planning, as follows:

(i) Particular emphasis shall be placed on the importance of compatible land use planning in relation to airports, highways and other sources of high noise.

(ii) Applicants shall take into consideration HUD environmental standards impacting the use of land as required in 24 CFR Part 600.

(iii) Environmental studies, including noise assessments, are allowable costs.

(2) *Community Development Block Grants.* Recipients of community development block grants under the Housing and Community Development Act of 1974 (Pub. L. 93–383), as amended by the Housing and Community Development Act of 1977 (Pub. L. 95–128), must take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas. Grant recipients shall address deviations from the standards in their environmental reviews as required in 24 CFR Part 58.

Where CDBG activities are planned in a noisy area, and HUD assistance is contemplated later for housing and/or other noise sensitive activities, the CDBG grantee risks denial of the HUD assistance unless the HUD standards are met. Environmental studies, including noise assessments, are allowable costs.

(3) *HUD support for new construction.* HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with Unacceptable noise exposures and is discouraged for projects with Normally Unacceptable noise exposure. (Standards of acceptability are contained in § 51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, college housing, mobile home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, new communities, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance programs which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance provided that has the effect of restoring facilities substantially as they existed prior to the disaster.

(4) *HUD support for existing construction.* Noise exposure by itself will not result in the denial of HUD support for the resale and purchase of otherwise acceptable existing buildings. However, environmental noise is a marketability factor which HUD will consider in determining the amount of insurance or other assistance that may be given.

(5) *HUD support of modernization and rehabilitation.* For modernization projects located in all noise exposed areas, HUD shall encourage noise attenuation features in alterations. For major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level or exterior noise exposure. In

Unacceptable noise zones, HUD shall strongly encourage conversion of noise-exposed sites to land uses compatible with the high noise levels.

(6) *Research, guidance and publications.* HUD shall maintain a continuing program designed to provide new knowledge of noise abatement and control to public and private bodies, to develop improved methods for anticipating noise encroachment, to develop noise abatement measures through land use and building construction practices, and to foster better understanding of the consequences of noise. It shall be HUD's policy to issue guidance documents periodically to assist HUD personnel in assigning an acceptability category to projects in accordance with noise exposure standards, in evaluating noise attenuation measures, and in advising local agencies about noise abatement strategies. The guidance documents shall be updated periodically in accordance with advances in the state-of-the-art.

(7) *Construction equipment, building equipment and appliances.* HUD shall encourage the use of quieter construction equipment and methods in population centers, the use of quieter equipment and appliances in buildings, and the use of appropriate noise abatement techniques in the design of residential structures with potential noise problems.

(8) *Exterior noise goals.* It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels. This level is recommended by the Environmental Protection Agency as a goal for outdoors in residential areas. The levels recommended by EPA are not standards and do not take into account cost or feasibility. For the purposes of this regulation and to meet other program objectives, sites with a day-night average sound level of 65 and below are acceptable and are allowable [see Standards in § 51.103(c)].

(9) *Interior noise goals.* It is a HUD goal that the interior auditory environment shall not exceed a day-night average sound level of 45 decibels. Attenuation measures to meet these interior goals shall be employed where feasible. Emphasis shall be given to noise sensitive interior spaces such as bedrooms. Minimum attenuation requirements are prescribed in § 51.104(a).

(10) *Acoustical privacy in multifamily buildings.* HUD shall require the use of building design and acoustical treatment to afford acoustical privacy in multifamily buildings pursuant to requirements of the Minimum Property Standards.

§ 51.102 Responsibilities.

(a) *Authority to approve projects.* (1) Decisions on proposed projects with acceptable noise exposures shall be delegated to the program personnel within field offices, including projects where increased noise levels are considered acceptable because of non-acoustic benefits under § 51.105(a). Field office program personnel may also approve projects in normally unacceptable noise exposed areas where adequate sound attenuation is provided and where the project does not require an Environmental Impact Statement under § 51.104(b).

(2) Other approvals in normally unacceptable noise exposed areas require the concurrence of the Regional Administrator.

(3) Requests for approvals of projects or portions of projects with unacceptable noise exposures shall be referred through the Regional Office to the Assistant Secretary for Community Planning and Development for approval pursuant to § 51.104(b).

(4) In cases where the Regional Administrator determines that an important precedent or issue is involved, such cases shall be referred with recommendations to the Assistant Secretary for Community Planning and Development.

(b) *Surveillance of noise problem areas.* Appropriate field staff shall maintain surveillance of potential noise problem areas and advise local officials, developers, and planning groups of the unacceptability of sites because of noise exposure at the earliest possible time in the decision process. Every attempt shall be made to insure that applicants' site choices are consistent with the policy and standards contained herein.

(c) *Notice to applicants.* At the earliest possible stage, HUD program administrators shall:

(1) Determine the suitability of the acoustical environment of proposed projects;

(2) Notify applicants of any adverse or questionable situations; and

(3) Assure that prospective applicants are apprised of the standards contained herein so that future site choices will be consistent with these standards.

(d) *Technical assistance.* Technical assistance in the measurement, estimation, interpretation, or prediction of noise exposure is available from the Office of Community Planning and Development and the Office of Policy Development and Research. Field office questions shall be forwarded through the Regional Office to the Assistant Secretary for Community Planning and Development or his designee.

(e) *Interdepartmental coordination.* Regional Administrators shall foster appropriate coordination between field offices and other departments and agencies, particularly the Environmental Protection Agency, the Department of Transportation, Department of Defense representatives, and the Veterans Administration. HUD staff shall utilize the acceptability standards in commenting on the prospective impacts of transportation facilities and other noise generators in the Environmental Impact Statement review process.

§ 51.103 Criteria and standards.

These standards apply to all programs as indicated in § 51.101.

(a) *Measure of external noise environments.* The magnitude of the external noise environment at a site is determined by the value of the day-night average sound level produced as the result of the accumulation of noise from all sources contributing to the external noise environment at the site. Day-night average sound level, abbreviated as DNL and symbolized as L_{dn}, is the 24-hour average sound level, in decibels, obtained after addition of 10 decibels to sound levels in the night from 10 p.m. to 7 a.m. Mathematical expressions for average sound level and day-night average sound level are stated in the Appendix.

(b) *Loud impulsive sounds.* On an interim basis, when loud impulsive sounds, such as explosions or sonic booms, are experienced at a site, the day-night average sound level produced by the loud impulsive sounds alone shall have 8 decibels added to it in assessing the acceptability of the site (see Appendix). Alternatively, the C-weighted day-night average sound level (L_{Cdn}) may be used without the 8 decibel addition, as indicated in Section 51.106(a)(3).

Methods for assessing the contribution of loud impulsive sounds to day-night average sound level at a site and mathematical expressions for determining whether a sound is classed as "loud impulsive" are provided in the Appendix.

(c) *Exterior standards.* The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the

building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site.

The noise environment inside a building is considered acceptable if (a) the noise environment external to the building complies with these standards, and (b) the building is constructed in a manner common to the area or, if of uncommon construction, has at least the equivalent noise attenuation characteristics.

Site Acceptability Standards

	Day-night average sound level (in decibels)	Special approvals and requirements
Acceptable	Not exceeding 65 dB(1)	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB.	Special Approvals (2) Environmental Review (3) Attenuation (4)
Unacceptable	Above 75 dB	Special Approvals (2) Environmental Review (3) Attenuation (5)

Notes.—(1) Acceptable threshold may be shifted to 70 dB in special circumstances pursuant to Section 51.105(a).
(2) See Section 51.104(b) for requirements.
(3) See Section 51.104(b) for requirements.
(4) 5 dB additional attenuation required for sites above 65 dB but not exceeding 70 dB and 10 dB additional attenuation required for sites above 70 dB but not exceeding 75 dB. (See Section 51.104(a).)
(5) Attenuation measures to be submitted to the Assistant Secretary for CPD for approval on a case-by-case basis.

§ 51.104 Special requirements.

(a) *Noise attenuation.* Noise attenuation measures are those required in addition to attenuation provided by buildings as commonly constructed in the area, and requiring open windows for ventilation. Measures that reduce external noise at a site shall be used wherever practicable in preference to the incorporation of additional noise attenuation in buildings. Building designs and construction techniques that provide more noise attenuation than typical construction may be employed also to meet the noise attenuation requirements.

(1) *Normally Unacceptable noise zone.* Approvals in this zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

(2) *Unacceptable noise zone.* Noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development. (See § 51.104(b)(2).)

(b) *Special Approvals and Environmental Review Requirements.* Environmental clearances shall be conducted pursuant to the requirements of HUD's Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality (38 FR 19182 as amended) or other environmental regulations which may be issued by the Department. The Special Clearance and Environmental Impact Statement (EIS) threshold requirements are hereby modified for all projects proposed in the Normally Unacceptable and Unacceptable noise exposure zones as follows:

(1) *Normally Unacceptable noise zone.* (i) All projects located in the Normally Unacceptable Noise Zone require a Special Environmental Clearance except an EIS is required for a proposed project located in a largely undeveloped area, or where the HUD action is likely to encourage the establishment of incompatible land use in this noise zone.

(ii) When an EIS is required, the concurrence of the Regional Administrator is also required before a project can be approved. For the purposes of this paragraph, an area will be considered as largely undeveloped unless the area within a 2-mile radius of the project boundary is more than 50 percent developed for urban uses and infrastructure (particularly water and sewers) is available and has capacity to serve the project.

(iii) All other projects in the Normally Unacceptable zone require a Special Environmental Clearance, except where an EIS is required for other reasons pursuant to HUD environmental policies.

(2) *Unacceptable noise zone.* An EIS is required prior to the approval of projects with unacceptable noise exposure. Projects in or partially in an Unacceptable Noise Zone shall be submitted through the Regional Administrator to the Assistant Secretary for Community Planning and Development for approval. The Assistant Secretary may waive the EIS requirement in cases where noise is the only environmental issue and no outdoor sensitive activity will take place on the site. In such cases, a Special Environmental Clearance is required.

§ 51.105 Exceptions.

(a) *Flexibility for non-acoustic benefits.* Where it is determined that program objectives cannot be achieved on sites meeting the acceptability standard of 65 decibels, the Acceptable Zone may be shifted to L_{dn} 70 on a case-by-case basis if all the following conditions are satisfied:

(1) The project does not require an Environmental Impact Statement under provisions of section 104(b)(1) and noise is the only environmental issue.

(2) The project has received a Special Environmental Clearance and has received the concurrence of the Environmental Clearance Officer.

(3) The project meets other program goals to provide housing in proximity to employment, public facilities and transportation.

(4) The project is in conformance with local goals and maintains the character of the neighborhood.

(5) The project sponsor has set forth reasons, acceptable to HUD, as to why the noise attenuation measures that would normally be required for new construction in the L_{dn} 65 to L_{dn} 70 zone cannot be met.

(6) Other sites which are not exposed to noise above L_{dn} 65 and which meet program objectives are generally not available.

The above factors shall be documented and made part of the project file.

§ 51.106 Implementation.

(a) *Use of available data.* HUD field staff shall make maximum use of noise data prepared by others when such data are determined to be current and adequately projected into the future and are in terms of the following:

(1) *Sites in the vicinity of airports.* The noise environment around airports is described sometimes in terms of Noise Exposure Forecasts, abbreviated as NEF or, in the State of California, as

Community Noise Equivalent Level, abbreviated as CNEL. The noise environment for sites in the vicinity of airports for which day-night average sound level data are not available may be evaluated from NEF or CNEL analyses using the following conversions to DNL:

$DNL \approx NEF + 35$
$DNL \approx CNEL$

(2) *Sites in the vicinity of highways.* Highway projects receiving Federal aid are subject to noise analyses under the procedures of the Federal Highway Administration.

Where such analyses are available they may be used to assess sites subject to the requirements of this standard. The Federal Highway Administration employs two alternate sound level descriptors: (a) The A-weighted sound level not exceeded more than 10 percent of the time for the highway design hour traffic flow, symbolized as L_{10}; or (b) the equivalent sound level for the design hour, symbolized as L_{eq}. The day-night average sound level may be estimated from the design hour L_{10} or L_{eq} values by the following relationships, provided heavy trucks do not exceed 10 percent of the total traffic flow in vehicles per 24 hours and the traffic flow between 10 p.m. and 7 a.m. does not exceed 15 percent of the average daily traffic flow in vehicles per 24 hours:

$DNL \approx L_{10}$ (design hour)—3 decibels
$DNL \approx L_{eq}$ (design hour) decibels

Where the auto/truck mix and time of day relationships as stated in this Section do not exist, the HUD Noise Assessment Guidelines or other noise analysis shall be used.

(3) *Sites in the vicinity of installations producing loud impulsive sounds.* Certain Department of Defense installations produce loud impulsive sounds from artillery firing and bombing practice ranges. Noise analyses for these facilities sometimes encompass sites that may be subject to the requirements of this standard. Where such analyses are available they may be used on an interim basis to establish the acceptability of sites under this standard.

The Department of Defense uses day-night average sound level based on C-weighted sound level, symbolized L_{Cdn}, for the analysis of loud impulsive sounds. Where such analyses are provided, the 8 decibel addition specified in 51.103(b), is not required, and the same numerical values of day-night average sound level used on an interim basis to determine site suitability for non-impulsive sounds apply to the L_{Cdn}.

(4) *Use of areawide acoustical data.* HUD encourages the preparation and use of areawide acoustical information, such as noise contours for airports. Where such new or revised contours become available for airports (civil or military) and military installations they shall first be referred to the Regional Office (Environmental Clearance Officer) for review, evaluation and decision on appropriateness for use by HUD. The Regional Office shall submit revised contours to the Assistant Secretary of Community Planning and Development for review, evaluation and decision whenever the area affected is changed by 20 percent or more, or whenever it is determined that the new contours will have a significant effect on HUD programs, or whenever the contours are not provided in a methodology acceptable under § 51.106(a)(1) or in other cases where the Regional Office determines that Headquarters review is warranted. For other areawide acoustical data, review is required only where existing areawide data are being utilized and where such data have been changed to reflect changes in the measurement methodology or underlying noise source assumptions. Requests for determination on usage of new or revised areawide data shall include the following:

(i) Maps showing old, if applicable, and new noise contours, along with brief description of data source and methodology.

(ii) Impact on existing and prospective urbanized areas and on development activity.

(iii) Impact on HUD-assisted projects currently in processing.

(iv) Impact on future HUD program activity. Where a field office has determined that immediate approval of new areawide data is necessary and warranted in limited geographic areas, the request for approval should state the circumstances warranting such approval. Actions on proposed projects shall not be undertaken while new areawide noise data are being considered for HUD use except where the proposed location is affected in the same manner under both the old and new noise data.

(b) *Site assessments.* Compliance with the standards contained in § 51.103(c) shall, where necessary, be determined using noise assessment guidelines, handbooks, technical documents and procedures issued by the Department.

(c) *Variations in site noise levels.* In many instances the noise environment will vary across a site, with portions of the site being in an Acceptable noise environment and other portions in a Normally Unacceptable noise environment. The standards in § 51.103(c) shall apply to the portions of a building or buildings used for residential purposes and for ancillary noise sensitive open spaces.

(d) *Noise measurements.* Where noise assessments result in a finding that the site is borderline or questionable, or is controversial, noise measurements may be performed. Where it is determined that noise measurements are required, such measurements will be conducted in accordance with methods and measurement criteria established by the Department. Locations for noise measurements will depend on the location of noise sensitive uses that are nearest to the predominant noise source (see § 51.103(c)).

(e) *Projections of noise exposure.* In addition to assessing existing exposure, future conditions should be projected. To the extent possible, noise exposure shall be projected to be representative of conditions that are expected to exist at a time at least 10 years beyond the date of the project or action under review.

(f) *Reduction of site noise by use of berms and/or barriers.* If it is determined by adequate analysis that a berm and/or barrier will reduce noise at a housing site, and if the barrier is existing or there are assurances that it will be in place prior to occupancy, the environmental noise analysis for the site may reflect the benefits afforded by the berm and/or barrier.

In the environmental review process under § 51.104(b), the location height and design of the berm and/or barrier shall be evaluated to determine its effectiveness, and impact on design and aesthetic quality, circulation and other environmental factors.

Appendix—definition of acoustical quantities

1. *Sound Level.* The quantity in decibels measured with an instrument satisfying requirements of American National Standard Specification for Type 1 Sound Level Meters S1.4–1971. Fast time-averaging and A-frequency weighting are to be used, unless others are specified. The sound level meter with the A-weighting is progressively less sensitive to sounds of frequency below 1,000 hertz (cycles per second), somewhat as is the ear. With fast time averaging the sound level meter responds particularly to recent sounds almost as quickly as does the ear in judging the loudness of a sound.

2. *Average Sound Level.* Average sound level, in decibels, is the level of the mean-square A-weighted sound pressure during the stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals.

Day-night average sound level, abbreviated as DNL, and symbolized mathematically as L_{dn} is defined as:

$$L_{dn} = 10 \log_{10} \left[\frac{1}{86400} \left(\int_{0000}^{0700} 10^{[L_A(t)+10]/10} dt + \int_{0700}^{2200} 10^{L_A(t)/10} dt + \int_{2200}^{2400} 10^{[L_A(t)+10]/10} dt \right) \right]$$

Time t is in seconds, so the limits shown in hours and minutes are actually interpreted in seconds. $L_A(t)$ is the time varying value of A-weighted sound level, the quantity in decibels measured by an instrument satisfying requirements of American National Standard Specification for Type 1 Sound Level Meters S1.4–1971.

3. *Loud Impulsive Sounds.* When loud impulsive sounds such as sonic booms or explosions are anticipated contributors to the noise environment at a site, the contribution to day-night average sound level produced by the loud impulsive sounds shall have 8 decibels added to it in assessing the acceptability of a site.

A loud impulsive sound is defined for the purpose of this regulation as one for which:

(i) The sound is definable as a discrete event wherein the sound level increases to a maximum and then decreases in a total time interval of approximately one second or less to the ambient background level that exists without the sound; and

(ii) The maximum sound level (obtained with slow averaging time and A-weighting of a Type 1 sound level meter whose characteristics comply with ANSI S1.4–1971) exceeds the sound level prior to the onset of the event by at least 6 decibels; and

(iii) The maximum sound level obtained with fast averaging time of a sound level meter exceeds the maximum value obtained with slow averaging time by at least 4 decibels.

Issued at Washington, D.C., on July 5, 1979.

Patricia Roberts Harris,

Secretary of Housing and Urban Development.

[FR Doc. 79-21481 Filed 7-11-79; 8:45 am]

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Thursday
July 12, 1979

Part VI

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Loans for College Housing Program for Fiscal Year 1979

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 279

[Docket No. R-79-684]

Loans for College Housing Programs for Fiscal Year 1979

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The following amendments set forth the Department's requirements applicable to the Fiscal Year 1979 college housing program, including categories of loan requests eligible for funding, restrictions as to the number of reservations per institution, the maximum loan amounts, and the distribution of available funds among different categories of loan requests.

EFFECTIVE DATE: August 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hipps, Jr., Acting Director, Office of Multifamily Housing Development, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Department gave notice on April 16, 1979, **Federal Register**, Vol. 44, No. 74, that it was proposing to amend Title 24, Part 279, of the Code of Federal Regulations by adding a new supart D, in connection with the College Housing Program for Fiscal Year 1979. The amendment will implement the continuation of the college housing program for Fiscal Year 1979.

The amendment incorporates the provisions of Subpart C of the current Regulations, except for limited amendments, and effectively implements congressional directives as contained in the Report No. 95-1080 of the Senate Committee on Appropriations on the Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1979, dated August 1, 1978.

The amendments incorporate many of the provisions of Subpart C of the regulations; however, several changes are made, as follows:

1. For applications involving rehabilitation to reduce fuel consumption and/or other operating costs, it is required now that cost savings must equal total development costs within the maximum term of the loan which is 480 months or 40 years, as specified in § 279.39, to ensure that the primary purpose of the project is to reduce fuel consumption and/or other operating costs.

2. To clarify that only one application for a reservation of funds may be submitted and considered for funding per institution under each category of funding identified in § 279.38.

3. Section 279.37 has been changed by inserting a provision which establishes different cost limits for apartment dwelling in college housing. The same cost limits would apply as if the mortgage were insured under Section 221(d)(4) of the National Housing Act, as adjusted by the area high cost percentage.

4. Section 279.36 has been changed by inserting a provision which permits the Department to deviate from the established ranking system to ensure that not less than ten percent (10%) of the total funds available shall be reserved in connection with applications from historically black colleges. This is in support of the President's initiative to aid in the strengthening of such colleges, an initiative based upon recognition that the historically black colleges of this Nation have played and continue to play a unique and important role in providing educational opportunities to many thousands of students. Despite the special contributions these colleges have made and their continuing importance many are faced with extinction because of mounting financial difficulties, due in part to poor dormitory facilities which limit student enrollment. In addition, since their students have been primarily drawn from low and moderate income families, these colleges have been unable to develop the financial means to address these difficulties. In view of this situation and the established policy of increasing Federal support to preserve and strengthen historically black colleges, aid to these institutions has been made a priority of the college housing program. To encourage greater participation in the program by these colleges, the Department also is making and will continue to make a special effort to inform them of the nature and requirements of the program and to assist them in complying with the application requirements.

In making determinations as to which institutions are historically black colleges, the Department shall be guided by the January 1979 publication of the National Advisory Committee on Black Higher Education and Black Colleges and Universities of the Department of Health, Education and Welfare entitled, "Access of Black Americans to Higher Education: How Open is the Door?", Appendix A.

5. Section 279.36 has also been changed to permit a similar deviation from the established ranking system so that up to ten percent (10%) of the total funds available may be reserved for schools located in or near a Housing Neighborhood Strategy Area. This action is in support of the President's Urban Policy giving special consideration to schools which are located in central city areas; specifically in or near a Housing Neighborhood Strategy Area. The Housing NSA criterion is used to limit the number of schools eligible for this consideration and to focus the limited resources affected by this provision in a manner designed to complement other Departmental efforts in these areas.

6. Section 279.40 has been added to clarify the obligation to afford relief to persons displaced as a result of this program.

The period for receipt of comments on the proposed rule closed on May 15, 1979. The Department received forty-five (45) responses from forty-four (44) sources. All comments were carefully considered and they are listed below:

1. On the issue of set-aside of 40 percent of the funds in the category of new construction, rehabilitation and acquisition for institutions with enrollments of 5,000 or less, thirty-eight (38) responses were in favor of the proposed rule. Three of the responses representing two institutions with enrollments over 10,000 expressed disagreement with the set-aside rule. The Department is not changing the final rule since the purpose of the proposed category is to remedy the disadvantage in prior fiscal years of schools having enrollments of 5,000 or less.

2. On the issue of establishing different cost limits for apartment dwellings and college housing, one response expressed disagreement on the grounds that the cost limits for Section 221(d)(4) were too low to provide adequate 2-bedroom units. This was not accepted, since these limits (which can be adjusted by an area high cost factor) are used in one of the Department's most active mortgage insurance programs without apparent difficulty.

3. On the general issue of financial assistance for college housing, one response urged that funds be made available for capital modernization of existing facilities to address the problem of physical plant deterioration that many colleges and universities face.

Though the Department does not deny the need for modernization of existing facilities, it has determined that the greatest need is for energy conservation and additional housing facilities. Therefore, the comment was not accepted.

4. One response recommended that the first priority for energy conservation would be to have heating-cooling plants presently using gas or oil to convert to coal-burning plants. Since there are many possible areas and methods of conserving energy and funds are extremely limited, the Department does not believe it would be appropriate to establish a priority for one particular type of proposal. Therefore, this comment was not accepted.

5. One response from a public institution suggested an additional type of security under § 279.39(e); namely, General Obligation Bonds, secured by the "full faith and credit" of the State. Section 279.39(e)(4) presently provides for alternative methods of security acceptable to the Secretary and we believe that this adequately addresses the issue.

Since the amendments contained in this final rule are to apply to the Fiscal Year 1979 college housing program, it is necessary that the rule become effective as soon as possible so that applications can be submitted and acted upon prior to the end of this fiscal year. For that reason, the Department has determined that there is good cause for not requiring a 30-day delay in effective date after publication of this final rule (as provided in 5 U.S.C. Section 553(d)). Accordingly, this rule becomes effective on the date set forth above. HUD field office may accept and receive applications before the effective date of this rule, though no final action on an application may be taken until that date.

Part 279, Subpart A will continue to apply to all applications submitted prior to October 1, 1976, Subpart B will continue to apply to all applications submitted between October 1, 1976 and September 30, 1977, and Subpart C will continue to apply to all applications submitted between October 1, 1977 and September 30, 1978.

The Department has determined that this final rule will not have a significant impact upon the quality of the environment. A finding of inapplicablility respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410.

Accordingly, Title 24, Part 279—College Housing, is amended by adding a new Subpart D reading as follows:

Subpart D—College Housing Program for Fiscal Year 1979

Sec.
279.35 Applicability of Part 279 to 1979 program.
279.36 Applications for reservation of funds.
279.37 Limitation on loan amounts.
279.38 Priority categories and funding criteria.
279.39 Loan terms.
279.40 Displacement.

Authority: Sec. 402, Housing Act of 1950, 12 U.S.C. 1749a; Sec. 7(d), Department of HUD, Act (42 U.S.C. 3535(d)).

Subpart D—College Housing Program for Fiscal Year 1979

§ 279.35 Applicability of Part 279 to 1979 program.

All of the provisions of Subpart C, Part 279, concerning policies and requirements for projects to be funded under the college housing program for Fiscal Year 1978 shall apply with full force and effect to projects to be funded under the college housing program for Fiscal Year 1979 except as follows: Sections 279.28, 279.29, 279.30 and 279.32.

§ 279.36 Applications for reservation of funds.

(a) Only one application for reservation of funds may be submitted and considered for funding per institution under each category of funding established in § 279.38.

(b) Information and application forms may be obtained from and applications submitted to the field office which serves the area in which the educational institution is located. Applications will be accepted no later than August 15, 1979.

(c) Applications for assistance will consist of two parts:

(1) Part 1 must be submitted to receive consideration for a fund reservation and must include the following information:

(i) Name, type, and accreditation of the educational institution;

(ii) Description and estimated cost of the proposed project including engineering data, appraisals (if available) and/or other documentation on which estimated costs are based;

(iii) With respect to applications proposing rehabilitation to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities, an estimate of annual operating cost savings, if any, based on the difference between the average of routine project operating expenses for the previous 3 years and future operating expenses estimated on the basis of the current prices of fuel, supplies, and services.

(iv) Evidence of need for the proposed project including documentation which supports the eligible applicant's estimate of such need;

(v) Preliminary plans and specifications (if applicable); and

(vi) Proposed method of financing.

(2) Part 2 must be submitted to receive consideration for loan approval and must include the information specified in § 279.17.

(d) Applications for reservations of funds shall be submitted to and reviewed by HUD field offices. Field offices will recommend reservations for projects in accordance with the priority categories and funding criteria described in § 279.38. No project shall be recommended for fund reservation where the applicant is in financial delinquency with respect to any outstanding college housing loan. Further, no application competing under the funding category described in § 279.38(a)(1) shall be recommended for funding where the ranking number assigned to that application exceeds the number of months of the maximum loan term as set forth in § 279.39(b); (i.e., 480 months for a 40-year loan).

(e) Because of the limited amount of funds available and the uncertainty as to which areas will generate the greatest demand for funds, no predetermined allocations of funds to the field offices will be made. Funds will be reserved, subject to availability, for specific projects by HUD headquarters on the basis of field office recommendations.

(f) The priority categories and funding criteria specified in § 279.38 will be used by all field offices. Therefore, the ranking numbers assigned to individual applications in accordance with that section will permit a comparison by HUD headquarters among applications recommended for funding by different field offices.

(g) In the event HUD headquarters receives more recommendations for fund reservations than can be funded, HUD headquarters will prepare a nationwide priority list for each of the categories specified in § 279.38(a) by using the ranking numbers assigned by the field offices on the basis of the criteria described in that section. Fund reservations will then be made on the basis of the nationwide lists; provided, however, that the Department may deviate from this ranking system as necessary (1) to ensure that not less than ten percent (10%) of the total funds

available is reserved in connection with applications from historically black colleges, and (2) to reserve up to ten percent (10%) of the total available funds in connection with applications from educational institutions which are located in or near a Housing Neighborhood Strategy Area.

(h) Field office recommendations and rankings are due in HUD headquarters on September 7, 1979. Funds will be reserved, subject to availability, not later than September 30, 1979.

(i) Applications for which funds are not reserved by the close of business on September 30, 1979, shall be returned to the applicant by the field office.

§ 279.37 Limitations on loan amounts.

(a) The maximum loan under which any eligible applicant may request is the least of the following: $5,000,000; or $2,500 per full-time student; or $12,200 per occupant based on design capacity of the proposed housing, plus $65 per gross square foot of any related dining facilities other than individual apartment kitchen and dining facilities. In apartment dwellings, the same cost limits per unit would apply as if the mortgage were insured under Section 221(d)(4) of the National Housing Act, as adjusted by the area high cost percentage.

(b) The minimum loan which may be requested is $25,000.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, applications proposing a development cost (exclusive of land or extraordinary project costs as determined by the Secretary) in excess of $14,000 per occupant based on the design capacity of the proposed housing are not eligible.

(d) The limitations specified in paragraphs (a), (b), and (c) of this section will be adjusted to reflect local construction costs on the basis of a nationwide cost index of local construction costs to be furnished by HUD headquarters.

§ 279.38 Priority categories and funding criteria.

(a) In recommending and making reservations of funds, all eligible applications shall be placed in the following categories and ranked by field offices and HUD headquarters according to the funding criteria indicated below:

(1) Rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities. Applications in this category shall be ranked on the basis of the estimated number of months or fractions thereof before the operating cost savings will equal the approvable loan amount. *Provided, however,* That in the case of a tie in ranking numbers, applications proposing the rehabilitation of housing and related dining facilities originally financed under the college housing program shall be selected over other applications equally ranked.

(2) New construction or acquisition of student housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities, to alleviate a current severe student housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time enrollment, at the educational institution to be served by the proposed project.

(3) New construction or acquisition of faculty housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities to alleviate a current faculty housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time faculty at the institution to be served by the proposed project.

(b) Fund reservations for applications described in paragraph (a) of this section will be made in the following order:

(1) For applications in the category described in paragraph (a)(1) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts up to 25 percent of the total funds available.

(2) For applications in the category described in (a)(2) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts of up to 40 percent of the total funds available to institutions having enrollments of 5,000 or less and up to 35 percent of the total funds available to institutions having enrollments of more than 5,000.

(3) In the event that the aggregate reservations made in either category are less than the available funds for that category, the unused funds shall be used to make reservations for applications in the other category, described in paragraph (a)(3) of this section. Funds will be reserved subject to availability for applications in the category described in paragraph (a)(3) of this section after all eligible applications in paragraphs (a)(1) and (a)(2) of this section have received reservations.

§ 279.39 Loan terms.

(a) The loan amount shall not exceed the total eligible development cost of a project, as determined by the Secretary.

(b) Loans shall be for such periods not to exceed 40 years, bear interest at such rate not to exceed 3 percent per annum, be so secured, and be subject to such terms and conditions, as shall be determined by the Secretary.

(c) Loans will be evidenced by either notes or bonds issued by the applicant.

(d) The interest rate shall be determined by the Secretary on the basis of the formula prescribed in the act as follows:

(1) Section 401(c)(1) of the act provides that the loans shall bear an interest rate of not more than the lower of:

(i) Three (3) per centum per annum, or

(ii) The total of one-quarter of one (1) per centum per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury as provided in section 401(e) of the act.

(2) Section 401(e) of the act provides that notes or other obligations issued by the Secretary to obtain funds for these loans shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the lower of:

(i) Two and three-fourths (2¾) per centum per annum, or

(ii) The average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Secretary and adjusted to the nearest one-eighth of one (1) per centum.

(e) The security for loans normally shall be:

(1) In the case of loans to private applicants, a general obligation secured by a first mortgage on the project and a pledge of project revenues.

(2) In the case of loans to public applicants, in order of preference:

(i) A general obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available;

(ii) A special obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available; or

(iii) A special obligation secured by a pledge of project revenues.

(3) In the case of loans made pursuant to § 279.38(a)(1) where the security described in paragraphs (e)(1) and (2) of this section is not legally available:

(i) A general obligation secured by a second mortgage on the project, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources;

(ii) A general obligation secured by a first mortgage on other facilities, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources;

(iii) A general obligation by a collateral account of not less than 100 percent of the outstanding loan amount, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources.

(4) Such other security as may be acceptable to the Secretary.

(f) If the field office manager determines that additional security is needed reasonably to assure loan repayment, a mortgage on other facilities, a guarantee of the payment of principal and interest by a third party, and/or a pledge of income from endowment funds, securities, or other revenue sources may be required to supplement the security pledged pursuant to paragraph (e) of this section.

(g) Loans will be amortized by approximately equal periodic payments of combined principal and interest over the life of the loan. Such payments shall be made not less often than annually and not more often than semiannually: *Provided, however,* That the payment of interest only may be permitted for a reasonable period of time, normally not exceeding two (2) years following the date of the loan.

(h) Financing on a parity with other lenders will be permitted provided that all other provisions of this subpart are met.

§ 279.40 Displacement.

Where persons are displaced as a result of this program, they shall be afforded relocation assistance and benefits. If the applicant is a State agency under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601; 84 Stat. 1899; Pub. L. 91-646), assistance and benefits shall be provided in accordance with the Act; if the applicant is not a State agency under the Act comparable assistance and benefits shall be provided.

Issued at Washington, D.C., July 10, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
DOT/UMTA*	MSPB/OPM		DOT/UMTA*	MSPB/OPM
DOT/FRA*	LABOR		DOT/FRA*	LABOR
CSA	HEW/FDA		CSA	HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of June 14, 1979, the Urban Mass Transportation Administration and Federal Railroad Administration, 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

ENVIRONMENTAL PROTECTION AGENCY

33681 6-12-79 / Approval of revisions of the Pennsylvania State implementation plan

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

33677 6-12-79 / New drug applications and antibiotic drugs—general; separation of functions in evaluating requests for hearing

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federal Housing Commission—

33679 6-12-79 / Provisions for application of payments on rehabilitation housing loans

List of Public Laws

Last Listing July 11, 1979

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-375-3030).

S.J. Res. 14 / Pub. L. 96-32 To amend the Public Health Service Act and related health laws to correct printing and other technical errors. (July 10, 1979; 93 Stat. 82) Price. $.75