10-25-79
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federal register

Thursday
October 25, 1979

Highlights

61546 **Fishing Vessels** Commerce/NOAA promulgates rule which establishes fund to pay for damage, loss, or destruction; effective 11-24-79 (Part III of this issue)

61372 **Nuclear Waste** NRC conducts generic proceeding on storage and disposal; comments by 11-26-79

61346 **Economic Opportunity** CSA files final rule specifying the quantifiable data required on Project Progress Review (PPR) Reports required by grantees under the Act; effective 11-26-79

61348 **Program Account Codes** CSA makes amendment to its rule to reflect activities eligible for funding as described by program policy statements; effective 11-26-79

61322 **Banking** FHLBB issues final rule on calculation of earnings on savings accounts; effective 10-25-79

61384 **Mail** PS proposes rule on pickup of express mail addressed to post office box addresses; comments by 11-24-79

61383 **Mail** PS proposes rule regarding handling of unpaid articles; comments by 11-24-79

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61396 **Procurement** VA proposes to amend its rules by revising two contract clauses; comments by 11-26-79

61485 **Federal-Aid Highways** DOT/FHWA request comments by 12-24-79 on the development of a policy for accelerating safety upgrading

61327 **Commodity Exchange** CFTC amends rules of practice to incorporate administrative procedures which concern settings of hearings

61352, 61359, 61366 **Tobacco** USDA/FCIC proposes procedures for insuring crops under the dollar, quota and guaranteed production plans; comments by 11-26-79 (3 documents)

61402 **Import Fees** USDA/Sec'y is required to decrease amount on raw and refined sugar; effective 10-24-79

61378 **Watches** Commerce/Sec'y and Interior/Sec'y propose changes to quota regulations; comments by 12-24-79

61338 **Natural Gas** DOE/FERC corrects allocation formula, expands right to protect to the Data Verification Committee to any interested person and extends scope of complaint procedure; effective 11-21-79

61328 **Federal Power** DOE/FERC amends rules governing preliminary permits and licenses under the Act; effective 11-26-79

61542 **Source Performance Standards** EPA deletes the requirement that a Claus sulfur recovery plant of 20 long tons per day (LTD) or less must be associated with a "small petroleum refinery"; effective 10-25-79 (Part II of this issue)

61492 **Spun Acrylic Yarn From Japan** Treasury issues determination of sales at less than fair value

61345 **Rangeland Improvements** USDA/FS issues final rule pertaining to grazing and livestock use on the National Forest System; effective 10-25-79

61513 **Sunshine Act Meetings**

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61546 **Part III, Commerce/NOAA**
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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 JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Fees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the fee schedule of the Immigration and Naturalization Service to increase the fees for certain applications and petitions and add new fees for others.

The fee descriptions and increases are set forth in the rulemaking portion of this document. The reason the new fees and fee increases are required is because recent studies have indicated that the cost of processing certain Service applications and petitions has increased. By law, those increases in cost must be reflected in the Service fee structure because any benefit or service provided to or for any person by a Federal Agency is required to be self-sustaining to the fullest extent possible.

EFFECTIVE DATE: November 26, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, Washington, D.C. 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: On July 5, 1979, at 44 FR 39183, the Service published a Notice of Proposed Rulemaking in which new fees were proposed for certain applications and certain fees on others were proposed to be increased.

We received three comments from the public in response to the notice.

The first comment suggested that a time period should be set for the processing of applications, in the regulations. This commenter also suggested that a surcharge be provided in the fee schedule, to be applied for the expedited processing of a petition or application.

We do not agree that the regulations should include rigid time limitations for the adjudication of applications and petitions. Many factors determine the time of adjudication such as number of employees on duty, number and type of applications or petitions received, complexity of the issues presented and other priorities of work generally. The Service makes every effort to adjudicate applications and petitions quickly and efficiently, with appropriate regard for work priorities and the particulars of the individual application. Placement of a rigid timetable for completion of applications and petitions in the regulations would not allow us the necessary flexibility in manpower or resource allocation to respond to other priorities which might arise. We realize that delays in processing of Forms I-90 may present a problem. However, this is a temporary situation which should resolve itself, as our ADIT card production facility reaches greater capacities.

We are opposed to adoption of a surcharge policy as a vehicle to expedite applications. It is Service policy to process applications and petitions in the chronological order in which they are received. Adoption of a surcharge system would violate this policy and would create a preference for those who could afford to pay the surcharge in establishing the order in which their application or petition would be considered. This would be unfair to those who could not afford the surcharge.

The second representation suggested that fees should be lowered or eliminated for such things as applications for certificates of citizenship, and raised for petitions to classify aliens as sixth preference immigrants under section 203(a)(6) of the Act, on Form I-140.

We are unable to adopt either suggestion. The statute under which these increases are proposed, 31 U.S.C. 483a, requires that fees be fair and equitable and reflect as nearly as possible the cost of providing the service to the applicant. Adoption of this writer's suggestion would be contrary to this mandate.

Finally, one commenter objected to the frequency with which the Service has made revisions to its fee schedule on the ground that the frequency of change made it difficult for immigration law practitioners and Service officers and employees to know what the current fees were. This commenter stated that this situation may have resulted in the submission of motions which were untimely because they had the wrong fee.

The Service is required by law and regulation to review its fee schedule every year, and provide for increases or decreases, as appropriate. Substantial changes in the fee schedule were last made in 1976. In 1978, certain of those fees were required to be reduced as the result of a stipulated court order.

The amendments which have been made have been made in accordance with applicable statutory requirements. Every effort will be made to inform all concerned persons, including applicants, attorneys and representatives, and Service personnel of these amendments to the Service fee schedule.

Accordingly, the proposed new, and increased fees as set forth in our Notice of Proposed Rulemaking at 44 FR 39183, July 5, 1979, will be adopted.

The following amendments are hereby made to the Service fee schedule appearing in Chapter I of Title 8 of the Code of Federal Regulations:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.7(b)(1), fee description 1 is amended; fee description 23 is revised, and fee descriptions 24, 25 and 26 are deleted; two new fee descriptions are added in between existing fee descriptions 32 and 33; and fee descriptions 34, 35 and 36 are amended. The amendments to § 103.7(b)(1) read as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees*—(1) The following fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I-551) in lieu of an obsolete card or in lieu of one lost, mutilated or destroyed, or in a changed name.....$15.00

* * * * *

For filing application on Form I-485 for permanent residence status or for

creation of a record of lawful permanent residence 30.00

* * * * *

For filing application for a waiver of the 30-day wait prescribed by section 336(c) of the Act 5.00

For filing motion for amendment of petition for naturalization when motion is for the convenience of the petitioner 5.00

* * * * *

For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated or destroyed; or for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act 10.00

For filing application for certificate of citizenship on Form N-600 under section 309(c) or section 341 of the Act 15.00

For filing application for certificate of citizenship on Form N-400 by a parent, and the issuance thereof, under section 341 of the Act 15.00

* * * * *

(Sec. 103; 8 U.S.C. 1103, and 31 U.S.C. 483a and OMB Circular No. A-25)

Effective date: The amendments contained in this order become effective on November 26, 1979.

Dated: October 22, 1979.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 79-32865 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 316a

Addition of Organization to Listing of American Institutions of Research Recognized by the Attorney General

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment of the regulations of the Immigration and Naturalization Service to add the University of Illinois at Urbana-Champaign, Austria-Illinois Exchange Program to the list of American institutions of research recognized by the Attorney General for the purpose of preserving residence in the United States for naturalization. The amendment is necessary because such recognized institutions are published in the Service's regulations and on September 4, 1979, it was determined and ordered that the University of Illinois at Urbana-Champaign, Austria-Illinois Exchange Program be recognized as an American institution of research recognized by the Attorney General.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 316a.2 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment contained in this order adds an American institution of research to the listing and is editorial in nature.

The following amendment is hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

In § 316a.2 *American institutions of research,* the listing of research institutions is amended by adding thereto in alphabetical sequence the following institution: "University of Illinois at Urbana-Champaign, Austria-Illinois Exchange Program".

* * * * *

(Sec. 103 and 316(b), 8 U.S.C. 1103 and 1427(b))

Effective date: This amendment became effective on September 4, 1979.

Dated: October 22, 1979.

David Crosland,

Acting Commissioner, Immigration and Naturalization.

[FR Doc. 79-32864 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings; Petitions for Rule Making

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is issuing amendments to its "Rules of Practice" regarding the filing and processing of petitions for rule making. The amendments require the petitioner to include a statement in support of the petition setting forth the specific issues involved, the petitioner's views regarding those issues, and relevant technical, scientific, or other data involved which is reasonably available to the petitioner. The amendments will facilitate the processing of petitions for rule making.

EFFECTIVE DATE: These amendments become effective on November 26, 1979.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Tel: (301) 492-7211.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed rule making in the Federal Register on April 28, 1978 (43 FR 18195) to amend 10 CFR Part 2.

The proposed amendment of § 2.802 set out in the April 28, 1978, notice would require a person filing a petition for rule making to state clearly and concisely the petitioner's grounds or interest in the action requested and to include a statement in support of the petition setting forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific, or other data involved which is reasonably available to the petitioner, and such information as the petitioner deems necessary to support the action sought.

It was proposed also to add language stating (a) that a prospective petitioner is encouraged to confer with the staff prior to the filing of a petition for rule making, and (b) that questions regarding applicable NRC regulations sought to be amended, procedures for filing a petition for rule making, or requests for a meeting with the appropriate NRC staff to discuss a petition for rule making should be addressed to the Division of Rules and Records, Office of Administration.

Four letters of comment were received on the proposed rule. Three letters supported the proposed amendments. The fourth letter suggested a number of changes.

The Power Authority of the State of New York stated that the proposed amendments would be beneficial to all parties affected by a petition for rule making in that the issues involved would be clearly delineated and the consequent greater understanding of the concerns of the petitioner would lead to a more efficient and expeditious resolution of those concerns.

Consumers Power Company stated that the proposed amendments would help streamline the process through early resolution of misunderstandings

and procedural problems, and would result in a more workable and equitable process.

Dow Chemical, U.S.A., favored the proposed rule, but recommended that the following statement, or its equivalent, be added to the proposed § 2.802(c)(3):

> The petitioner must submit information showing why current regulations and licensing practices are not adequate and how a new rule would alleviate this situation.

It is the Commission's view that the language set out in the proposed rule adequately covers the type of information to be submitted in support of a petition. Further, a petitioner may describe an inadequacy, but be unable to show specifically how to alleviate the situation. Accordingly, this suggestion has not been adopted.

A fourth letter of comment by Public Citizen Litigation Group (Public Citizen), made the following general statement:

> Public Citizen is concerned that the proposed amendment to 10 CFR 2.802, governing petitions for rule making to the Nuclear Regulatory Commission (NRC) may result in staff rejection of valuable and important citizens' petitions. Furthermore, because of the vagueness of the standards in the proposed regulations, there is danger of staff abuse of its discretion. The hurdle represented by these newly imposed requirements enforced by staff rejection of "deficient" petitions may deter citizens from petitioning the NRC . . .
>
> Public Citizen agrees with the premise of the proposed rule, that petitions to the NRC are more useful and likely to be adopted if they are well supported an well presented . . .

Public Citizen offered several specific comments as follows:

> Section 2.802(b) encourages consultation with the NRC staff on a prospective petition. Section (f) permits rejection of a petition by the staff, after one opportunity for revision, for failure to meet the standards of section (c). Consultation with the NRC staff could make available to a petitioner a valuable resource, resulting in greater efficiency and quality for all concerned. The officially encouraged consultation has the potential drawback of having a citizen's concerns steered in ways the NRC staff considers more desirable and "realistic." When the consultation is combined with the power to reject the petition as inadequately presented, the danger of manipulation and deterrence becomes great, especially for unsophisticated petitioners.

It is the intent of the Commission that its staff be available to assist petitioners in filing a petition if the petitioner requests such assistance. Consultation with the NRC staff is not required. The Commission intends that such consultation, if requested, will be of assistance to the petitioner and will be rendered in an objective manner. The NRC staff will not require modifications of the substance of a petition. This should result in petitions which satisfy the procedural requirements of § 2.802 and are in a proper form for consideration on the merits. Further, the decision to return a petition to the petitioner will be made by the Executive Director for Operations (EDO), and the Commission will be informed of this action. It should also be noted that, in these situations, the EDO is not rejecting the petition, but rather returning it to the petitioner without prejudice for failure to meet the procedural requirements of § 2.802. There is also no intent that the petitioner have just "one opportunity" to clarify the petition.

The Commission considers that it is appropriate for the EDO to make the determination as to whether a petition meets the procedural requirements of § 2.802. In this regard, the EDO already has the authority, pursuant to 10 CFR 1.40(o), to deny a petition for rulemaking of a minor or nonpolicy nature where the grounds for denial do not substantially modify existing precedent. Moreover, the Commission always retains its inherent supervisory authority over staff actions.

Public Citizen states further that:

> The trouble with requiring presentation of the desired product of the proposed rulemaking is that some problems are too complex or unexplored for a petitioner to propose a definite solution. For example, the PIRG decommissioning petition proposed imposition of financial guarantees of eventual decommissioning. However, the petitioners, who are reasonably well informed, could not say what would be a realistic estimate of the needed funds or what financial guarantee arrangements would be available. The situation is similar with respect to the analogous petition of the Natural Resources Defense Council (NRDC) on financial guarantees of safe windup of uranium mills. . . . It should suffice for a petition to document the existence of a problem, suggest the direction of a solution, without detailed provisions or numerical standards, and to ask the NRC to apply its expert knowledge to study and solve the problem.

The Commission agrees with the comment that a petitioner should not be expected to furnish detailed provisions or numerical standards or a precise rule, designed to solve the problem which the petitioner has documented. The Commission's staff will evaluate the merits of a petition, and develop an appropriate solution to such problems, including the preparation of proposed amendments of NRC regulations as may be indicated. Although a petitioner may highlight the existence of a problem and suggest the general direction of a possible solution, the Commission's staff will be responsible for the development of a proposed rule if the staff study indicates a need for amendment of NRC regulations. To clarify the Commission's intent, paragraph (c)(1) has been modified to provide that the petitioner may set forth a general solution to the problem identified rather than the specific text of a proposed amendment.

Public Citizen questions the proposed provision § 2.802(c)(2) that each petition shall state clearly and concisely the petitioner's grounds or interest in the action requested. Public Citizen states that:

> Statement of petitioner's "interest" in the matter smacks of a standing requirement. Public Citizen would be dismayed if the NRC intended to impose judicial standards of standing to filing a petition for rulemaking as it has chosen to do for intervention in nuclear export license proceedings. . . . Public Citizen does not suppose that a standing requirement is intended, but this should be clarified, along with clarification of what is intended and why.

Pursuant to the Administrative Procedure Act, as amended, the right to petition must be accorded to any "interested persons". The Commission has always construed these terms broadly in accepting petitions for rulemaking and has no intention of rejecting a petition for rulemaking solely on the ground that a petitioner has not alleged an injury in fact of the same character that would be necessary for standing in a licensing proceeding.

Public Citizen proposes a number of procedural steps for the processing of petitions, including time limitations for the determination of petitions. The Commission has concluded that it is impracticable to incorporate such procedures into the text of § 2.802. In many respects the proposed procedures would be administratively inefficient and wasteful of the Commission's time. Internal procedures have been established whereby the staff initially reviews petitions, establishes priorities in processing petitions, and initiates necessary studies. The Commission and the public are informed on a quarterly basis of the status of each petition. Many petitions are complex from a technical or legal view and it is more efficient for the staff to make the initial evaluation and to recommend a course of action rather than for the Commission to process petitions initially and direct the staff with respect to disposition of the petition.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code

of Federal Regulations, Part 2, are published as a document subject to codification.

1. Section 2.802 of 10 CFR Part 2 is revised to read as follows:

§ 2.802 Petition for rulemaking

(a) Any interested person may petition the Commission to issue, amend or rescind any regulation. The petition should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) A prospective petitioner is encouraged to confer with the staff prior to the filing of a petition for rulemaking. Questions regarding applicable NRC regulations sought to be amended, the procedures for filing a petition for rulemaking, or requests for a meeting with the appropriate NRC staff to discuss a petition should be addressed to the Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Rules and Procedures Branch. A prospective petitioner may also telephone the Division of Rules and Records on (301) 492-7086 to obtain assistance.

(c) Each petition filed under this section shall:

(1) Set forth a general solution to the problem or the substance or text of any proposed regulation or amendment, or specify the regulation which is to be revoked or amended;

(2) State clearly and concisely the petitioner's grounds for and interest in the action requested;

(3) Include a statement in support of the petition which shall set forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific or other data involved which is reasonably available to the petitioner, and such other pertinent information as the petitioner deems necessary to support the action sought. In support of its petition, petitioner should note any specific cases of which petitioner is aware where the current rule is unduly burdensome, deficient, or needs to be strengthened.

(d) The petitioner may request the Commission to suspend all or any part of any licensing proceeding to which the petitioner is a party pending disposition of the petition for rule making.

(e) If it is determined that the petition includes the information required by paragraph (c) of this section and is complete, the Director, Division of Rules and Records, or his designee, will assign a docket number to the petition, will cause the petition to be formally docketed, will deposit a copy of the docketed petition in the Commission's Public Document Room, and cause a notice of the docketing of the petition to be published in the Federal Register, inviting public comment thereon. Publication will be limited by the requirements of section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

(f) If it is determined by the Executive Director for Operations that the petition does not include the information required by paragraph (c) of this section and is incomplete, the petitioner will be notified of that determination and the respects in which the petition is deficient and will be accorded an opportunity to submit additional data. Ordinarily this determination will be made within 30 days from the date of receipt of the petition by the Office of the Secretary of the Commission. If the petitioner does not submit additional data to correct the deficiency within 90 days from the date of notification to the petitioner that the petition is incomplete, the petition may be returned to the petitioner without prejudice to the right of the petitioner to file a new petition.

(g) The Director, Division of Rules and Records, Office of Administration, or his designee, will prepare on a quarterly basis a summary of petitions for rule making pending before the Commission, including the status thereof. A copy of the report will be available for public inspection and copying in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

(Secs. 161 and 181, Pub. L. 83-703, 68 Stat. 948 and 953 (42 U.S.C. 2201 and 2231); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Washington, DC, this 18th day of October 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-32756 Filed 10-24-79; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 526

[79-527]

Calculation of Earnings on Savings Accounts

Dated: October 18, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Bank Board amends its regulations to allow savings and loan associations that are members of the Federal Home Loan Bank System to calculate interest on savings accounts by using a 365/360 time factor. This permits members to more effectively compete with other financial institutions by increasing the yield which may be paid on savings accounts.

EFFECTIVE DATE: October 25, 1979.

FOR FURTHER INFORMATION, PLEASE CONTACT: Walter B. Mason, Jr., Department of Supervision, Office of the District Banks (202-377-6556); or Patricia C. Trask, Office of the General Counsel (202-377-6442); Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Under present 12 CFR 526.2(g), a Federal Home Loan Bank System member is authorized to use a 365/360 time factor to calculate interest on savings accounts only after a determination by the Supervisory Agent that the member would otherwise be at a competitive disadvantage relative to other types of financial institutions in its service area. By eliminating this requirement, the Bank Board is authorizing use of the 365/360 time factor nationwide. This conforms to the manner in which banks are permitted to calculate interest and provides management with greater latitude in deciding how best to compete for savings funds.

Because the amendment relieves restriction and allows a higher rate of return for savers, the Board finds that notice and public procedure under 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary, and delay in effective date following publication, pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, is unnecessary for the same reasons.

Accordingly, the Board amends paragraph (g) of § 526.2 of the Regulations for the Federal Home Loan Bank System (12 CFR 526.2), to read as follows:

§ 526.2 Maximum rate of return.

* * * * *

(g) *Calculation of earnings.* The time factor used to calculate earnings on a savings account shall be a fraction having as numerator the actual number of days funds in the account earn a return and as denominator 365 or, in leap year, 366. If an account matures in multiples of one month, the numerator may be the corresponding multiple of 30 days. A time factor of 360/360 or 366/360 may also be used.

(Sec. 4, 80 Stat. 824 (12 U.S.C. 1425b); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 79-32959 Filed 10-24-79; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25, 127, 137

[Docket No. 18247; Amdt. Nos. 25-47; 127-37; and 137-10]

Operations Review Program: Amendment No. 10; Airworthiness, Equipment, and Operating Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve certain requirements applicable to airworthiness, aircraft equipment, and operations. These amendments are part of the Operations Review Program and are based on a compilation of proposals prepared for the Operations Review Conference.

EFFECTIVE DATE: December 24, 1979. Compliance dates for certain provisions are different than the effective date.

FOR FURTHER INFORMATION CONTACT: Mr. Norman C. Miller, Safety Regulations Staff, Regulatory Review Branch, AVS-22, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

History

These amendments are the tenth in a series of amendments to be issued as part of the Operations Review Program. The following amendments of the series have previously been issued as part of the Operations Review Program:

Amendment No.	Title	FEDERAL REGISTER (FR) citation
1	Clarifying and Editorial Changes.	(41 FR 47227; Oct. 28, 1976)
2	Rotorcraft External-Load Operations.	(42 FR 24196; May 12, 1977, amended by 42 FR 32531; June 27, 1977.)
2A	Special Federal Aviation Regulation No. 36, Development of Major Repair Data.	(43 FR 3084; Jan. 23, 1978.)
3	Airspace, Air Traffic, and General Operating Rules.	(44 FR 15654; Mar. 15, 1979.)
4	Miscellaneous Amendments.	(43 FR 22636; May 25, 1978.)
5	Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft.	(43 FR 22643; May 25, 1978, amended by 43 FR 28403; June 29, 1978.)
6	General Operating and Flight Rules and Related Airworthiness Standards and Crewmember Training.	(43 FR 46230; Oct. 5, 1978.)

These amendments are based on a notice of proposed rule making (Notice 78-12) published in the Federal Register on August 24, 1978 (43 FR 37958). All interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below these amendments and reasons for their adoption are the same as those contained in Notice 78-12.

Discussion of comments

The following discussions are keyed to the like-numbered proposals contained in Notice 78-12.

Proposal 10-1. Several commenters objected to proposed § 25.772(a) stating that: (1) The possibility of door jamming is remote due to aircraft design; (2) Cockpit crash axes offer an equivalent method; (3) Maintenance and cockpit security would be adversely affected; and (4) A conflict exists between this proposal and §§ 25.772 and 25.809(b).

Some airplanes are designed to preclude floor deformation and subsequent door jamming; however, this proposal provides for any door jamming condition which could occur regardless of aircraft design. The use of a crash axe does not provide the same degree of access to the passenger compartment from the cockpit. Under certain conditions, the crash axe may not provide access until a considerable period of time has elapsed. Cockpit security would not be compromised since the requirement applies to new designs and allows sufficient design flexibility.

There is no conflict between this proposal and §§ 25.772 and 25.809(b) as stated by the commenter. Current § 25.772 requires that crewmembers have access to emergency exits without using cockpit doors, while this proposal provides for access to the cabin area if the cockpit door becomes jammed. Section 25.809(b) concerns the deformation of emergency exits and not cockpit doors.

One commenter objected to the use of the word "means" since the word implies a special device and suggested wording of a more general nature. The word "means" is not restrictive and its use in the regulation provides the necessary flexibility. One commenter believed the proposed requirement would not be appropriate for cargo or cargo/passenger configurations. With respect to a cargo only configuration, there are no passengers to assist, and it is unnecessary for the crew to have access to the passenger compartment. With respect to the passenger/cargo configuration, the FAA has determined that the means for access to the passenger compartment must be available and proposed § 25.772 is revised by providing this access.

Proposal 10-2. One commenter objected to proposed § 25.809(f)(1)(iii) stating that redesigning all slides to be equally effective with the aircraft in various positions would be difficult and recommended that the proposal be withheld until a different design concept is developed. Present provisions in § 25.809(h) require that slides be self-supporting after collapse of one or more legs of the landing gear. After further review, it appears desirable to retain these provisions and add to them, as provided in the notice, the provision that the slide provide safe evacuation of the occupants to the ground. It is not anticipated that this provision would require a different design concept than currently employed.

Another commenter recommended revisions to the proposal that would provide exception from the requirement if the slide is fitted on an exit that is not suitable for use after a minor crash landing. Exit suitability is not solely predicated upon minor crash landings and therefore does not represent a design condition which could be satisfied under this comment. Accordingly, proposed § 25.809(f)(1)(iii) is adopted as noted.

Proposal 10-3. The Society of Automotive Engineers, Inc., objected to proposed § 25.812 stating that the problem in the two cases cited in the National Transportation Safety Board report (NTSB-AAS-74-3), referred to in the notice, was due to crew training and not the failure of the lighting system. In both cases, poor crew coordination and not the failure of the lighting system resulted in improper activation of the emergency lighting systems during evacuation. They also stated that in

some aircraft which utilize fuselage-mounted floodlights for escape device illumination, valuable illumination of the area surrounding the escape device permits safe movement of evacuees away from the crash site. These floodlights also assist rescue teams in rapidly locating the portion of the wreckage containing survivors in times of darkness. Modification to reconnect these floodlights to an escape-device-lighting-system instead of the cabin emergency lighting system would create a less reliable system, considering the additional switches (or erection sensing devices) and wiring harness which would be necessary to connect the escape device to the floodlights on the fuselage. The SAE Committee considered the proposed rules concerning emergency lighting of exterior escape devices and the time compliance limitations to be unnecessary, economically unjustified and not necessarily in the best interest of safety. After review of these comments and in conjunction with studies conducted by the agency regarding the current lighting requirements, the FAA has determined that safety would not be improved as a result of this proposal and accordingly proposed § 25.812 is withdrawn.

Proposal 10-4. Six commenters objected to proposed § 121.310(h)(1)(iii) stating the cost of retrofitting all airline aircraft would be prohibitive and unwarranted. For example, three major airlines estimated that the cost of such a retrofit would be approximately $971,000, $608,399, and $870,000 respectively per fleet, and believe the proposal should be withdrawn. The FAA has analyzed these figures and determined they accurately reflect the retrofit cost burden that would be imposed on these airlines. In light of this determination and the fact that proposed § 25.812 (Proposal 10-3) has been withdrawn and in accordance with Executive Order 12044, and the Department of Transportation Regulatory Policies and Procedures which are intended to reduce the unnecessary burden on the public, the FAA concludes that this proposal would impose financial burdens on the public not commensurate with an increase in safety. Accordingly, proposed § 121.310(h)(1)(iii) is withdrawn.

Proposal 10-5. Several commenters objected to proposed § 121.313(f) contending that the proposal should be withdrawn because it is economically unjustified, and limits the designer's options in its applicability to existing airplanes, with possible compromise in cockpit security. They believe that to design, test, fabricate, install, and certificate such a type of egress to meet the intent of this proposal would have a cost impact of more than $100,000 per aircraft. The FAA acknowledges that there is merit to these contentions since retrofit of existing aircraft would be difficult and expensive. Accordingly, proposed § 121.313(f) is withdrawn.

Proposal 10-6. No unfavorable comments were received on the proposed revision to § 127.103(b). However, this proposal will require the replacement of many existing altimeters. Additionally, the FAA has determined that a one-year period should be allowed for manufacture, transportation, and installation of this equipment. Accordingly, this proposal will not become effective until one year after the effective date of these amendments.

Proposal 10-7. One commenter stated that the proposed requirement for a passenger's name and home address has no effect on flight safety and increases paperwork, time, and cost. Another commenter objected because the proposal would create an economical and operational burden. The commenter stated that it is difficult to obtain the additional information from passengers during flights having short time periods between connecting flights, or on international flights where passengers do not speak English. The commenter also stated that fixed-wing air carriers are not required to obtain this information. This statement is partially correct. Current Part 121 requires supplemental air carriers and commercial operators to include passenger names, but not addresses, on the load manifest. The FAA proposed in Notice No. 78-7 (43 FR 20448; May 11, 1978), to extend this requirement to domestic and flag air carriers.

In view of the comments received and after further review, proposed § 127.305 is revised by deleting "home addresses" and by inserting the word "persons" in place of "passengers".

Proposal 10-8. No unfavorable comments were received on the proposed revision to § 127.307(a). Accordingly, the proposal is adopted without substantive change.

Proposal 10-9. The majority of the commenters objected to the proposal to limit the duration of the Part 137 operator certificate to twenty-four months stating that the proposal is unnecessary, serves no useful purpose, and would not enhance safety. They stated that this proposal would: (1) Impose an unnecessary burden on the legitimate operator; (2) Require additional paperwork; (3) Possibly cause administrative problems during renewal certification; (4) Not improve the availability of the transient type operators to the FAA; and (5) Create a financial hardship to the agricultural aircraft operator if a delay in the renewal process causes that operator's certificate to expire during the busy season.

As stated in the notice, the FAA has difficulty in adequately monitoring the activities of these certificate holders to assure compliance with and understanding of applicable rules. However, as stated by one commenter, this regulation would probably not improve the availability of transient-type operators since many would change their place of business after renewal. For this reason, and in accordance with Executive Order 12044 and the Department of Transportation Regulatory Policies and Procedures which are intended to reduce the unnecessary burden on the public, the FAA concludes that this proposal would impose administrative burdens on the FAA and the public not commensurate with an increase in safety. Accordingly, proposed § 137.15 and related revisons to §§ 137.19 and 137.21 are withdrawn.

Proposal 10-10. See Proposal 10-9 for a discussion of comments related to the proposed amendment to § 137.19 and for the withdrawal of that proposal.

Proposal 10-11. See Proposal 10-9 for a discussion of comments related to the proposed revision to § 137.21 and for the withdrawal of that proposal.

Proposal 10-12. Two commenters stated the proposed shoulder harness requirement was already covered in § 91.7(b). The FAA does not agree. Current § 91.7(b) provides only for the fastening of shoulder harnesses during takeoff and landings and not during the entire flight operation. Many of the commenters concurred with the use of seat belts and shoulder harnesses but objected to a mandatory requirement because it would curtail the pilots discretion in using them.

Other commenters contend that the use of shoulder harnesses could restrict the pilot's movement in performing required duties during certain operations.

In view of these comments and after further review the FAA agrees that under certain operations shoulder harnesses could interfere with pilot duties. Accordingly, proposed § 137.42 is revised to except the use of shoulder harnesses if the pilot is unable to perform required pilot duties with the shoulder harness fastened.

Adoption of the Amendments

Accordingly, Parts 25, 127, and 137 of the Federal Aviation Regulations (14

CFR Parts 25, 127, and 137) are amended as follows, effective December 24, 1979.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. By amending § 25.772(a) by adding a new sentence to read as follows:

§ 25.772 Pilot compartment doors.

(a) * * * However, for passenger configuration, means must be provided to enable flight crewmembers to directly enter the passenger compartment from the pilot compartment if the cockpit door becomes jammed.

* * * * *

2. By revising § 25.809(f)(1)(iii) to read as follows:

§ 25.809 Emergency exit arrangement.

* * * * *

(f) * * *

(1) * * *

(iii) It must be of such length after full deployment that the lower end is self-supporting on the ground and provides safe evacuation of occupants to the ground after collapse of one or more legs of the landing gear.

* * * * *

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

3. By revising § 127.103(b) to read as follows:

§ 127.103 Flight and navigational equipment.

* * * * *

(b) A sensitive altimeter; however, after December 24, 1980, an altimeter that meets the performance and environmental standards of § 37.20 of this chapter, or equivalent.

* * * * *

4. By amending § 127.305 by adding a new paragraph (a)(6) to read as follows:

§ 127.305 Load manifest.

(a) * * *

(6) Names of persons unless the certificate holder maintains that information by other means.

* * * * *

5. By revising § 127.307(a) to read as follows:

§ 127.307 Disposition of load manifest and flight release.

(a) The pilot in command of a helicopter shall carry in the helicoper to its destination, a copy of the completed load manifest (or information from it except with respect to cargo, passenger distribution, and the passenger list) and the flight release.

* * * * *

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

6. By adding a new § 137.42 to read as follows:

§ 137.42 Fastening of safety belts and shoulder harnesses.

No person may operate an aircraft in operations required to be conducted under Part 137 without a safety belt and shoulder harness properly secured about that person except that the shoulder harness need not be fastened if that person would be unable to perform required duties with the shoulder harness fastened.

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the person and address listed under "For Further Information Contact".

Issued in Washington, D.C., on October 17, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79-32712 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-GL-16-AD; Amdt. 39-3596]

Airworthiness Directives; Bellanca Model 7ECA, 8KCAB, and 8GCBC Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), which requires an inspection and alignment of the exhaust system on certain Bellanca Model 7ECA, 8KCAB, and 8GCBC aircraft. The AD is prompted by several reports of exhaust system tubing breakage which could result in an unsafe condition.

DATES: Effective—October 29, 1979.

Compliance required within the next 30 days or 10 hours of aircraft time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: Bellanca Service Letter Number C-138 may be obtained from Bellanca Aircraft Corporation, P.O. Box 614, Alexandria, Minnesota 56308.

A copy of Bellanca Service Letter Number C-138 is contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: C. Biemond, Service Difficulty Section, AGL-217, Engineering and Manufacturing Branch, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312 694-4500, extension 359.

SUPPLEMENTARY INFORMATION: There have been reports of tubing breaks on the exhaust systems of certain Bellanca Model 7ECA, 8KCAB, and 8GCBC aircraft. 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 the inspection and alignment of the exhaust system on certain Bellanca Model 7ECA, 8KCAB, and 8GCBC aircraft.

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

Adoption of the Amendment

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

Bellanca: Compliance is required within the next 30 days or 10 hours of aircraft time in service, whichever occurs first, after the effective date of this AD, unless already accomplished. To prevent exhaust system cracking, accomplish the following on Bellanca Model 7ECA (S/N 985-74 thru 1319-79), 8KCAB (S/N 120-74 thru 550-79 equipped with Lycoming AEIO-360 series engine), and 8GCBC (S/N 1-74 thru 323-79) aircraft:

1. Remove the upper and lower engine cowling.

2. Inspect exhaust system with particular attention to the welded area between the riser tube and the exhaust flange, for cracks, fractures or evidence of exhaust leakage. Remove the heater shroud and inspect the muffler body for cracks, fractures or evidence of exhaust

leakage. If any exhaust system component is cracked or otherwise damaged, remove the exhaust system and repair/replace damaged parts in accordance with FAA Advisory Circular 43.13-1A.

3. Loosen exhaust port stud nuts several turns; check bead clamps for tightness such that the clamps cannot rotate on the exhaust system with hand pressure. The riser flanges (1) must have equal spacing to the exhaust port pad at both studs (a small amount of flange bow is acceptable), (2) must be free to move up and down on the exhaust port studs without binding and (3) must all contact the exhaust port pads together.

4. If any of the alignment checks are unsatisfactory, determine the cause for the misalignment and repair or replace the part as required.

5. Assemble exhaust system and install on engine with loose exhaust port stud nuts and bead clamp bolts. Torque exhaust port stud nuts to the correct value. Tighten bead clamp bolts until clamps secure risers to exhaust system but allow clamps to rotate with hand pressure; the bead clamps *should not be rigidly clamped to the tubes* but should be able to rotate on the tubes with moderate hand pressure on the clamp assembly.

Note.—Torque all exhaust port stud nuts evenly and tighten bead clamp bolts evenly to insure uniform loads within the exhaust system parts; torquing bolts individually can cause very large stresses.

6. Inspect exhaust system for proper clearance between ducts, wiring, controls, etc. before reinstallation of the cowling. Install lower cowling and inspect for proper clearance between exhaust outlet and cowl.

7. Reinstall the lower and upper engine cowling.

Bellanca Service Letter Number C-138 covers this same subject.

Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region.

This amendment becomes effective October 29, 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)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to C. Biemond, Engineering and Manufacturing Branch, AGL-217, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on October 12, 1979.

Wayne J. Barlow,
Director.

[FR Doc. 79-32713 Filed 10-24-79; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-SO-60; Amdt. No. 39-3595]

Airworthiness Directives; Piper Model PA-28 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the modification of the fuel tank vents and the replacement of the fuel tank vent connector hoses on certain Piper Model PA-28 series airplanes. The AD is prompted by reports of broken fuel tank vent hoses which has resulted in fuel leakage and the presence of fuel vapors in the cabin causing a possible fire hazard.

DATE: Effective October 26, 1979. Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

A copy of the Service Bulletin is also contained in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Whipple Street, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Gil Carter, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of broken fuel vent connector hoses which resulted in fuel leaking in the wing and draining to the wing root on certain Piper Model PA-28 series airplanes. This condition causes fuel fumes in the cabin and results in a potential fire hazard. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued which requires the modification of the fuel tank vent line and the replacement of the fuel vent connector hoses with an improved hose on certain Piper Model PA-28 series airplanes.

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

Adoption of the Amendment

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 (AD):

Piper Aircraft Corporation: Applies to Model PA-28-161, serial numbers 28-7816024 through 28-7916475; Model PA-28-181, serial numbers 28-7890023 through 28-7990493, Model PA-28-201T, serial numbers 28-7921001 through 28-7921068; Model PA-28R-201, serial numbers 28R-7737135 through 28R-7837317; Model PA-28RT-201, serial numbers 28R-7918001 through 28R-7918172; Model PA-28R-201T, serial numbers 28R-7703309 through 28R-7803373; Model PA-28RT-201T, serial numbers 28R-7931001 through 28R-7931222; Model PA-28-235, serial numbers 28-7710079 through 28-7710089; and Model PA-28-236, serial numbers 28-7911001 through 28-7911204 airplanes certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

To prevent possible fuel leakage and potential fire hazard, accomplish the following:

a. De-fuel the aircraft in accordance with the Piper Service or Maintenance Manual, for the appropriate model aircraft.

b. Remove the right hand and left hand fuel tanks in accordance with the Piper Service or Maintenance Manual for the appropriate model aircraft.

c. Modify the fuel tank vent system in accordance with the instructions listed in the "Fuel Tank Vent Modification and Vent Hose Replacement" Kit, Piper part number 763 934V.

d. Reinstall the fuel tanks in accordance with instruction in the appropriate Piper Service or Maintenance Manual.

Caution

Do not allow lines or hoses to rotate during installation and tightening when attaching the fuel lines to the tank fittings to prevent fuel flow obstruction due to hose twisting.

e. Refuel the aircraft and check for leaks and fuel quantity gauge function.

f. Make an appropriate maintenance record entry.

g. An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Note.—Piper Service Bulletin 646 pertains to this subject. This amendment is effective October 26, 1979.

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

Issued in East Point, Georgia, on October 12, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-32878 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 10

Setting of Hearing Date in Certain Cases

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission has amended Rule 10.3 of its Rules of Practice to incorporate those provisions of section 6(b) of the Commodity Exchange Act, as amended, 7 U.S.C. 9 (1976), which concern the setting of a hearing in administrative proceedings. In a proceeding instituted pursuant to section 6(b), the Commission may require a person to show cause why an order should not be entered against such person at a hearing held not less than three days after the service of the Commission's notice of hearing.

EFFECTIVE DATE: October 25, 1979.

ADDRESS: Commodity Futures Trading Commission, 2033 K St., NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Joan Loizeaux, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-5543.

SUPPLEMENTARY INFORMATION: Section 6(b) of the Act provides that, if the Commission has reason to believe that any person is violating or has violated any provision of the Act or the rules or regulations thereunder, the Commission "may serve upon such person a complaint stating its charges in that respect, which complaint shall have attached or shall contain therein a notice of hearing, specifying a day and place not less than three days after the service thereof," requiring such person to show cause why sanctions should not be imposed.[1]

In order that the Commission's procedural rules will reflect this provision of the Act and thereby be more complete, the Commission has determined to amend its Rules of Practice in order to incorporate expressly the hearing provisions of section 6(b). The Commission wishes to make clear that this amendment does not affect its general power to expedite proceedings under Rule 10.3(b). Rule 10.3(b) will continue to set forth the standards under which the commission may adopt expedited procedures in an adjudicatory proceeding commenced under the Act.[2]

Because this amendment codifies existing law and deals with rules of internal agency practice, the Commission is satisfied that the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(d) do not apply to this amendment.

This notice of amendment is issued under the authority of sections 2(a), 6(b) and 8(a) of the Commodity Exchange Act, 7 U.S.C. 4a, 9 and 12a (1976).

Based upon the foregoing, the Commission hereby amends Rule 10.3 of Part 10 of Chapter I of Title 17 of the Code of Federal Regulations by adding a new paragraph (d) to read as follows:

§ 10.3 Suspension, amendment, revocation and waiver of rules.

* * * * *

(d) Notwithstanding any provision of this part, the Commission may in any proceeding commenced pursuant to section 6(b) of the Act require a respondent to show cause why an order should not be entered against the respondent and may specify a day and place for the hearing not less than three days after service upon the respondent of the Commission's complaint and notice of hearing in such proceeding.

(Secs. 2(a), 6(b) and 8a, 42 Stat. 1001, as amended, 49 Stat. 1498, 1499, as amended 88 Stat.; 49 Stat. 1500, as amended, 88 Stat. 1392; 88 Stat. 1389, 1391; 7 U.S.C. 4a, 9 and 12a.)

Issued in Washington, D.C. on October 22, 1979.

By the Commission.

Jane Stuckey,

Secretary,

Commodity Futures Trading Commission.

[FR Doc. 79-32900 Filed 10-24-79; 8:45 am]

BILLING CODE 6351-01-M

[1] Pursuant to section 6(b), the Commission has the authority to suspend up to six months or revoke the registration of a futures commission merchant, floor broker, associated person, commodity trading advisor or commodity pool operator. In addition, the Commission may issue an order prohibiting a person from trading on or subject to the rules of any contract market and requiring all contract markets to refuse any person all trading privileges for a period specified in the order and may assess civil penalties of not more than $100,000 for each violation which the Commission finds occurred.

[2] Rule 10.3(b) currently provides that the Commission may order the adoption of expedited procedures and waive any rule contained in the Rules of Practice upon a determination that "no party will be prejudiced and that the ends of justice will be served."

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 271

[Dockets Nos. RM79-19 and RM79-12; Orders Nos. 45 and 31-A)

Treatment of Certain Production-Related Costs for Natural Gas To Be Sold and Transported Through the Alaska Natural Gas Transportation System; Statement of Policy; Order Granting Rehearing for the Purpose of Further Consideration and Order Staying Effective Dates

October 19, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order staying effective dates.

SUMMARY: On August 24, 1979 the Commission issued two orders, both to be effective on October 23, 1979. The first, Order No. 45 (issued under Docket No. RM79-19) (44 FR 51554, September 4, 1979) amended Commission regulations under the Natural Gas Policy Act and provided a policy statement under the Natural Gas Act. Both regulations and policy statement addressed the issue of producer responsibility for production-related costs incurred in first sales of natural gas produced at Prudhoe Bay, Alaska for transport through the Alaska Natural Gas Transportation System. The second, Order No. 31-A (issued under Docket No. RM79-12) (44 FR 41681, September 4, 1979) implemented the policy of Order No. 45. Petitions to rehear both orders have been received. In addition, the Secretary of Energy has requested rehearing to permit certain actions by the Department of Energy which will relate to Order No. 45. For these reasons, the effective date of both orders is stayed.

DATE: Effective dates of Order No. 45 and Order No. 31-A stayed until December 5, 1979.

FOR FURTHER INFORMATION CONTACT: John Conway, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8100K, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8150.

SUPPLEMENTARY INFORMATION:

Treatment of certain production-related costs for natural gas to be sold

and transported through the Alaska Natural Gas Transportation system, Docket No. RM79-19; Determination of incentive rate of return, tariff and related issues, Docket No. R78-12.

On September 21, 1979, the Altantic Richfield Company, the Sohio Natural Resources Company, and the Phillips Petroleum Company filed separate applications for rehearing of Order No. 45, issued on August 24, 1979, under Docket No. RM79-19 and Order No. 31-A issued on August 24, 1979 under Docket No. RM78-12. On September 24, 1979, the State of Alaska and the Exxon Corporation also filed separate applications for rehearing of Order No. 45 and Order No. 31-A. The applications for rehearing raise various issues regarding the lawfulness and appropriateness of the actions taken by the Commission in Order No. 45 and Order No. 31-A.

On October 15, 1979, The Commission was informed by letter from the Secretary of Energy, that the Secretary is holding discussions with North Slope producers for the purpose of involving them in the financing of the Alaska Natural Gas Transportation System (ANGTS). That letter stated that a formal filing by the Department of Energy reflecting the impact of producer financing commitments on Order No. 45 will be made in Docket No. RM79-19 and requested rehearing to reconsider Order No. 45.

In response to the request of the Secretary of Energy and to conclude deliberations of the issues raised in the applications for rehearing, the Commission finds good cause to grant rehearing of Orders 45 and 31-A for the purpose of further consideration. Given the statutory directive of section 9(a) of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719g(a), that actions necessary or related to the construction and initial operation of the ANGTS must be accomplished at the earliest practicable date, the Commission further finds it appropriate to stay the effective date of Ordering Paragraph (1) of Order No. 45 and the effective date of Ordering Paragraph (B) of Order No. 31-A until a fixed date, December 5, 1979.[1]

The Commission orders: (A) The applications for rehearing filed by Atlantic Richfield Company, Sohio Natural Resources Company, Phillips Petroleum Company, the State of Alaska, and Exxon Corporation are hereby granted for the limited purpose of further consideration. As provided by Section 1.34(d) of the Commissions's Regulations, no answer to the applications will be entertained by the Commission since this order does not grant rehearing on any substantive issues.

(B) Ordering Paragraph (1) of Order No. 45, issued August 24, 1979, under Docket No. RM79-19 and Ordering Paragraph (B) of Order No. 31-A, issued on August 24, 1979, under Docket No. RM78-12 are stayed until December 5, 1979.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-33069 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This order does not apply to Orders 31 and 31-B, issued under Docket No. RM78-12. Orders 31 and 31-B are final orders not in effect.

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18 CFR Parts 4, 16, and 131

[Docket No. RM79-23; Order No. 54]

Water Power Projects; Final Regulations Prescribing General Provisions for Preliminary Permit and License Applications and Final Regulations Governing Applications for, Amendments to, and Cancellation of Preliminary Permits

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending parts of its regulations governing preliminary permits and licenses under Part I of the Federal Power Act. The regulations amended in this docket prescribe technical filing requirements and evaluation procedures applicable to both preliminary permits and license applications for water power projects. The amendments also affect regulations pertaining to the content of preliminary permits, amendments to preliminary permits, and cancellation of preliminary permits. This rulemaking is part of the Commission's reform of water power project licensing and extends the benefit of section 405 of the Public Utility Regulatory Policies Act of 1978, requiring simple and expeditious licensing procedures for small (15 MW of installed capacity or less) hydroelectric power projects, to all such projects within the Commission's jurisdiction.

The amended regulations reorganize and clarify the permit and license application procedures and thereby help to ease the burden of compliance. The changes will therefore facilitate hydroelectric development.

EFFECTIVE DATE: November 26, 1979.

FOR FURTHER INFORMATION CONTACT: James Hoecker, Office of Regulatory Development, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8161.

SUPPLEMENTARY INFORMATION: Regulations Prescribing General Provisions for Preliminary Permit and License Applications; Regulations Governing Applications for, Amendments to, and Cancellation of Preliminary Permits; Final Rule.

Issued: October 22, 1979.

Notice is hereby given that the Federal Energy Regulatory Commission (Commission) is amending certain of its regulations concerning preliminary permits and licenses for water power projects under Part I of the Federal Power Act (Act). The amended regulations prescribe technical filing requirements and evaluation procedures applicable to both preliminary permit and license applications. The amendments also affect the regulations pertaining specifically to the content of preliminary permit applications, amendments to preliminary permits, and cancellation of preliminary permits.

I. Background

Seeking to respond and lend encouragement to the recent heightened interest in hydroelectric development, Congress provided in Title IV of the Public Utility Regulatory Policies Act (PURPA) component of the National Energy Act for a program whereby the Secretary of Energy will grant loans for feasibility studies and for construction of small hydroelectric projects (installed capacity of 15 MW or less) located at existing dams. The Commission is charged under section 405 of PURPA with establishing simple and expeditious licensing procedures for projects eligible under the PURPA provisions.

In the interest of acting more promptly on all license applications, and in anticipation of the enactment of PURPA, the Commission determined in 1978 to carry out a thorough reform of its requirements and procedures for license applications. The first phase of this reform was instituted in September 1978, with issuance of a rulemaking on the so-called "short-form" license procedures applicable to all "minor" projects (installed capacity of 1.5 MW or less). [See Order No. 11, Docket No. RM78-3, 43 FR 40215 (September 11, 1978).]

The second phase of the reform covers all "major" projects (installed capacity greater than 1.5 MW) where at least a dam and reservoir are in existence at the time of the application. The Commission issued a Notice of Proposed Rulemaking on this phase on April 19, 1979 [44 FR 24095, April 25,

1979]. A third and final phase will cover all major projects which include new dams and reservoirs.

The revisions contemplated in this three-stage reform pertain primarily to the content of license applications. Maximum efficiency cannot be attained, however, unless the uncertainty regarding such technical and procedural matters as form, subscription and verification, service, number of copies, correction of deficiencies, and evaluation of competing applications is eliminated. Therefore, the Commission issued a Notice of Proposed Rulemaking in this docket to clarify and streamline the general provisions governing these requirements and procedures for all preliminary permit and license applications. [44 FR 12432, March 7, 1979.]

These regulations make the Commission's technical filing requirements and procedures easier to identify and comprehend. The regulations also make clear that diligence is expected of initial applicants and those who would file competing applications, as well.

A well-rounded program of licensing reform must also reach the specific requirements governing preliminary permits. As enunciated in sections 4(f) and 5 of the Act, 16 U.S.C. 797(f) and 798, the purpose of a preliminary permit is to secure for the permittee priority of application for a license for a project while the permittee obtains the data and performs the acts required to determine the feasibility of the project and support an application for a license. A preliminary permit is not a prerequisite to a license, and therefore is sought on a voluntary basis. The protections afforded by permits result in frequent permit applications, however. In view of the relationship between preliminary permits and licenses, this docket also covers revised regulations concerning the substance of preliminary permit applications, amendments to preliminary permits, and cancellation of preliminary permits.

The revised regulations require sufficient information to enable the Commission to carry out its responsibilities under the Act. The regulations also make clear the purpose of a permit and the consequences of failure to carry out that purpose. These changes should further facilitate ultimate licensing of small hydroelectric projects at existing dams, in accordance with section 405 of PURPA.

II. Comment Analysis

This rulemaking was commented on by five agencies of Federal, State, or local government, two environmental organizations, five utilities or trade associations, and one supplier of hydroelectric equipment. The commenters expressed overall support for the simplified procedures for applying for preliminary permits and licenses. Comments and suggestions regarding specific provisions and the Commission's treatment of the comments are as follows:

"Minor part" licenses that were issued in the past had been based upon an erroneous conclusion of law concerning Commission jurisdiction, which the Commission had repudiated. [*See, e.g., Pacific Gas and Electric Co.*, Project No. 2310, 29 F.P.C. 1265 (1963).] To the extent that an application is now filed for only a part of a whole project, of "complete unit of development," (*e.g.*, a power plant to be added to a Corps of Engineers' dam), it would be filed according to its category under our application regulations. Since the application regulations depend on the installed capacity of the facilities proposed to be licensed and on whether any new dam or significantly larger impoundment would be created—not on whether only a part of the whole project need be licensed—references to "minor part" licenses in the application requirements are unnecessary. Therefore, "minor part" language will not be added to § 4.31(a)(2) as requested in the comment of the Power Authority of the State of New York (PASNY).

It was suggested that § 4.31(c)(4) of the proposed regulation, which describes one of the steps to be taken by the Commission upon receipt of an acceptable application for preliminary permit of license, be made more specific in terms of notification and effective date requirements for reserving Federal lands. The Commission believes that greater detail in explaining procedures which are essentially matters of internal agency management, such as details on notification of withdrawal of Federal land or inclusion of processing flowcharts in the rule, would only serve to lengthen and complicate the regulation with no significant benefit to applicants, intervenors, or the public.[1] Related comments state that since the regulations impose filing deadlines for deficient and competing applications, the Commission should likewise impose deadlines on its staff to assure that an applicant does not lose a priority status or a chance to compete for a project license because of staff inaction. Since these are regulations primarily informing applicants of their rights and responsibilities, those kinds of directions to the Commission staff are beyond their scope. The Commission has adopted, and will continue to seek to develop, internal procedures for more expeditious handling of applications. In any event, it is important to remember that time constraints imposed on applicants, such as that in § 4.31(d), do not run until the applicant is notified of deficiencies in an application. The time expended in reviewing an application for deficiencies will not, therefore, adversely affect the applicant's time to cure deficiencies. If deficiencies are cured within the prescribed time, § 4.31 provides that the application will be deemed accepted for filing as of the original date the application was submitted.

Some commenters suggested that applicants could be prejudiced by greater use of "summary rejection" by the Commission's delegate, without an explanation of the reason for rejection. The regulations were not intended to call for greater use of summary rejection than before. Moreover, when an application is rejected, an applicant is always provided with the reasons for such action, as suggested. The proposed regulation has been revised to make these points clear. In addition, an applicant may request extensions of time under § 1.13(d) of the regulations or appeal actions of the staff to the Commission under § 1.7(d). These procedural safeguards help assure that the burden on the applicant is no greater than necessary for a thorough disposition of each case.

Section 4.31(d) provides a 90-day period for correcting deficiencies in license applications (45 days for permit applications). Many commenters thought that this period should be extendable for good cause. We point to § 1.13(d) as providing this flexibility. In answer to other comments, pending applications that meet the requirements of our prior regulations, but not those of the new rule, will not be rejected. The new regulatory scheme anticipates requests for added information and provides procedures in § 4.31(f) for securing remaining data required for such pending applications. American Electric Power Service Corporation expressed a desire that the regulations more clearly spell out the criteria for an acceptable application. We think that the regulations as presented provide sufficient guidance and information for the applicant in terms of content, format,

[1] Any person who desires information on the nature of the Commission review processes may consult the critical Projects Status Reports ("Orange Books") available at the Commission's Office of Public Information which show, among other things, typical processing flowcharts for license applications. Copies of these Reports may also be purchased from the Government Printing Office.

and submittal requirements. Where a prospective applicant has questions, it may seek guidance from the staff under § 4.31(g).

The proposed § 4.31(f) provided that the Commission may request additional information deemed "necessary or desirable to process the application." This provision had no subject matter limit. Commenters found fault with the provision because it was too vague or because mere desirability appeared to be too broad a standard. Although it cannot be indicated with any specificity what the additional information might consist of in any single instance, the language has been changed to clarify that the Commission may require additional information considered "relevant for an informed decision on the application."

Minnesota Mining and Manufacturing Company proposed various technical changes in § 4.32, regarding specifications for maps and drawings. Three proposals were adopted in the final rule. In § 4.32, originals of maps and drawings must be prints on silver "or gelatin" 35mm microfilm mounted on Type D aperture cards, the measurements of which are corrected to 3¼ inches x 7⅜ inches. The commenter suggested a different range of sizes for full-sized prints and the incorporation of other specifications according to certain documents of the American National Standards Institute. The Commission will retain the sizes expressed in the proposed rule because they have become standard for applicants and consultants. However, waiver may be obtained pursuant to § 1.7(b) of the regulations in appropriate circumstances. Other suggested specifications may prove to be too technical for small developers. In § 4.32(d), the reduction standard to 10.5 inch prints is changed to 11 inches, as suggested.

PASNY suggested that the § 4.32 map scale of 1 inch equals 1,000 feet is unrealistic and should be at least 1":2000'. Experience shows that maps of project works require varying degrees of detail, depending on the facilities being described. Paragraph (b) is revised to provide that maps of transmission lines, roads, or other linear features may be drawn on a scale not smaller than 1 inch equals one-half mile. This enables the applicant to use, without enlargement, Forest Service or Bureau of Land Management maps, as well as United States Geological Survey maps, for the less detailed features of a project. Maps covering the other project features, however, must be no smaller than 1 inch equals 1,000 feet. A smaller scale would not be sufficiently detailed for proper evaluation of the non-linear features. In instances where maps at these scales do not show sufficient detail, larger scale maps may be required as an additional submission. Section 4.81(e) provides that maps for preliminary permits need not adhere to the scale required by § 4.32(b) if they are legible at a smaller scale.

The Rural Electrification Administration (USDA) proposed that § 4.33(a) specify that notices of an application state the time allowed for filing competing applications. Such notices will include such information, but it is not necessary that § 4.33(a) so state. The suggestion that rural electric cooperatives and appropriate non-profit organizations be given the same preferential status as that accorded municipalities or states in § 4.33(f) must be left for Congressional action, because the state/municipal preference is embodied in section 7 of the Act. Similarly, the proposal by Allis-Chalmers corporation that the Commission not accept an application by a U.S. corporation if a majority of the stock is foreign-owned would narrow section 4(e) of the Act and must be left for Congressional action.

Pacific Gas and Electric Company (PG&E) advocates changing the "reasonable period of time" that would be provided under § 4.33(f)(4) for a state or municipality to make its plans as well adapted as a non-preference applicant's plans. Instead, PG&E proposes a specific maximum of 90 days plus one extension for good cause. Although the PG&E proposal has some merit, a suitable period for adapting plans may vary from case to case, and even less than 90 days may be reasonable in many instances. Accordingly, the Commission believes it preferable to retain the case-by-case approach reflected in the proposed regulation.

In accordance with the comments of the American Electric Power Service Corporation (AEP) and Santa Clara, California, § 4.33(c) has been altered to provide more time (120 days) for the filing of competing license applications. This recognizes the greater complexity of license, as opposed to preliminary permit, applications and the difference in time required for suitable preparation as a consequence.

Both the Sierra Club and the American Electric Power Service Corporation believe that § 4.34 permits too much Commission discretion in ordering hearings on preliminary permits. The former suggests that the rules specify that hearings be held anytime there is a substantial environmental controversy, while the latter views competing applications as the only valid ground for hearing. The Act does not require hearings on preliminary permit applications, and the purpose of an evidentiary hearing would be to explore material issues of fact that might arise in a proceeding. Since there is no way to delimit in advance the material issues of fact that might arise with respect to any particular permit application, the Commission will retain the provision as stated in the proposed rule.

Several environmental concerns were expressed by the Sierra Club and the National Wildlife Federation (NWF). Sierra Club recommends that this rule be integrated with the Commission's regulations under the National Environmental Policy Act because of the close relationship between processing of preliminary permits and licenses and the environmental review process. The Commission's proposed regulations implementing NEPA were issued in Docket No. RM79-69 on August 20, 1979. That rulemaking was drafted with specific attention to this rulemaking and related water power project licensing reforms. In carrying out the objectives of NEPA, the Commission has taken steps to assure that relevant environmental considerations are reviewed during the appropriate stages of the permitting and licensing processes. However, environmental issues are only a portion of the concerns addressed in these processes. The proposed NEPA regulations apply so broadly to Commission functions and activities of regulated entities that incorporation of related substantive provisions would result in an unnecessarily complicated package. Therefore, the regulations are being promulgated separately.

NWF expressed the opinion that the issuance of a permit commits an applicant to the chosen site and creates an inexorable momentum toward licensing that will undermine environmentally preferable options. We do not believe that the grant of a permit and the financing of feasibility studies commits an applicant—and certainly not the Commission—to a specific site, to the exclusion of alternative sites. Moreover, the investments and studies made by a permittee could be made even without a permit. (However, the Commission agrees that examination of possible alternative project sites must begin early in the overall processes, while the permit is in effect, as discussed below.) The permit mechanism allows early monitoring of applicants' activities, which would not be possible if a prospective license applicant did not seek a permit. Review of alternatives is more properly part of

the licensing process, after a permittee has determined whether it will even pursue a specific project.[2]

The comments of the Sierra Club reflect a view similar to that of NWF, that permit applications should contain an explication of alternatives, including discussion of environmental costs and conservation alternatives. While the studies conducted under a permit and reported under § 4.81 would be used to support any license application, it is the license application itself that must supply the substantive economic and environmental information upon which the Commission decides to approve or disapprove a project. Section 4.81 does not, therefore, require the kind of detailed presentation of alternatives which the commenter desires. Under § 4.81, an applicant is required to describe the studies it proposes and, where new dam construction is involved, a work plan and schedule. The permits themselves contain standard conditions which require permittees to assess the impact of each project and feasible alternatives and to prescribe the types of studies to be conducted under the permit. The conditions imposed on permittees may vary, but the following Article 7 has essentially become standard in preliminary permits, in addition to the Articles in Form P-1 (revised October 1975):

Article 7. Permittee, in the interest of protecting and developing the natural resources and other environmental values of the project area, shall consult with the appropriate federal, state, and local agencies in their fields of responsibility and expertise, shall conduct its project investigations in a manner which protects the environmental integrity of the area, *and shall fully explore all feasible alternatives to the project, and alternative project designs, taking into account impacts on natural resources and other environmental values.* These resources and values include, but are not limited to: forests; land management and treatment; fish; wildlife; recreation and public use; water and air quality (including water supply, ground water, waste treatment and disposal); public health and safety; archeology; historic and cultural sites; threatened or endangered species of flora and fauna; potential wild, scenic, or recreational river designation; and scenic and aesthetic values. The permittee shall initiate and conduct or have conducted such studies as may be necessary to determine the impact of the construction and operation of the proposed project on these natural resources and values and measures needed to protect and develop them or to provide for their mitigation or replacement, including alternative designs and operational measures, and shall utilize the results of such studies in the preparation of Exhibits, H, R, S, V, and W to accompany any application for a license to construct and operate the project. In connection with studies pertaining to archeological, historic, and cultural sites, the permittee shall consult with the State Historic Preservation Officer and the Heritage Conservation and Recreation Service of the U.S. Department of the Interior. (Emphasis added)

The Sierra Club advocates promulgation of such conditions in this rulemaking. This rulemaking, however, encompasses application requirements and processing of preliminary permits, not the proper standard permit conditions. However, the standard conditions in Form P-1 are a matter of public record, as are other conditions typically included in permits. Compliance with the permit conditions enables the permittee to supply more detailed environmental information to the Commission when applying for a license. Foresighted permittees would, of course, assess alternatives as early as possible, even before applying for a permit. But it would go far beyond the purpose and usefulness of preliminary permits to require examination or specification of a specified number of alternatives before the permit is filed or granted.[3] The permit stage is not intended to serve as a forum for resolving all questions relating to the appropriateness of a project. Indeed, such requirements could simply induce developers to avoid seeking permits.

Although we believe that environmental reporting requirements should not become unrealistically burdensome at the preliminary permit stage, particularly for developers of small hydroelectric projects, the concern expressed by the Sierra Club that certain information be elicited regarding the potential environmental impacts of activities conducted under the permit is well-founded. Exhibit 2 (§ 4.81(c)) has been revised to distinguish between those projects or developments within projects that would invove dam construction that will necessitate such geological exploration as test pits or boring and those that will not. Applicants for projects that would require new dam construction must file, in addition to a study plan, a work plan and schedule of proposed field studies, and measures to be taken to minimize any environmental disturbances or to restore altered or disturbed areas. This requirement may be waived under specified circumstances.

The extent of the information required of permit applicants—descriptions of the projects, study plans, work plans, and work schedules—should always be commensurate with the scope of any proposed new development. The Commission also retains discretion under § 4.31(f) to require additional necessary information relevant to the activities to be undertaken under the permit, including the environmental impact. Information on the environmental impact of actually constructing and operating a project is premature at the preliminary permit stage and belongs in the license application, assuming that the permittee decides to seek a license.

At the suggestion of NWF, Exhibit 4 has been revised to require application maps to show areas being included or studied for inclusion in the National Wild and Scenic Rivers System and the National Wilderness Preservation System.

Edison Electric Institute indicated that the regulations fail to specify when preliminary site investigation ends and construction begins. Construction may not occur during the permit period, and may not begin until the actual license is issued. The ban on construction prior to the issuance of a license is mandated by section 23(b) of the Act.

AEP, citing the *Pacific Northwest Company* case, 31 F.P.C. 247, 265, points out that the developer's conception of a project may change during the permit period as studies proceed. AEP appears to believe that the proposed rule would narrow the scope of the permit and affect the resulting priority. Moreover, AEP and some other commenters believe that the proposed rule requires applicants to provide too much detailed information that is unavailable at the time one applies for a permit. These regulations, however, affect the content of a permit application and not the scope of the permit. Preliminary permit applications should be prepared broadly enough to accommodate some variations in the original concept of the project. If necessary, the permittee may seek an amendment of the permit under § 4.82. In any event, there are two basic principles for providing information in applications: the permit applicant must inform the Commission of project details "to the extent possible" and commensurate with the scope of the project. While applicants are hopefully not dissuaded from availing themselves of new ideas developed during the permit period, they should also be encouraged to refine their ideas before applying for a permit. The maximum

[2] Studies under permits have often found projects infeasible for environmental, technical, or economic reasons. *E.g.*, Marble Valley Project No. 2679, Stony Creek Project No. 2719, and Canaan Mountain Project No. 2708.

[3] An applicant that knows of a reasonable alternate site before filing for a preliminary permit and seeks no permit for the alternative site runs the risk of having no priority for what may prove to be the better site.

three-year term of a permit should not be viewed as a time for random experimentation.[4] The exhibits in § 4.81 therefore require an applicant to file sufficient information to demonstrate the credibility of its proposal before a priority status is granted.

The information on proposed power sales required at the permit stage in § 4.81(d)(3) [Exhibit 3] was alternately called too general or unnecessary. A general idea of the available market for the new power is basic even to the preliminary consideration of a project and should be available by the time a permit application is filed. On the other hand, it would be premature to provide, and unreasonable to expect, such information in great detail this early in the consideration of a project.

Southern California Edison Company contends that the provisions of § 4.33(f)(4), giving states and municipalities an opportunity to make their plans as well adapted as the plans of a non-public applicant, contravenes section 7 of the Act. On the contrary, section 7(a) itself requires that the Commission fix a reasonable time for a state or municipal applicant to make its plans "equally well adapted" as those in an application filed for the same site by a non-public applicant. We do not believe that a state or municipal applicant can have a realistic opportunity to render its plans "equally well adapted" until the Commission has first found that those plans are not as well adapted and has stated why.

The provision in existing § 4.31(a) allowing incorporation of Exhibit A by reference under certain circumstances was not included in the proposed rule. At the suggestion of PASNY, that provision is being retained for major unconstructed projects, and appears in § 4.41.[5]

III. Section-by-Section Analysis

§ 4.30 *Who may file.*

Section 4.30 specifies who may file an application for a preliminary permit or a license, paraphrasing, in somewhat streamlined form, the provisions of section 4(e) of the Act, 16 U.S.C. 797(e), that specify who may obtain a license. Paragraph (b) of § 4.30 has been revised to provide additional guidance, specifying that the Commission will not accept an application for a preliminary permit for project works that are already licensed or are authorized for Federal development or that would conflict with a project for which a preliminary permit is outstanding or for which there is an accepted license application. Nor will the Commission entertain an application for a license for project works that are already licensed or are authorized for Federal development or that would conflict with a project for which there is an unexpired preliminary permit, until the permittee submits an application for a license.

§ 4.31 *Acceptance for filing or rejection.*

Section 4.31 governs acceptance and rejection of preliminary permit and license applications. Section 4.31(a) provides references to the specific minimum requirements which an application must meet. Besides incorporating certain provisions of the Commission's rules of practice and procedure by reference, the section requires conformance with specific subsequent provisions governing the substance of an application, according to its type.

Section 4.31(b) requires that an original and eleven copies of the application be filed with the Secretary. The treatment of maps and drawings included in license applications is also prescribed.

Section 4.31(c) prescribes the actions which the Commission or its delegate will take upon receipt of a conforming application, including issuance of public notice and, in the event that lands of the United States are affected, notification of the appropriate Federal office under section 24 of the Act, 16 U.S.C. § 818.

Under § 4.31(d), a patently deficient application may be rejected outright. Any applicant may be afforded additional time, not to exceed 45 days in the case of a preliminary permit application or 90 days in the case of a license application, to correct application deficiencies. If the deficiencies are not corrected within the time provided, then the application will be rejected. Moreover, § 4.31(e) provides that an application will be deemed "accepted for filing" as of the time of the initial submittal, but only if it is corrected within the time prescribed by the Commission or its delegate. Rejections based on deficiencies would be without prejudice to refiling.

Section 4.31(f) provides that an applicant may be required to provide any additional information or documents which are relevant to an informed decision on the application. These materials would go beyond the threshold requirements for a conforming application, and their absence from the initial application would therefore not prevent acceptance of the application for filing. Failure to provide the information requested, however, would be sufficient ground for holding the proceeding in abeyance, dismissing the application, or taking other appropriate action. In certain instances, an applicant may also be requested to provide copies of the complete application to specified persons or agencies.

Finally, § 4.31(g) provides that a prospective applicant may submit preliminary copies of its application to the Director, Division of Licensed Projects, for the purpose of obtaining staff advice concerning the sufficiency of the application. Conferences between applicants and the staff regarding deficiencies or other application-related matters are also permitted.

§ 4.32 *Specifications for maps and drawings.*

Section 4.32 provides the specifications which must be followed in preparing all maps and drawings filed with applications, except as otherwise prescribed. This section supplants the existing § 4.42. All references to § 4.42 elsewhere in the regulations are therefore being amended to refer to § 4.32. A parenthetical explanation of the use of public land surveys is added to the mapping requirements in § 4.32(b)(3). This was done to facilitate more accurate withdrawal of public lands and reservations under section 24 of the Act.

§ 4.33 *Disposition of conflicting applications.*

Section 4.33 governs conflicting applications for preliminary permits and licenses. Section 4.33(a) permits the filing of a competing application, but requires that the application, or a notice of intent to file such an application, be submitted prior to the end of the period prescribed in the public notice of the initial application for preliminary permit or license for filing of protests and petitions to intervene. Section 4.33(b) prescribes the content of a notice of intent to file a competing application. Under § 4.33(c), if a timely notice of intent is submitted, the prospective applicant will be afforded an additional 60 days beyond the end of the public notice period to submit a competing application for a preliminary permit, or 120 days to submit a competing application for a license.

Section 4.33(d) has been revised to require a competing applicant to provide an analysis of how its plans are equally

[4] In the interest of more expeditious licensing procedures for water power projects, the Commission will consider a proposed rulemaking or statement of policy that will limit the term of preliminary permit for certain projects, based on the size of the project or the kind of construction involved. The Commission has descretion to issue permits less than three years in duration, under section 5 of the Act.

[5] Reformed application requirements proposed for major projects at existing dams in Docket No. RM79-36 will obviate this provision except for major unconstructed projects.

well (if a municipality or a state) or better adapted to conserve and utilize the water resources of the region in the public interest. Section 4.33(e) provides the initial applicant an opportunity to rebut statements made pursuant to § 4.33(d).

Under § 4.33(f), if an accepted application for a preliminary permit conflicts with an accepted application for a license, and the applicant for a license has demonstrated its ability to carry out its plans, the Commission will favor the applicant for a license. This situation would arise where the Commission has accepted a permit application and, before issuance of permit, a license application is filed and accepted.

Section 4.33(g) sets forth the bases for selection among competing applicants when there are two or more applications for a preliminary permit, or two or more applications for a license by applicants who did not hold an outstanding preliminary permit at the time the license application is filed. These provisions reflect the provisions of section 7(a) of the Act, 16 U.S.C. § 800(a), including the concept of state or municipal preference and the concept that, where the preference does not apply, the applicant whose plan is "best adapted" will prevail. The regulation injects the additional concept that, all other things being equal, the principle "first in time, first in right" will apply. (Whether the state or municipal preference under section 7(a) applies in a relicensing proceeding under section 15(a) of the Act, 16 U.S.C. § 800(a), is the subject of a pending proceeding on a petition for a declaratory order, Docket No. EL78-43.)

Finally, § 4.33(h) provides the bases for selection among competing applicants when there are two or more applications for a license, and one of the applications was filed by a permittee holding an outstanding preliminary permit. The latter applicant is entitled to priority status, all other things being equal, and an opportunity to make its plans as well adapted as any competing applicant's.

§ 4.34 Hearings on applications.

Section 4.34 provides that the Commission may order a hearing on an application on its own motion or the motion of any party in interest. Hearings are to be limited to the issues prescribed by order of the Commission.

§ 4.80 Applicability and purpose.

This section states that §§ 4.80 through 4.83 pertain to preliminary permits under Part I of the Act. This section also enunciates the purpose of a preliminary permit, as provided in section 5 of the Act.

§ 4.81 Contents of application.

Section 4.81 prescribes the information and documents which must be included in an application for a preliminary permit. Section 4.81(a) calls for an initial statement providing the identity and nature of the applicant, the name and location of the proposed project, and the proposed term of the permit.

The remainder of the information is to be provided in four numbered exhibits. Exhibit 1 (§ 4.81(b)) must include a description of the proposed project, including its principal structures and features and any lands of the United States that are affected. While the information need only be provided "to the extent possible," the degree of specificity and completeness of the description could have a bearing on the Commission's assessment of the applicant's ability to complete its studies and license application during the term of the permit, and on a comparison by the Commission of competing applications.

Exhibit 2 (§ 4.81(c)) must consist of a study plan and identification of any related new roads for any proposed project and a detailed work plan and schedule for any project development which would involve new dam construction, meaning that the projects are of such magnitude as to require feasibility studies which include test pits, borings or other geological exploration. The study plan must specify and describe the studies, tests, and plans that have already been carried out or prepared, as well as those projected for completion during the term of the proposed permit. For projects or developments involving new dam construction, a timetable for the projected activities must be submitted. For projects or developments involving new dam construction, Exhibit 2 must also contain information about how environmental disturbances from studies and related activities, including any impact on floodplains or wetlands,[6] will be minimized and the means by which disturbed areas will be restroed. Early consideration of these issues can prevent delay in processing. The study plan and the work plan and schedule will help the Commission monitor the progress of its permittees and hold them accountable, and could also be relevant in assessing competing applications. A new waiver provision pertaining only to the more detailed reporting requirements for developments involving new dam construction is included in Exhibit 2.

Exhibit 3 (§ 4.81(d)) must contain a statement of costs and financing. An applicant would have to estimate the costs of carrying out or preparing the studies, tests, and plans identified in Exhibit 2, and state the expected sources and extent of financing for those activities. The exhibit also calls for an applicant to provide, to the extent possible, a description of the proposed market for the power generated at the project, including any available information concerning the revenues to be derived from sale of the power.

Exhibit 4 (§ 4.81(e)) must include a map or series of maps showing the location of the proposed project, the physical interrelationships of its principal features, a proposed project boundary, any lands of the United States that would be affected by the project, and any areas in the project vicinity included, or designated for study for inclusion, in the National Wild and Scenic Rivers System or National Wilderness Preservation System. The maps must be based on U.S.G.S. topographic quadrangle sheets or similar topographic maps of a state agency, if available. Section 4.81(e)(3)(ii) is revised to include information on public lands required in clause (iii) of the proposed rule. Mapping of those project lands included in such lands must be accurate to the smallest subdivision of a public land survey, if available, in order to facilitate proper withdrawal of public lands and reservations under section 24 of the Act.

§ 4.82 Amendments.

Section 4.82 allows permittees to file applications for amendment of their permits. Amendments may include any extension of the term of the permit that does not cause the total term to exceed three years. If an application for an amendment requests a material change in the project, public notice of the application will be given.

§ 4.83 Cancellation and loss of priority.

Section 4.83 makes clear that a permit may be cancelled for failure of the permittee to comply with the specific terms and conditions of the permit or for "other good cause shown, after notice and opportunity for hearing." Such cancellation, or expiration of the permit before a license application is filed, will result in loss of the permittee's priority of application for a license for the project.

[6] This information on floodplains and wetlands reflects the policy enunciated in the Notice of Proposed Rulemaking in Docket No. RM79-70, issued August 20, 1979, 44 *Fed. Reg.* 49466.

Besides revising, consolidating, and adding to the pertinent existing regulations, this rulemaking would eliminate certain of the regulations altogether. Sections 4.33 and 4.85 governing "issuance and acknowledgment of acceptance" of licenses and preliminary permits, respectively, have been deleted.

Section 4.86, which purported to allow some construction work on a proposed project during the term of the preliminary permit, has also been eliminated. Section 131.10, which prescribes a format for preliminary permit applications, has been deleted as superfluous.

Finally, the incorporation by reference of a certain exhibit has been retained and transferred to § 4.41, pending a rewriting of the licensing procedures for major unconstructed projects.

Effective Date

These amendments to Part 4 of the Commission's regulations become effective November 26, 1979 after publication in the Federal Register.

(Federal Power Act, as amended, 16 U.S.C. §§ 792–828c; Department of Energy Organization Act, 42 U.S.C. § 7101–7352; Executive Order No. 12009, 42 *Fed. Reg.* 46267; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. §§ 2601–2645)

In consideration of the foregoing, the Commission amends Parts 4 and 16 of Subchapter B and Part 131 of Subchapter D, Chapter I, Title 13 of the Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

1. Part 4, Subchapter B of Chapter 1, Title 18 of the Code of Federal Regulations is amended in the Table of Contents to read as follows:

Subpart A—Determination of Cost of Projects Constructed Under License

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Subpart B—Determination of Fair Value of Constructed Projects, Under Section 23(a) of the Act

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Subpart C—Determination of Cost of Constructed Projects Not Subject to Section 23(a) of the Act

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Subpart D—Application for Preliminary Permit or License: General Provisions

Sec.
4.30 Who may file.
4.31 Acceptance for filing or rejection.
4.32 Specifications for maps and drawings.
4.33 Filing and disposition of conflicting applications.
4.34 Hearings on applications.

Subpart E—Application for License for Proposed Unconstructed Major Project

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Subpart F—Application for License for Major Project—Existing Dam

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Subpart G—Application for License for Minor Project

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Subpart H—Application for License for Transmission Line Only

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Subpart I—Application for Preliminary Permit; Amendment and Cancellation of Preliminary Permit

Sec.
4.80 Applicability and purpose.
4.81 Contents of application.
4.82 Amendments.
4.83 Cancellation and loss of priority.

2. Subpart D (§§ 4.30 through 4.33) is amended by deleting the subpart in its entirety and substituting the following in lieu thereof:

Subpart D—Application for Preliminary Permit of License: General Provisions

§ 4.30 Who may file.

(a) Any citizen, association of citizens, domestic corporation, municipality, or state may apply for a preliminary permit or a license for a water power project under Part I of the Federal Power Act.

(b) The Commission will not accept an application for a preliminary permit for project works that:

(1) Are licensed at the time of the application or are authorized by law for Federal development; or

(2) Would develop, conserve, and utilize, in whole or in part, the same water resources that would be developed, conserved and utilized by a project for which there is either an unexpired preliminary permit or an accepted application for license.

(c) The Commission will not accept an application for a license for project works that:

(1) Are licensed at the time of the application or are authorized by law for Federal development; or

(2) Would develop, conserve, and utilize, in whole or in part, the same water resources that would be developed, conserved, and utilized by a project for which there is an unexpired preliminary permit, unless the permittee has submitted an application for license or has notified the Commission that it has determined not to seek a license.

§ 4.31 Acceptance for filing or rejection.

(a) Each application for a preliminary permit or a license must:

(1) Conform to the requirements of §§ 1.5, 1.14, 1.15, 1.16, and 1.17 of this chapter, except as otherwise prescribed in this part; and

(2) Contain the information and documents prescribed in the following sections of this chapter, according to the type of application:

(i) Preliminary permit: § 4.81;

(ii) License for a minor project: § 4.60;

(iii) License for a proposed unconstructed major project: §§ 4.40 and 4.41;

(iv) License for a major project-existing dam: §§ 4.50 and 4.51;

(v) License for a transmission line only: §§ 4.70 and 4.71

(vi) New license for a licensed project: § 16.6; or

(vii) Nonpower license for a licensed project: § 16.7.

(b) Each applicant for a preliminary permit or a license must submit to the Secretary for filing an original and eleven copies of the application, each accompanied by full-sized prints of all required maps and drawings. The application may also include reduced prints of maps and drawings conforming to § 4.32(d). The originals (microfilm) of maps and drawings included in a license application under § 4.32(a) are not to be filed initially, but will be requested pursuant to paragraph (c) of this section.

(c) When an application for a preliminary permit or a license is found to conform to the requirements of paragraphs (a) and (b) of this section, the Commission or its delegate will:

(1) Notify the applicant that the application has been accepted for filing, specifying the project number assigned and the date upon which the application was accepted for filing, and for a license application, direct the filing of the originals (microfilm) of required maps and drawings;

(2) Issue public notice of the application as required in the Federal Power Act; and

(3) If the project affects lands of the United States, notify the appropriate Federal office of the application and the specific lands affected, pursuant to section 24 of the Federal Power Act.

(d) Any application for a preliminary permit or a license that patently fails to conform to the requirements of paragraphs (a) and (b) of this section may be rejected, with a specification of deficiencies. An applicant submitting an application that fails in any respect to conform to the requirements of paragraphs (a) and (b) of this section may be afforded additional time to correct the deficiencies, not to exceed 45

days from the date of the notification in the case of an application for a preliminary permit, or 90 days from the date of the notification in the case of an application for a license. The deficiencies to be corrected will be specified. Deficiencies must be corrected by submitting an original and eleven copies of the specified materials to the Secretary for filing within the additional time provided. If the application is then found to conform to the requirements of paragraphs (a) and (b) of this section, action will be taken in accordance with paragraph (c) of this section. If the application is found not to conform, it will be rejected.

(e) Any application for a preliminary permit or a license will be considered "accepted for filing" as of the time of the initial submittal to the Secretary if the Secretary receives all of the information and documents necessary to conform to the requirements of paragraphs (a) and (b) of this section within the time prescribed by the Commission or its delegate under paragraph (d) of this section.

(f) An applicant for a preliminary permit or a license may be required to submit any additional information or documents that the Commission or its delegate considers relevant for an informed decision on the application. The information or documents must take the form, and must be submitted within the time, that the Commission or its delegate prescribes. An applicant may also be required to provide additional copies of the complete application, or any of the additional information or documents that are filed, to the Commission or any person, agency, or other entity that the Commission or its delegate specifies. If an applicant fails to provide additional information or documents or copies of submitted materials, as required, the Commission or its delegate may dismiss the application, hold it in abeyance, or take other appropriate action under this chapter or the Federal Power Act.

(g) A prospective applicant for a preliminary permit or a license may, prior to submitting its application for filing, seek advice from the Commission staff regarding the sufficiency of the application. For this purpose, five copies of the draft application should be submitted to the Director, Division of Licensed Projects. An applicant or prospective applicant may confer with the Commission staff at any time regarding deficiencies or other matters related to its application. All conferences are subject to the requirements of § 1.4(d) of this chapter governing *ex parte* communications. The opinions or advise of the staff will not bind the Commission or any person delegated authority to act on its behalf.

§ 4.32 Specifications for maps and drawings.

All required maps and drawings must conform to the following specifications, except as otherwise prescribed in this chapter:

(a) Each original map or drawing must consist of a print on silver or gelatin 35mm microfilm mounted on Type D (3¼" by 7⅜") aperture cards. Two duplicates must be made of each original. Full-sized prints of maps and drawings must be on sheets no smaller than 24 by 36 inches and no larger than 28 by 40 inches. A space five inches high by seven inches wide must be provided in the lower right corner of each sheet. The upper half of this space must bear the title, numerical and graphical scale, and other pertinent information concerning the map or drawing. The lower half of the space must be left clear. If the drawing size specified in this paragraph limits the scale of drawings described in paragraph (c) of this section, a smaller scale may be used for those drawings.

(b) Each map must have a scale in full-sized prints no smaller than one inch equals 0.5 miles for transmission lines, roads, and similar linear features and no smaller than one inch equals 1,000 feet for other project features. Where maps at these scales do not show sufficient detail, larger scale maps may be required under § 4.31(f). Each map must show:

(1) True and magnetic meridians;

(2) State, county, and town lines; and

(3) Boundaries of public lands and reservations of the United States [see 16 U.S.C. 796 (1) and (2)], if any. If a public land survey is available, the maps must show all lines of that survey crossing the project area and all official subdivisions of sections for the public lands and reservations, including lots and irregular tracts, as designated on the official plats of survey that may be obtained from the Bureau of Land Management, Washington, D.C., or examined in the local land survey office; to the extent that a public land survey is not available for public lands and reservations of the United States, the maps must show the protractions of townships and section lines, which, if possible, must be those recognized by the Federal agency administering those lands.

(c) Drawings depicting details of project structures must have a scale in full-sized prints no smaller than:

(1) One inch equals 50 feet for plans, elevations, and profiles; and

(2) One inch equals 10 feet for sections.

(d) Each map or drawing must be drawn and lettered to be legible when it is reduced to a print that is 11 inches on its shorter side. Following notification to the applicant that the application has been accepted for filing [see § 4.31(c)], prints reduced to that size must be bound in each copy of the application which is required to be submitted to the Commission or provided to any person, agency, or other entity.

§ 4.33 Filing and disposition of conflicting applications.

(a) Any citizen, association of citizens, domestic corporation, municipality, or state may submit for filing an application for a preliminary permit or a license for project works which would develop, conserve, and utilize, in whole or in part, the same water resources that would be developed, conserved, and utilized by project works, for which a preliminary permit or license application has already been accepted ("initial application"). Such an application ("competing application"), or a notice of intent to submit an application, must be submitted for filing on or before the last date for the filing of protests or petitions to intervene prescribed in the public notice issued under § 4.31(c)(3) of this chapter for the initial application.

(b) Any notice of intent to submit a competing application for a preliminary permit or a license that is filed under paragraph (a) of this section must conform to the requirements of §§ 1.14, 1.15, 1.16, and 1.17 of this chapter, and must include:

(1) The exact name and business address of the prospective applicant; and

(2) An unequivocal statement of intent to submit an application for a preliminary permit or a license, as appropriate.

(c) Any prospective applicant who has filed a notice of intent which conforms to the requirements of paragraphs (a) and (b) of this section may submit for filing a competing application for a preliminary permit, not later than 60 days, or a competing application for a license, not later than 120 days, beyond the last date for the filing of protests or petitions to intervene prescribed in the public notice of the initial application.

(d) Any competing application must:

(1) Be self-contained and conform to the requirements of paragraphs (a) and (b) of § 4.31;

(2) Include a detailed and complete statement of how the plans reflected in the competing application are as well adapted as or better adapted than the

plans reflected in the initial application to develop, conserve, and utilize in the public interest the water resources of the region; and

(3) Include proof of service of a copy of the competing application on the person designated in the public notice of the initial application for service of pleadings, documents, or communications concerning the initial application.

(e) No later than 30 days from the date of service of a copy of a competing application, the applicant that filed the initial application for the site in question may file a response that:

(1) Rebuts the competing applicant's statement that it has equally well adapted or better adapted plans; and

(2) Provides a detailed and complete counter-statement of how the plans reflected in the initial application are equally well adapted or better adapted to develop, conserve, and utilize in the public interest the water resources of the region.

(f) If an accepted application for a preliminary permit and an accepted application for a license propose projects works which would develop, conserve, and utilize, in whole or in part, the same water resources, and the applicant for a license has demonstrated its ability to carry out its plans, the Commission will favor the applicant for a license.

(g) If two or more applications for preliminary permits, or two or more applications for licenses (not including applications for a new license under section 15 of the Federal Power Act) by applicants none of whom was a preliminary permittee whose application for license was accepted for filing within the permit period, are filed for project works which would develop, conserve, and utilize, in whole or in part, the same water resources, the Commission will select between or among the applicants on the following bases:

(1) If both of two applicants are either a municipality or a state, or neither of them is a municipality or a state, the Commission will favor the applicant whose plans are better adapted to develop, conserve, and utilize in the public interest the water resources of the region, taking into consideration the ability of each applicant to carry out its plans;

(2) If both of two applicants are either a municipality or a state, or neither of them is a municipality or a state, and the plans of the applicants are equally well adapted to develop, conserve, and utilize in the public interest the water resources of the region, taking into consideration the ability of each applicant to carry out its plans, the Commission will favor the applicant whose application was first accepted for filing [*see* § 4.31(e)];

(3) If one of two applicants is a municipality or a state, and the other is not, and the plans of the municipality or state are at least as well adapted to develop, conserve, and utilize in the public interest the water resources of the region, taking into consideration the ability of each applicant to carry out its plans, the commission will favor the municipality or state; or

(4) if one of two applicants is a municipality or a state, and the other is not, and the plans of the applicant who is not a municipality or a state are better adapted to develop, conserve, and utilize in the public interest the water resources of the region, taking into consideration the ability of each applicant to carry out its plans, the Commission will inform the municipality or state of the specific reasons why its plans are not as well adapted and afford a reasonable period of time for the municipality or state to render its plans at least as well adapted as the other plans. If the plans of the municipality or state are rendered at least as well adapted within the time allowed, the Commission will favor the municipality or state.

(h) If two or more applications for licenses are filed for project works which would develop, conserve, and utilize, in whole or in part, the same water resources, and one of the applicants was a preliminary permittee whose application was accepted for filing within the permit period ("priority applicant"), the Commission will select between or among the applicants on the following bases:

(1) If the plans of the priority applicant are at least as will adapted as the plans of each other applicant to develop, conserve, and utilize in the public interest the water resources of the region, taking into consideration the ability of each applicant to carry out its plans, the Commission will favor the priority applicant;

(2) If the plans of an applicant who is not a priority applicant are better adapted than the plans of the priority applicant to develop, conserve, and utilize in the public interest the water resources of the region, taking into consideration the ability of each applicant to carry out its plans, the commission will inform the priority applicant of the specific reasons why its plans are not as well adapted and afford a reasonable period of time for the priority applicant to render its plans at least as well adapted as the other plans. If the plans of the priority applicant are rendered at least as well adapted within the time allowed, then the Commission will favor the priority applicant.

(3) The criteria specified in paragraph (g) of this section will govern selection among applicants other than the priority applicant.

§ 4.34 Hearings on applications.

The Commission may order a hearing on an application for a preliminary permit or a license, upon either its own motion or the motion of any party in interest. Any hearings will be limited to the issues prescribed by order of the Commission.

§ 4.41 [Amended]

3. In § 4.41, the initial unnumbered paragraph is revised to read to follows:

The following exhibits must be filed as part of the application for a license. Any exhibit not incorporated as a part of the application shall be certified in conformity with § 131.4 of this chapter. Exhibit A may be incorporated in an application by reference where an applicant files applications for several projects one of which already contains an Exhibit A or, in any case, where an applicant has filed an Exhibit A within 10 years preceding the filing of the application. * * *

§ 4.42 [Revoked]

4. Section 4.42 is revoked.

§§ 4.41 and 4.51 [Amended]

5. In § 4.41, Exhibit J, Exhibit K, and Exhibit R, and in § 4.51, the phrase "§ 4.42" is deleted and the phrase "§ 4.32" is inserted in lieu thereof.

§§ 4.50 and 4.71 [Amended]

6. In § 4.50, the initial unnumbered paragraph and cross reference, and in § 4.71, Exhibits A, B, C, and D, Exhibits J and K, and Exhibit V, the phrase "§§ 4.40 to 4.42, inclusive" is deleted and the phrase "§§ 4.32, 4.40, and 4.41" is inserted in lieu thereof.

7. Subpart I (§§ 4.80 through 4.86) is amended by deleting the subpart in its entirety and substituting the following in lieu thereof:

Subpart I—Application for Preliminary Permit; Amendment and Cancellation of Preliminary Permit

§ 4.80 Applicability and purpose.

Sections 4.80 through 4.83 pertain to preliminary permits under Part I of the Federal Power Act. The sole purpose of a preliminary permit is to secure priority of application for a license for a water power project under Part I of the Federal Power Act while the permittee obtains the data and performs the acts required to determine the feasibility of the project

and to support an application for a license.

§ 4.81 Contents of application.

Each application for a preliminary permit must include the following initial statement and numbered exhibits containing the information and documents specified:

(a) *Initial statement:*

Before the Federal Energy Regulatory Commission; Application for Preliminary Permit

(1) [Name of applicant] applies to the Federal Energy Regulatory Commission for a preliminary permit for the proposed [name of project] water power project, as described in the attached exhibits. This application is made in order that the applicant may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act while obtaining the data and performing the acts required to determine the feasibility of the project and to support an application for a license.

(2) The location of the proposed project is:

State or territory: _____
County: _____
Township or nearby town: _____
Stream or other body of water: _____

(3) The exact name and business address of each applicant are:

_____
_____
_____

The exact name and business address of each person authorized to act as agent for the applicant in this application are:

_____
_____
_____

(4) [Name of applicant] is a [citizen, association of citizens, domestic corportation, municipality, or state, as appropriate].

(5) The proposed term of the requested permit is [period not to exceed 36 months].

(b) *Exhibit 1* must contain a description of the proposed project, specifying and including, *to the extent possible:*

(1) The number, physical composition, dimensions, general configuration and, where applicable, age and condition, of any dams, spillways, penstocks, powerhouses, tailraces, or other structures, whether existing or proposed, that would be part of the project;

(2) The estimated number, surface area, storage capacity, and normal maximum surface elevation (mean sea level) of any reservoirs, whether existing or proposed, that would be part of the project;

(3) The estimated number, length, voltage, interconnections, and, where applicable, age and condition, of any primary transmission lines whether existing or proposed, that would be part of the project [*see* 16 U.S.C. § 796(11)];

(4) The total estimated average annual energy production and the estimated number, rated capacity, and, where applicable, age and condition, of any turbines or generators, whether existing or proposed, that would be part of the project;

(5) All lands of the United States that are enclosed within the proposed project boundary described under paragraph (e)(3) of this section, identified and tabulated on a separate sheet by legal subdivisions of a public land survey of the affected area, if available; and

(6) Any other information demonstrating in what manner the proposed project would develop, conserve, and utilize in the public interest the water resources of the region.

(c) *Exhibit 2* is a description of studies conducted or to be conducted with respect to the proposed project, including field studies. Exhibit 2 must supply the following information:

(1) *General requirement.* For any proposed project, a study plan containing a description of:

(i) Any studies, investigations, tests, or surveys that are proposed to be carried out, and any that have already taken place, for the purposes of determining the technical, economic, and financial feasibility of the proposed project, taking into consideration its environmental impacts, and of preparing an application for a license for the project; and

(ii) The approximate locations and nature of any new roads that would be built for the purpose of conducting the studies; and

(2) *Work plan for new dam construction.* For any development within the project that would entail new dam construction, a work plan and schedule containing:

(i) A description, including the approximate location, of any field study, test, or other activity that may alter or disturb lands or waters in the vicinity of the proposed project, including floodplains and wetlands; measures that would be taken to minimize any such disturbance; and measures that would be taken to restore the altered or disturbed areas; and

(ii) A proposed schedule (a chart or graph may be used), the total duration of which does not exceed the proposed term of the permit, showing the intervals at which the studies, investigations, tests, and surveys, identified under this paragraph are proposed to be completed.

(iii) For purposes of this paragraph, "new dam construction" means any dam construction the studies for which would require test pits, borings, or other foundation exploration in the field.

(3) *Waiver.* The Commission may waive the requirements of paragraph (c)(2) pursuant to § 1.14(a)(2) of this chapter, upon a showing by the applicant that the field studies, tests, and other activities to be conducted under the permit would not adversely affect cultural resources or endangered species and would cause only minor alterations or disturbances of lands and waters, and that any land altered or disturbed would be adequately restored.

(d) *Exhibit 3* must contain a statement of costs and financing, specifying and including, *to the extent possible:*

(1) The estimated costs of carrying out or preparing the studies, investigations, tests, surveys, maps, plans or specifications identified under paragraph (c) of this section;

(2) The expected sources and extent of financing available to the applicant to carry out or prepare the studies, investigations, tests, surveys, maps, plans, or specifications identified under paragraph (c) of this section; and

(3) A description of the proposed market for the power generated at the project, including the identity of the proposed purchaser or purchasers of the power, and any information that is available concerning the revenues to be derived from sale of the power.

(e) *Exhibit 4* must include a map or series of maps, to be prepared on United States Geological Survey topographic quadrangle sheets or similar topographic maps of a State agency, if available. *The maps need not conform to the precise specifications of § 4.32 (a) and (b).* If the scale of any base map is not sufficient to show clearly and legibly all of the information required by this paragraph, the maps submitted must be enlarged to a scale that is adequate for that purpose. (If Exhibit 4 comprises a series of maps, it must also include an index sheet showing, by outline, the parts of the entire project covered by each map of the series.) The maps must show:

(1) The location of the project as a whole with reference to the affected stream or other body of water and, if possible, to a nearby town or any permanent monuments or objects that can be noted on the maps and recognized in the field;

(2) The relative locations and physical interrelationships of the principal project features identified under paragraph (b) of this section;

(3) A proposed boundary for the project, enclosing:

(i) All of the principal project features identified under paragraph (b) of this section;

(ii) Any non-Federal lands and any public lands or reservations of the United States [*see* 16 U.S.C. § 796 (1) and (2)] necessary for the purposes of the project. To the extent that those public lands or reservations are covered by a public land survey, the project boundary must enclose each of and only the smallest legal subdivisions (quarter-quarter section, lots, or other subdivisions, identified on the map by subdivision) that may be occupied in whole or in part by the project.

(4) Areas within or in the vicinity of the proposed project boundary which are included in or have been designated for study for inclusion in the National Wild and Scenic Rivers System; and

(5) Areas within the project boundary that, under the provisions of the Wilderness Act, have been:

(i) Designated as wilderness area;

(ii) Recommended for designation as wilderness area; or

(iii) Designated as wilderness study area.

§ 4.82 Amendments.

(a) Any permittee may file an application for amendment of its permit, including any extension of the term of the permit that would not cause the total term to exceed three years. (Transfer of a permit is prohibited by section 5 of the Federal Power Act.) Each application for amendment of a permit must conform to § 4.31(a)(1) and any relevant requirements of § 4.81 (b), (c), (d), and (e).

(b) If an application for amendment of a preliminary permit requests any material change in the proposed project, public notice of the application will be issued as required in § 4.31(c)(2).

§ 4.83 Cancellation and loss of priority.

(a) The Commission may cancel a preliminary permit if the permittee fails to comply with the specific terms and conditions of the permit. The Commission may also cancel a permit for other good cause shown, after notice and opportunity for hearing. Cancellation of a permit will result in loss of the permittee's priority of application for a license for the proposed project.

(b) Failure of a permittee to file an application for a license before the permit expires will result in loss of the permittee's priority of application for a license for the proposed project.

PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

§ 16.6 [Amended]

8. In § 16.6(a), the phrase "§§ 4.40 through 4.42 of this chapter, inclusive, and in § 4.51 of this chapter" is deleted and the phrase "§§ 4.32, 4.40, 4.41, and 4.51 of this chapter" is inserted in lieu thereof.

PART 131—FORMS

§ 131.2 [Amended]

9. In § 131.2, the phrase "§§ 4.30 through 4.42 of this chapter" is deleted and the phase "§§ 4.30 through 4.41 of this chapter" is inserted in lieu thereof.

§ 131.4 [Amended]

10. In § 131.4, the cross-reference is revised to read "(*see* §§ 4.30 through 4.71 of this chapter)".

§ 131.10 [Revoked]

11. Section 131.10 is revoked.

§ 131.13 [Amended]

12. In § 131.13, the cross-reference is revised to read "(*see* § 4.41, Exhibit A)".

[FR Doc. 79-32971 Filed 10-24-79; 8:45 am]
BILLING CODE 6450-01-M

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18 CFR Part 281

[Docket No. RM 79-15; order 29-C]

Natural Gas Curtailment; Order Amending Regulation, Granting in Part and Denying in Part Petitions for Rehearing and Motions for Clarification, Denying Motion for Oral Argument, and Denying Motions To Waive Regulations and Accept Late-Filed Petitions

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rules.

SUMMARY: On May 2, 1979, the Federal Energy Regulatory Commission issued Order No. 29, the permanent curtailment rule in Docket No. RM79-15, implementing section 401 of the Natural Gas Policy Act of 1978. The Commission hereby amends its regulations relating to the permanent curtailment rule, grants in part and denies in part petitions for rehearing and motions for clarification, denies motions for oral argument, and denies motions to waive regulations and accept late-filed petitions, under Order No. 29-A. This order corrects arithmetic errors in the allocation formula of the attribution rule, expands right to protest to the Data Verification Committee to any interested person and extends the scope of the complaint procedure to allow any interested person to file a complaint. It also grandfathers a small customer or small distributor exemption into the curtailment plans and redesignates alternate fuel as alternative fuel and redefines that term to be compatible with the alternate fuel rules in Subpart C.

EFFECTIVE DATE: November 21, 1979

FOR FURTHER INFORMATION CONTACT: MaryJane Reynolds, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, N.E., Room 8000, Washington, D.C. 20426 (202) 357-8455.

SUPPLEMENTARY INFORMATION:

Final Regulation for the Implementation of section 401 of the Natural Gas Policy Act

Issued October 22, 1979.

On May 2, 1979, the Commission issued Order No. 29, the permanent curtailment rule in Docket No. RM79-15. That order implements section 401 of the Natural Gas Policy Act of 1978 (NGPA).

Timely petitions for rehearing have been filed by Air Products and Chemicals, Inc., Stauffer Chemical Company, and Williamette Industries, Inc., (Air Products), Allied Chemical Corporation (Allied), American Bakers Association (ABA), American Gas Association (AGA), Atlanta Gas Light Company (Atlanta Gas), Brooklyn Union Gas Company (Brooklyn Union), Columbia Gas Transmission Company (Columbia Gas), Columbia Nitrogen Corporation and Nipro, Inc. (Columbia Nitrogen), Consolidated Edision Company of New York (Con Ed), Consolidated Gas Supply Corporation (Consolidated Gas), Eli Lilly and Co. (Eli Lilly), Entex, Inc. and Louisiana Gas Service Company (Entex), Farmland Industries, Inc., and Terra Chemicals International, Inc. (Farmland), The Fertilizer Institute (TFI), Gas Consumers Group (Gas Consumers),[1] General Service Customer Group (GSCG), Natural Gas Pipeline Company of America (Natural), Northern Illinois Gas Company (NI-GAS), Process Gas, Consumers Group and Georgia Industrial Group (PGC), Southern California Gas Company (SoCal), State of Louisiana, Tennessee Gas Pipeline Company (Tennessee),[2] Texas Eastern Transmission Corporation (TETCO), Transcontinental Gas Pipe Line

[1] Gas Consumers seeks clarification concerning the effect of Order No. 29 on the small customer exemption provisions of curtailment plans. In the alternative it seeks rehearing of Order No. 29.

[2] Tennessee's petition includes a request for clarification.

Corporation (Transco),[3] United Municipal Distributors Group (Municipals), and United States Brewers Association, Inc. (Brewers).

Late petitions for rehearing were filed by United Gas Pipe Line Company (United) and Consolidated Gas Supply Corporation (Consolidated Gas). Consolidated and United filed motions asking the Commission to waive its regulations and accept their late-filed petitions for rehearing. In the alternative, each asks that its petitions be treated as a petition for reconsideration.

Both United and Consolidated Gas aver that their employees left their respective offices on June 21, 1979, in what should have been ample time to file an application for rehearing before the 5:00 p.m. deadline, but they arrived after 5:00 p.m. and the Secretary's office refused to accept the filings.

In effect, petitioners allege nothing to justify their late filings other than that they were late. Under the Commission's Rules of Practice and Procedure, petitioners had a full 30 days within which to file applications for rehearing. That they chose to wait until the last possible minute to file was a decision made at their peril.

Good cause for waiving the regulations pertaining to the filing of applications for rehearing has not been shown. We will, however, treat the petitions filed by United and Consolidated Gas as petitions for reconsideration and will address the merits of the arguments contained therein.[4]

On June 22, 1979, the Commission issued an Order granting rehearing of Order No. 29 solely for purpose of further consideration. We will now discuss the merits of the numerous issues raised by the petitions for rehearing.

Requests for Extension

The filing deadlines established in Order No. 29 were amended by Order Nos. 29–A (44 FR 37499, June 27, 1979) and 29–B (44 FR 45922, August 6, 1979). These subsequent orders render moot requests for reconsideration or extension of the deadlines by Eli Lilly, UGI Corporation, Pacific Gas and Electric Company, So Cal, Texas Eastern, and NI-Gas.

Oral argument

In addition to its petition for reconsideration, State of Louisiana also filed a motion for oral argument on the issue of whether the NGPA has superseded the nondiscrimination requirements of Section 4(b) of the Natural Gas Act, as interpreted in *State of North Carolina* v. *FERC*.[5]

This issue is thoroughly discussed in the comments and petitions of numerous parties to this proceeding. We do not believe that oral argument would add significantly to the record already compiled. State of Louisiana's motion is therefore denied.

Coordination With Rules Implementing Sections 401(b) and 402 of the NGPA

Several parties seek reconsideration on the grounds that the rule implementing section 401(a) is not coordinated with the implementation of sections 401(b) (alternative fuel) and 402 (essential industrial process and feedstock).

GSCG accuses the Commission of creating "moving targets" and argues that the issues of section 401(b) must be addressed before any gas is reclassified in Priority 2. Likewise, Consolidated Gas states that the date for filing data on agricultural uses should be postponed until after rules are issued under section 401(b), because only agricultural users without alternative fuel capability are intended to be protected by the new agricultural priority.

PGC states that the Commission has erred by implementing section 401(b) without regard to the impact on the implementation of section 402.

AGA argues that it will unnecessarily disrupt existing curtailment plans if a rule is issued under section 401(a) before section 401(b) is implemented.

United states that no rule under 401(a) should issue until the "consequences of such action can be considered" together with rules under section 402. United argues that to do otherwise will cause multiple and duplicative collections of data.

It is the Commission's view that its obligations under the NGPA do not permit any further delay in the final implementation of section 401(a). That section is subject to a statutory deadline. Sections 401(b) and 402 are not. Congress clearly intended that implementation of section 401(a) should be given precedence if similarly expeditious implementation of sections 401(b) and 402 was not possible. Given the different data required for implementing those sections and the need to coordinate rulemaking among the Department of Agriculture (USDA), the Economic Regulatory Administration (ERA), and the Commission, the simultaneous implementation of all sections of Title IV would be impossible without substantial delay of a final rule under section 401(a).

In this connection, the Commission observes that section 401 does not preclude reclassifying agricultural uses prior to a determination of alternative fuel availability under section 401(b). On the contrary, the curtailment priorities of section 401(a) must apply unless the Commission determines under section 401(b) that alternative fuel is reasonably available and economically practicable.[6] The absence of a time limit corresponding to the 120 day limit of section 401(a) also supports this interpretation.

Texas Eastern asks that the definition of alternative fuel in section 281.203(a)(16) be changed to include alternative fuel used in facilities other than boilers. Since no rule implementing section 401(b) has yet been implemented, the definition of alternative fuel in Order No. 29 has no present effect.[7] A rule implementing the alternative fuel provision of section 401(b) is under consideration in Docket No. RM79–40. The rule issued in that proceeding will contain a substantive definition of alternative fuel.[8] Nevertheless, to avoid confusion, § 281.203(16) will be amended to define alternate fuel "as it is defined in Subpart C," and to redesignate "alternate fuel" as "alternative fuel."

United and AGA point out that Order No. 29 appears to adopt the final USDA rule, even though only the USDA interim final rule was in effect when Order No. 29 was issued. AGA says that this confusion will make it difficult to comply with the filing requirements of Order No. 29. Both United and AGA urge this as an additional reason for postponement.

In Order No. 29–A, which was issued on June 15, 1979, in this docket,[9] the Commission made it clear that it was adopting the final, not the interim, USDA rule. Order 29–A was issued more

[3] Transco's petition will not be addressed here, since it was conditionally exempted from the requirements of Order No. 29 by an Order issued on August 2, 1979, in Docket No. RM79–15.

[4] In ruling on these filings the Commission does not waive its right to assert that United and Consolidated Gas are not entitled to seek judicial review of the Commission's order in this proceeding because they failed to apply timely for rehearing of Order 29. See *Boston Gas Co.* v. *FERC*, 575 F.2d 9751 (1st Cir. 1978).

[5] 584 F.2d 1003 (1978).

[6] In this regard, section 401(b) differs from section 402(b), which applies the curtailment protection of 402(a) to essential industrial process and feedstock uses "*only if* the Commission determines" that alternative fuel is not. (Emphasis added.)

[7] *See* Notice Concerning June 15, 1979 Filing Deadline, Docket Nos. RM79–15 and RM79–40, June 8, 1979.

[8] *See* Notice of Proposed Rulemaking, Docket No. RM79–40, August 29, 1979.

[9] 44 FR 37499, June 27, 1979.

than a month before the deadline for agricultural users to file requests for reclassification of essential agricultural uses. There has therefore been ample time for compliance with the requirements of Order No. 29.

The Establishment of New Curtailment Priorities

Columbia Gas argues that the NGPA does not require or intend that interstate pipelines reprioritize their existing curtailment plans. Instead, Columbia urges adoption of a final rule based on exemption procedures similar to the interim rule. In support of its arguments Columbia states that (1) requiring pipelines to reprioritize their end-use priorities is inconsistent with Congress' intention to minimize disruption of existing curtailment plans, (2) the Natural Gas Act, as interpreted in *State of Louisiana* v. *FPC*,[10] requires the Commission to tailor any curtailment plan to the particular circumstances existing on that pipeline,[11] and (3) section 5 of the Natural Gas Act, and cases interpreting that section, require the Commission to determine whether an existing curtailment plan is just and reasonable before ordering that plan to be reprioritized.

Columbia's arguments do not support rehearing. In the first place, NGPA does contemplate that interstate pipelines may be required to reprioritize their existing curtailment plans to the extent necessary to comply with Title IV. The Conference Report specifically states:

> For purposes of implementing this section, the Commission is instructed to reopen curtailment plans only to the extent necessary to adjust those plans to bring them into conformity with the new curtailment *priority* schedule.[12]

Furthermore, the ERA rule implementing section 401 provides that the relative order of priorities in existing curtailment plans will remain unchanged only if those priorities do not conflict with the required protection of high priority and essential agricultural uses.[13] Although a rule establishing exemption procedures may be one way of resolving such a conflict, it is not the only way. We understand the ERA rule as providing that, in cases of conflict, the priorities of existing curtailment plans may be changed. This interpretation is consistent with the Conference Report, which assures the Commission that it "has the necessary flexibility in implementing any changes."[14]

The relevance of the Natural Gas Act is discussed in more detail at pages 10–11 *infra*. At this point, it is sufficient to say that the Natural Gas Act and the court cases thereunder do not require rehearing of Order No. 29. For purposes of implementing section 401, the hearing procedures of section 5 of the Natural Gas Act are the kind of "lengthy proceedings which might throw existing curtailment plans into disarray."[15] And if any pipeline does have "particular circumstances" making the rule unsuitable to it, the adjustment procedures of section 502(c) are available.[16]

The interim rule established procedures whereby agricultural users could request adjustments from their suppliers in case of supply deficiencies. This ad hoc approach provides adequate protection during the summer season. When gas supplies were sufficient so that agricultural users did not have to seek relief on a large scale. If curtailments deepen during the winter, however, numerous requests for adjustment could be expected on most pipeline systems. Under such circumstance, the interim rule could be an awkward device, creating much uncertainty in the implementation of curtailments. The Commission believes that the rule of Order No. 29 is more appropriate on a permanent basis. It establishes priorities in advance of curtailment, and allows the pipelines and their customers to plan accordingly.[17]

The need to tailor curtailment plans to individual pipelines

United, Columbia Gas, and State of Louisiana criticize the establishment of a single "inflexible" rule applicable to 37 different pipelines.

State of Louisiana argues that the rule is especially inappropriate for United's system, because it would require United to serve the historical base period requirements of its pipeline customers for agricultural and high priority use.[18] According to State of Louisiana, this method of curtailment has never been used on United's system and could result in the curtailment of high priority and essential agricultural uses in United's direct market.

In a related argument, Municipal Distributors also criticize the rule for failing to distinguish between direct and pipeline customers on United's system. Municipal Distributors asks that (1) United be deleted from the list of pipelines included in the rule and (2) United be required to file tariff provisions protecting high priority and essential agricultural customers in United's direct market only.

Citing *State of Louisiana* v. *FPC*,[19] and *Consolidated Edison Co. of New York, Inc.*, v. *FPC*,[20] Columbia Gas asserts that the rule fails to meet the requirement that the Commission tailor any curtailment plan for an individual pipeline to the particular circumstances existing on that pipeline system.

In applying Order No. 29, the Commission has not been inflexible. Where the rule was obviously unsuited to the system of a particular pipeline, it has not been applied.[21] The Commission has also evinced flexibility in molding curtailment plans in the settlement context.[22]

If petitioners believe the rule unsuited to individual pipeline curtailment plans, the appropriate avenue for relief is a 502(c) adjustment or offer of settlement, not rehearing of the rule.[23]

The cases cited by Columbia are inapposite. Besides being decided prior to enactment of the NGPA, those cases applied to the establishment of entire curtailment plans,[24] rather than the limited reopening of established plans to implement a discrete change.

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[10] 503 F.2d 844 (5th Cir. 1974). The significance of *State of Louisiana* v. *FPC* is discussed at pages 9–10 *infra*.

[11] Columbia Gas mentions no "special circumstances" existing on its system to which the rule should be tailored. Furthermore, Columbia Gas projects no curtailments on its system through 1987.

[12] Emphasis added. H.R. Report No. 95–1752, 95th Cong., 2d Sess. 113 (October 10, 1978) (hereinafter cited as Conference Report).

[13] 10 CFR 580.03(c), 44 FR 15642, March 15, 1979.

[14] Conference Report at 113.

[15] *Id.*

[16] *Cf.* Natural Gas Pipeline Company of America and Inland Gas Company, Inc., Docket Nos. TC79–128, et al. (May 2, 1979). The Commission found that the permanent rule was not suited to the curtailment systems of Inland Gas Co., Inc. and Natural Gas Pipe Line Co. Instead, the companies were ordered to file tariffs conforming to the essential character of the rule.

[17] This does not mean that the Commission would not approve a plan similar to the interim plan in lieu of an Order 29 plan for a particular pipeline in the context of an adjustment or adjustment/settlement proceeding. In such cases, sufficient focus is placed on the particular situation of the pipeline and on the viability of an interim type plan on a long-term basis. See e.g., *Transcontinental Gas* Pipeline Company, Docket No. RP72–99, *Order Denying Rehearing*, issued August 2, 1979.

[18] State of Louisiana does not describe the rule's effect quite accurately. At least as applied to essential agricultural requirements, the rule would not limit entitlements to base period requirements, but would require that 100 percent of current requirements be served.

[19] 503 F.2d 844, 872 (5th Cir. 1974).

[20] 511 F.2d 372, 381 (D. C. Cir. 1974).

[21] See Note 16 *supra*.

[22] *See* Columbia Gas Transmission Corporation, Docket No. TC79–127, Order Approving Settlement, September 27, 1979.

[23] *See* United Gas Pipeline Company, Dockets Nos. RP71–29, *et al.*, Order Granting Motion to Establish Procedures and Denying Petition for Waiver of Rules, September 28, 1979.

[24] Existing curtailment plans have already been tailored to the needs of individual pipelines in accordance with the above mentioned cases and the requirements of the Natural Gas Act.

Furthermore, the rule here, unlike the curtailment plans criticized in the cases cited,[25] is related to the record evidence in this particular case.

The Natural Gas Act

Numerous petitioners challenge the rule on the grounds that it is inconsistent with various provisions of the Natural Gas Act and court decisions thereunder.

PGC asserts that failure of the Commission to determine whether its order meets the standards of the Natural Gas Act constitutes error. Columbia Gas and State of Louisiana both argue that the Commission lacks authority to prevent pipelines from filing, under section 4 of the Natural Gas Act, a plan that does not comply with Order No. 29, but adequately protects high priority and essential agricultural uses. State of Louisiana and United challenge the Commission's authority to establish new priorities for any pipeline without complying with the requirements of Section 5 of the Natural Gas Act.

The NGPA did not repeal the Natural Gas Act (NGA). Nevertheless, it did modify the NGA to require a higher level of protection for essential agricultural uses than for industrial uses.

Order 29 was promulgated to implement the requirements of Section 401. The order satisfies the statutory requirements of Section 401 as well as the requirements of section 4 of the NGA as modified by the NGPA.

Order 29 is a rule and it requires 37 named interstate pipelines to implement Section 401 in a particular and detailed manner. Interstate pipelines may file plans under section 4 of the Natural Gas Act that deviate from Order 29. But such a filing by itself would not waive the requirement to file in accordance with Order 29 *unless* the pipeline has received an adjustment under Section 502(c). A deviant plan filed under section 4 of the NGA cannot go into effect until the requirements of Order 29 have been waived.

Section 401 of the NGPA required an expeditious change in pipeline curtailment plans. The Commission has determined that the only feasible way to meet its obligations in such a short time period was to issue rules requiring all pipelines to amend their curtailment plans. A section 5 proceeding under the Natural Gas Act would be a wholly inappropriate vehicle for implementation of Section 401 in light of the time limits imposed by Congress.[26]

State of North Carolina v. FERC

Many petitioners seek rehearing on the grounds that Order No. 29 fails to meet the requirements of *State of North Carolina* v. *FERC*.[27] For the reason indicated in the preamble to Order No. 29, the Commission does not believe that *North Carolina* controls this rulemaking.[28] Even if that case were applicable, however, Order No. 29 would not be inconsistent with its requirements.

Since the NGPA does not require reopening the base periods of the existing curtailment plans, the issue of stale base period data does not arise under Order No. 29. Moreover, because the Secretary of Agriculture has established essential agricultural requirements on a current basis, such uses will be updated annually and the question of stale data is thereby mooted for these uses.

State of Louisiana, United, Columbia Gas, and Entex all criticize the Commission for failing to assess the rule's "impact on actual end-use." To the extent they argue that the Commission cannot implement section 401 without first collecting voluminous end-use data for each pipeline affected, we reject the argument. Such an effort is not within the bounds of "the maximum extent practicable" and would unduly delay implementation of the rule, perhaps for years. Moreover, to the extent that Order 29 causes a particular hardship, inequity, or undue burden, an adjustment to the rule may be granted.

Contract limitations

Allied, ABA, Columbia Nitrogen, TFI and Brewers argue that contract and certificate limitations should not limit the amount of gas that essential agricultural customers may receive. These parties say that the Commission lacks authority to reduce the amount of gas essential agricultural users may receive below the level of requirements certified by the USDA. Thus, it is argued § 281.204(c)(2) of the Rule must be deleted.

This same argument was raised by Brewers in its petition for rehearing of the interim rule in Docket No. RM79-13. In the order denying rehearing in that proceeding, the Commission noted that Order No. 29 did not change the volumes certified by the Secretary of Agriculture. The relevant issue was whether or not the pipelines were obliged to meet those requirements regardless of contract or certificate limitations. On this issue the Commission stated that section 401 does not create new contract or certificate obligations. Rehearing on this issue is denied here for the same reasons it was denied in Docket No. RM79-13.[29]

The Commission does not believe that Section 401 creates new contract or certificate obligations for interstate pipelines. Section 401 requires only an amendment to curtailment plans of interstate pipelines. Curtailment plans are a method of allocation of contract demand of natual gas. *FPC* v. *Transcontinental Gas Pipeline Corp.*, 423 U.S. 326, 327-28 (1976).

The attribution formula

Various complaints are raised concerning the attribution rule which apportions high priority and essential agricultural requirements. Entex states that the attribution formula contained in section 281.209 is unworkable and could overstate the agricultural requrements of partial requirements customers. Entex is correct: the rule was intended to attribute exactly 100 percent of essential agricultural requirements by essential agricultural users. The attribution formula as applied by distribution companies and interstate pipelines was intended to allow attribution in the same manner as was done in the underlying curtailment plans of interstate pipelines. Rehearing is granted for the limited purpose of correcting the attribution formula of § 281.209 to reflect Commission intent.

Only interstate pipelines are required to attribute their priority 1 requirements. Distributors are not. Entex says this favors distributors served by more than one supplier. The rule does not require attribution by a distributor because the total base period entitlements of each distributor have already been established by operation of its suppliers' currently effective curtailment plan. The distributor merely determines what volume in its base period entitlements from each supplier reflected end uses now defined under Order 29 as high priority uses. Those volumes are now placed in the new Priority 1 and there is no need for attribution.

[25] In Consolidated Edison Co. of New York v. FPC, the court criticized the Commission's rejection of a settlement filed by Transco. The court said that the Commission's belief that curtailment on the bases of the priorities of Order No. 467-B would be better "appears to be premised on the Commission's general policy statement [467-B] rather than an examination of evidence pertaining to the Transco system." 511 F.2d at 381.

Order No. 29 is a rule, not a policy statement, and was based on a record developed in accordance with rulemaking procedures.

[26] Because of the delay involved, the Supreme Court has indicated that a section 5 proceeding is unsuitable for evaluating curtailment plans. *FPC* v. *Louisiana P & L*, 406 U.S. 621, 643 (1972).

[27] 584 F.2d 1008 (D.C. Cir. 1978). See petitions for rehearing by Air Products, Atlanta Gas, Columbia Gas, Entex, PGC, State of Louisiana, and United.

[28] Order No. 29 at 5-6.

[29] Order Denying Rehearing of Interim Curtailment Rule, Docket No. RM79-13, June 20, 1979 at 5-7.

Tennessee, on the other hand, argues that it is inconsistent to require even pipelines to attribute high priority requirements, since the rule does not provide for updating high priority requirements and attribution could result in an entitlement different than that currently contained in the base period. To the extent that Priority 1 volumes of interstate pipelines increase (which is purely speculative) it will be caused by the new definition of high priority uses incorporated form the ERA.

NI-Gas and Brewers argue that non pipeline supplies should not be included in the attribution formula. According to NI-Gas, this penalizes distributors that have engaged in self help and may be an unconstitutional taking without just compensation. NI-Gas alleges that by recognizing the status quo of pipeline curtailments, the provision including non pipeline supplies amounts to granting an abandonment without complying with the provisons of the Natural Gas Act.

Brewers adds that gas from other sources is likely to be more expensive, and that by including it in the attribution formula, the rule precludes access to lower priced pipeline gas. According to Brewers, this contradicts the purpose of preventing unnecessary increases in the cost of food.

The NGPA does not require that pipelines deliver more gas than is actually necessary to meet the requirements certified by the USDA. On the contrary, the Commission is directed to open existing curtailment plans "only to the extent necessary" to bring them into conformity with the new priority schedule.[30] Therefore, to the extent that essential agricultural requirements are being met by non-pipeline sources, they will not be reclassified in the pipeline's curtailment plan. Otherwise, the rule would extend Priority 2 protection to agricultural users, whose needs are being met from other sources at the expense of lower priority users, including industrial process and feedstock users.

The inclusion of non-pipeline sources in the attribution formula deprives no one of gas. It only prevents users from receiving additional gas to serve requirements being met from another source.

The Base Period

AGA, GSCG, Natural, United, PGC, Brooklyn Union, and ConEd all challenge the use of an updated or rolling base period for calculating agricultural requirements. These petitioners maintain that it is improper to extend Priority 2 protection to new or expanded agricultural uses not included in existing curtailment plans.

In a related argument, PGC, Natural, United, Brooklyn Union, and GSCG say that it was error for the Commission to adopt completely the USDA certification of 100 percent of current agricultural requirements.

These arguments were raised in petitions for rehearing in Docket No. RM79-13 and were rejected. They are rejected here for the same reasons.[31] Furthermore, when Order No. 29 was promulgated, the Commission fully explained the basis for its decision to expand the requirements above base period volumes.[32]

PGC argues that because the USDA certification is incorporated into the ERA rule, the Commission has authority under sections 403 and 404 of the DOE Act to review that certification. USDA's authority to certify agricultural requirements is independent of any authority the NGPA grants to ERA or the Commission. This authority therefore cannot be diluted or made subject to our review simply because it is recognized by the ERA rule.

Brooklyn Union further challenges adoption of agricultural entitlements equal to 100 percent of current requirements because there has been no showing that expanded service is "necessary" for "full food and fiber production" or that adherence to existing base periods would impair operations of essential agricultural users.

No such showing is required, or even relevant, in this proceeding. Determinations of what is necessary for full food and fiber production are the province of the USDA, not the Commission. Likewise, whether or not adherence to existing base periods would impair essential agricultural uses is not the issue. The issue is whether or not adherence to existing base periods would fulfill the Commission's duty to implement the USDA certification of 100 percent of current requirements. For reasons already mentioned we find that it would not.

Capacity Limitations

Farmland and TFI seek rehearing on the grounds that the protection afforded by section 401 and Order 29 should apply to curtailments resulting from capacity limitations as well as from supply shortages. Farmland urges that § 281.203(a)(6) (definition of end-use curtailment) be modified accordingly. The NGPA does not define the term "curtailment plan." In large part, curtailment has been a method of dealing with natural gas shortages vis-a-vis contract obligation to deliver natural gas. For example, Order 467-B established end-use priorities for deliveries of natural gas in the face of a supply shortage. If TFI and Farmland face supply problems in the absence of curtailment, they may avail themselves of their Natural Gas Act remedies. Accordingly, rehearing on this issue is denied.

Burner Tip Curtailment

Allied, ABA, Columbia Nitrogen, and TFI assert that Order No. 29 is in error because is does not require local distributors to deliver gas to the end-users to whom agricultural uses are attributable.

The Commission's authority to establish curtailment plans for interstate pipelines is founded in its transportation jurisdiction under section 1(b) of the Natural Gas Act.[33] Section 1(b) of that act, however, specifically prohibits the exercise of Commission jurisdiction over "the local distribution of natural gas." Consequently, it has not been Commission policy to attach end-use conditions to pipeline curtailment plans.[34]

Nothing in section 401 indicates an intention to expand the Commission's jurisdiction to include local distributors. On the contrary, the House bill would have applied the curtailment prohibitions of section 401 to local distribution companies, but this provision was deleted from the final act.[35]

There are sound policy reasons that weigh against extending the Commission's curtailment jurisdiction to include local distributors. Such an extension of curtailment jurisdiction would create inevitable conflict with local regulatory agencies. Moreover, it would not be feasible for this agency to administer workable curtailment plans for the thousands of local distributors throughout the country. State agencies,

[30] Conference Report at 113.

[31] Order Denying Rehearing of Interim Curtailment Rule, Docket No. RM79-13, June 20, 1979, at 8-11.

[32] Order No. 29 at 12-13 (44 FR 26855, 26857).

[33] *FPC* v. *Louisiana Power & Light Co.*, 406 U.S. 621, 636-41 (1972).

[34] Opinion No. 754, Panhandle Eastern Pipe Line Co., Docket No. RP71-119, February 27, 1976, at 31-33.

[35] Allied argues that because the Senate passed legislation was designed to deregulate natural gas within the framework of the Natural Gas Act, it cannot be concluded that the Senate intended to reject the Houses's inclusion of local distribution companies. This argument is not persuasive, especially if the intention was to deregulate within the frame work of the Natural Gas Act. As has been shown, the Natural Gas Act specifically excludes local distribution from Commission jurisdiction.

on the other hand, are in a position to know the practices and requirements of local distributors and their customers.

In addition, if conditions requiring the flow through of gas were imposed, the Commission would face the dilemma of applying those conditions only for high priority and essential agricultural uses, or reopening every curtailment plan to provide flow-through to all priorities.

For these reasons, rehearing in this issue is denied.

GSCG asks that the rule be amended to indicate that it does not require "State commissions to order local distribution companies to add new customers, increase deliveries or execute new or modified contracts or service agreements." The rule is so clarified. A specific amendment is unnecessary.

"Necessary adjustments" to current requirements.

ABA, TFI, Farmland and PGC all question the meaning of the rule's definition of current requirements (Section 281.208(b)(1)(ii). Farmland argues that it is improper to impose an historical base period restriction on agricultural requirements. ABA and TFI urge that the phrase "with necessary adjustments" be interpreted to permit calculation of actual protected current requirements rather than limit agricultural users to the amount of gas used in a prior time period.

PGC, on the other hand, says that it is error to include "energy consumption" within the definition rather than "natural gas consumption."

The definition of current requirements is intended to implement fully the USDA certification of 100 percent of current requirements. This certification would not be fully recognized if essential agricultural users who used alternative fuel as a result of past curtailment are limited to whatever amount of gas they were able to obtain or use during that period. Consequently, current requirements are defined to include total energy requirements rather than natural gas only.

The phrase "with necessary adjustments" is intended to provide for users who have significantly expanded their capacity since the most recent 12 month period for which data is available or who may have been operating at less than full capacity during that period and are now at full capacity. The rule uses the most recent 12 month period for which data is available as the most practicable method for making an objective determination of current requirements. If this period would not accurately reflect the current requirements of particular agricultural users because of significant changes in capacity, however, these changes may be reflected in a "necessary adjustment" to the collected data.

The rule does not limit agricultural users to an historical base period. Essential agricultural users may submit requests to change their Priority 2 entitlements under § 281.211(b)(4).

Storage Gas

Order 29 retains the status quo of storage gas. For those pipelines which sprinkle, storage volumes will be spread over all priorities, including the new high-priority and essential agricultural uses. For those pipelines which treat storage as an end use and place the volumes in old Priority 2 the curtailment plan under Order 29 will result in putting these volumes in a lower priority.

Nobody protests the results of those pipelines which sprinkle storage volumes. AGA, Brooklyn Union, Columbia Gas, GSCG, Natural, Consolidated Gas and NI-Gas object to the downgrading of storage gas for those pipelines which have previously placed storage in Priority 2.

By maintaining the status quo, the Commission believes it can best implement the Congressional intent of avoiding protracted litigation and extensive reopening of curtailment plans. Nonetheless, if the status quo for any of those few pipelines which do not use storage sprinkling will lead to "an undue preference or advantage" or the maintenance of "unreasonable difference in . . . Service . . . either as between localities or between classes of services, the pipelines may make an appropriate filing to modify its treatment of storage volumes.

Certain petitioners assert that Order 29 violates the ERA rule:

> "Nothing in this rule shall prohibit the injection of natural gas into storage by interstate pipelines or deliveries to its customers for their injection into storage unless it is demonstrated to the Federal Energy Regulatory Commission that these injections or deliveries are not reasonably necessary to meet the requirements of high-priority or essential agricultural users. 10 CFR 580.03(d)

Stripped of its negatives, the rule is intended to allow the Commission flexibility in treatment of storage volumes.[36] And in the absence of a showing that storage is used exclusively to serve high-priority and essential agricultural requirements or that failure to fill storage may result in insufficient supplies to serve those requirements in the winter, we will not adopt the suggestions that storage injection be included as a high-priority use.

Small Distributors Exemptions

Gas Consumers asks clarification to indicate that the rule was not intended to effect the exemption of small distributors from curtailment, as provided in many pipeline curtailment plans. Gas Consumers advances many policy and factual arguments in support of retaining the small distributor exemptions.

We agree with the arguments advanced by Gas Consumers. The Commission has previously found the small distributor exemptions to be in the public interest. Order No. 29 was not intended to disturb these exemptions. The rule is so clarified.

Payback Obligations

Section 281.214(b) of the rule provides for payback in dollars or in kind as a remedy for violations of the rule. GSCG urges that payback be prescribed for any gas that is misclassified. According to GSCG, this deterrent is necessary to assure that only the minimum amounts of gas are upgraded, especially since alternative fuel determinations have not yet been implemented.

GSCG states that in its Notice of Proposed Rulemaking the Commission indicated that it would require payback if gas is misclassified by the data verification committee. This is inaccurate. The notice said that "the Commission will grant relief prospectively" when high priority and essential agricultural uses are misclassified and that "the Commission reserves the right to order payback of excess volumes in appropriate cases." Section 281.208(c)(4) of the proposed rule provided that "[t]he Commission *in its discretion may* direct the payback to excess volumes taken while the end-user was temporarily misclassified." (Emphasis added.)

The final rule is consistent with, albeit not identical to, the provisions of the notice and the proposed rule. We would not extend the rule to require payback in cases of simple error. It would not be consistent with the purpose of protecting high priority and essential agricultural uses to put this risk on those who make good faith requests for classification under Order No. 29.

Requests for classification of essential agricultural requirements are required to be under oath (section 281.211(b)(iii)). We believe that this requirement, along with the remedies established in 281.214(b), provides sufficient deterrent to misclassification.

[36] See 44 FR 15642, 15645, March 15, 1979.

Schools and Hospitals

GSCG asks that the rule be amended to clarify the definitions of schools and hospitals. GSCG says that it is unclear whether "dormitories, administration buildings, and laboratories" would come within the definition of school. To the extent such buildings are an integral part of "a facility, the primary function of which is to deliver instruction to regularly enrolled students in attendance at such facility," they would come within the definition.

GSCG asks that the sentence excluding "outpatient clinics or doctors offices" from the definition of hospital be stricken, since such buildings are part of the hospital complex in some instances.

It would not be administratively feasible to distinguish for separate curtailment treatment outpatient clinics and doctors offices that are physically connected to the rest of the hospital or its heating plant. Such uses should be considered part of the "facility" and included within the definition. Otherwise they are excluded.

Clarification of these issues obviates the need for further amendment.

Consultations With USDA

PGC suggests that the Commission's consultations with USDA may have violated *ex parte* regulations because section 401(b) only authorizes consultations concerning alternative fuel determinations. We do not give section 401 such a limited reading. As numerous petitioners for rehearing, including PGC,[37] remind us, our responsibilities under sections 401(a) and 401(b) are closely related. In any event, memoranda submitted to the Commission by the USDA pursuant to its consultations are in the public record of this proceeding.[38]

The Data Verification Committees (DVCs)

PGC urges that a representative of an industrial process or feedstock user should be included on all DVCs. Section 281.213 was never intended to preclude representation on the DVCs by representatives of other industries.

Protests and Complaints

PGC criticizes § 281.213(c), which limits protests to customers of the interstate pipeline. Section 281.214(a), limiting complaints to aggrieved direct customers and distribution companies, is similarly criticized. PGC would extend standing under these sections to "all interested parties." We agree. This policy is appropriate in light of the new policy of end product curtailment embodied in the NGPA. Order 29 will be modified to allow full participation by all interested persons.

Filing Requirements

Section 281.204(a) requires pipelines subject to the rule to file tariff sheets "including an index of entitlements." Tennessee submits that because its index of entitlements is so voluminous, this requirement is unnecessary and unduly burdensome. Tennessee notes that its present index of entitlements totals 132 pages and that base period data used by most pipelines has not been included in company tariffs in the past.

As an alternative, Tennessee suggests that it file its complete index of entitlements with the Commission and serve copies on its customers and affected state commissions.

Tennessee was the only party to raise this issue. If Tennessee should find the filing of an index of requirements unduly burdensome, it may seek an adjustment.

Rate Adjustments

Tennessee states that any significant change in its base period data in conformance with Order No. 29 could affect the sales volume estimates underlying its rates and cause a loss of necessary revenues. Tennessee concern appears to be speculative and beyond the scope of Order 29.

The Commission orders: For the reasons set forth above, the Commission orders:

A. The petitions for rehearing and clarification are granted to the extent indicated in the body of this order. Otherwise they are denied.

B. The motions by United and Consolidated Gas for acceptance of late filed petitions for rehearing and waiver of the Commission's Rules of Practice and Procedure are denied.

C. Petitions for extension of filing deadlines by Eli Lilly, Pacific Gas, UGI Corporation, So Cal, Texas Eastern, and NI-Gas are dismissed as moot.

D. The motion for oral argument filed by State of Louisiana is denied.

E. Subpart B, Part 281, Subchapter I, Chapter I of Title 18, Code of Federal Regulations, is amended as set forth below, effective November 21, 1979.

(Natural Gas Act, 15 U.S.C. 717–717w; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 42 FR 46267.)

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 281—NATURAL GAS CURTAILMENT

1. Section 281.203(a) is revised by deleting subparagraph (16) and substituting the following in lieu thereof:

§ 281.203 Definitions and cross references.

(a) *Definitions.* * * *

(16) "Alternative fuel" means alternative fuel as it is defined in Subpart C of this Part.

* * * * *

2. Section 281.205(b) is amended in subparagraph (1) by adding a new sentence at the end of that subparagraph to read as follows:

§ 281.205 General rules.

* * * * *

(b) *Method of curtailment.* * * *

(1) * * * Nothing in this paragraph is intended to alter the operation of any "small customer" or "small distributor" exemption or waiver (as defined in an interstate pipeline's currently effective curtailment plan).

* * * * *

3. Section 281.209 is revised in by deleting paragraphs (d)(1), (d)(3), (e) and (f) and substituting the following in lieu thereof:

§ 281.209 Attribution.

* * * * *

(d) *Essential agricultural user.* (1) An essential agricultural user shall calculate its attributable essential agricultural requirements attributable to a particular direct supplier by multiplying its total essential agricultural requirements by the Annual Quantity Entitlements from such direct supplier and dividing the product (numerator) by the sum of all Annual Quantity Entitlements and all volumes received from sources not providing an Annual Quantity Entitlement to such user (denominator).

* * * * *

(3) If an essential agricultural user does not have Annual Quantity Entitlements with respect to more than one of its direct suppliers, the attributable essential agricultural requirements attributable to a particular direct supplier shall be calculated by multiplying its total essential agricultural requirements by the total volume of natural gas received from such supplier in 1972 and dividing the product (numerator) by the total supplies of natural gas received from all sources in 1972 (denominator).

[37] See PGC petition at 9.

[38] Notice of Proposed Rulemaking, Docket No. RM79-15, January 18, 1976, at 8 n. 2.

(e) *Local distribution company.* A local distribution company shall calculate its attributable indirect essential agricultural requirements among its direct suppliers in the same manner as it attributed its supplies to its direct suppliers for purposes of establishing entitlements in the currently effective curtailment plans of such direct supplier.

(f) *Interstate pipelines.* An interstate pipeline shall attribute Priority 1 and 2 entitlements respectively among its direct pipeline supplies in the same manner as it attributed its supplies to its direct pipeline suppliers for purposes of establishing entitlements in the currently effective curtailment plans of such direct suppliers.

4. Section 281.213 is revised by deleting paragraph (c) and substituting the following in lieu thereof:

§ 281.213 Data Verification Committee.

* * * * *

(c) Any interested person may file a written protest concerning the index of entitlements. Such protests shall be filed with the Data Verification Committee no later than September 21, 1979. For years after 1979, protests shall be filed not later than 30 days after a draft index of entitlements is served in accordance with section 281.212(d) of this part.

* * * * *

5. Section 281.214 is revised by deleting paragraph (a) and substituting the following in lieu thereof:

§ 281.214 Notice, complaint and remedy.

(a) *Complaint.* Any interested person may file a complaint concerning an alleged violation of this subpart under § 1.6 of this chapter.

* * * * *

[FR Doc. 79-32970 Filed 10-24-79; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010-8-R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services; Amendment No. 2

Correction

In FR Doc. 79-31420, appearing on page 58709 in the issue of Thursday, October 11, 1979, amendatory paragraph 1.b. in the second column should read: "b. By deleting old paragraph (b)(107)."

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 222

Grazing and Livestock Use on the National Forest System

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Forest Service issues final rule incorporating amendments to the Federal Land Policy and Management Act of 1976 made by the Public Rangelands Improvement Act of 1978. These amendments substitute the word "sixteen" for "eleven" in front of ". . . contiguous western States," expand the definition of "Range Improvements," and broaden the scope of consultation and cooperation in the development of allotment management plans. The amendments do not represent policy additions or major changes in policies which have applied to the administration of grazing permits on the National Forest System beyond that prescribed by law.

EFFECTIVE DATE: October 25, 1979.

ADDRESS: Chief R. Max Peterson (2200), Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert M. Williamson, Assistant Director, Range Management Staff, Forest Service, P.O. Box 2417, Room 610 RP-E, Washington, D.C. 20013, Telephone (703) 235-8139.

SUPPLEMENTARY INFORMATION: This amendment makes minor changes in the regulations so it conforms with the Rangelands Improvement Act. These regulations were substantially changed on November 28, 1977, to implement provisions of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579) (Federal Register, Vol. 42, No. 208, Friday, October 28, 1977, pages 56430-56737). This Act was subsequently amended by the Public Rangelands Improvement Act of 1978. Minor changes in this amendment are to: (1) Substitute the word "sixteen" in place of "eleven" in front of ". . . contiguous western States"; (2) Expand the definition of "Range Improvements"; and (3) Broaden the scope of consultation and cooperation in the development of allotment management plans. It has been determined that publication of these amendments in accordance with the Proposed Rulemaking Procedures Act, 5 U.S.C. 533, is unnecessary. The amendments do not represent policy additions or major changes in policies which have applied to the administration of grazing permits on the National Forest System beyond that prescribed by law (Rangelands Improvement Act of 1978).

The minor changes being made by this amendment are explained as follows:

(1) Authority is expanded to include the Public Rangelands Improvement Act of 1978.

(2) Previously in § 222.1(b)(7), § 222.1(b)(20), § 222.3(c)(1), § 222.6(a), § 222.10(a), and § 222.11 (a) and (b), it referred to ". . . 11 contiguous western States." These are changed to read ". . . 16 contiguous western States."

(3) § 222.1(b)(7) is being expanded to add five additional States—North Dakota, South Dakota, Kansas, Nebraska, and Oklahoma (States are listed in alphabetical order).

(4) § 222.1(b)(21) expands the definition of "Range Improvement" to include ". . . activity or program designed to improve production of forage and includes facilities or treatments . . .".

(5) § 222.2(b) is broadened to include consultation and cooperation with landowners, States, and grazing advisory boards.

Dated: October 19, 1979.

David G. Unger,

Deputy Assistant Secretary for Natural Resources and Environment.

PART 222—RANGE MANAGEMENT

Title 36, Part 222 is amended as follows:

1. The authority citation in Subpart A is revised to read as follows:

Authority: 92 Stat. 1803, as amended (43 U.S.C. 1901), 85 Stat. 649, as amended (16 U.S.C. 1331-1340); Sec. 1, 30 Stat. 35, as amended (18 U.S.C. 551); Sec. 32, 50 Stat. 522, as amended (7 U.S.C. 1011).

2. § 222.1(b)(20), § 222.3(c)(1), § 222.6(a), § 222.10(a), and § 222.11(a) and (b) are amended by changing the words "11 contiguous western States" to "16 contiguous western States" wherever they appear.

3. Paragraphs (b)(7) and (21) of § 222.1 are amended to read as follows:

§ 222.1 Authority and definitions.

* * * * *

(b) * * *

(7) "Lands within National Forest in the 16 contiguous western States" means lands designated as National Forest within the boundaries of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming (National Grasslands are excluded).

* * * * *

(21) "Range Improvement" means any activity or program designed to improve production of forage and includes facilities or treatments constructed or installed for the purpose of improving the range resource or the management of livestock and includes the following types:

(i) * * *

* * * * *

4. Paragraph (b) of § 222.2 is amended to read as follows:

§ 222.2 Management of the range environment.

* * * * *

(b) Each allotment will be analyzed and with careful and considered consultation and cooperation with the affected permittees, landowners, and grazing advisory boards involved, as well as the State having land within the area covered, and an allotment management plan developed. The plan will then be approved and implemented. The analysis and plan will be updated as needed.

* * * * *

(Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011); sec. 19, 64 Stat. 88 (16 U.S.C. 5801); Title IV, Pub. L. 94, 90 Stat. 2771 (43 U.S.C. 1751, et seq.); 92 Stat. 1803 (43 U.S.C. 190))

[FR Doc. 79-32966 Filed 10-24-79; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF JUSTICE

41 CFR Part 28

[Order No. 859-79]

Amendment to the Designation of Office

AGENCY: Department of Justice.

ACTION: Final rule: Editorial Amendment to Chapter 28.

SUMMARY: Pursuant to a reorganization within the Department of Justice, the Office of Management and Finance has been abolished and replaced by the Justice Management Division. In addition, the Operations Support Staff, the subdivision of the Office of Management and Finance that was authorized to perform procurement functions, has been abolished and replaced by the Property Management and Procurement Staff. These organizational changes have necessitated editorial amendments to Chapter 28.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Washington, D.C. 20530 (202-633-4165).

By virtue of the authority vested in me by 28 U.S.C. § 509 and § 510, Chapter 28 of Title 41 is hereby amended as follows:

1. By substituting "Justice Management Division, Property Management and Procurement Staff" for "Office of Management and Finance, Operations Support Staff" in § 28-1.205(a)(1) of Subpart 28-1.2 of Part 28-1.

2. By substituting "Director, Property Management and Procurement Staff, Justice Management Division" for "Director, Operations Support Staff, Office of Management and Finance" in § 28-1.404.50(a)(1) of Subpart 28-1.4 of Part 28-1.

3. By substituting "Justice Management Division" for "Office of Management and Finance" in § 28-1.404.51(c) of Subpart 28-1.4 of Part 28-1.

4. By substituting "Justice Management Division" in Section 28-1.405 of Subpart 28-1.4 of Part 28-1.

Dated: October 10, 1979.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 79-32969 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Ch. II

[R-4583; Public Land Order 5684]

California; Withdrawal for the Boulder Gulch Recreation Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 18.82 acres of public land for expansion of an existing recreation area.

EFFECTIVE DATE: October 25, 1979.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C., Ch. 2, in aid of programs of the Corps of Engineers, Department of the Army:

Mount Diablo Meridian

A parcel of land situated within the SE¼SE¼, Sec. 7, T. 26 S., R. 33 E., described as follows:

Beginning at the section corner common to Secs. 7, 8, 17, and 18, said township and range, marked by a found 3-inch x 3-inch redwood hub in a rock mound; thence westerly along section line common to Secs. 7 and 18, 749.32 feet to the easterly right-of-way line of State Highway No. 155 as recorded with the Bureau of Land Management as Parcel 63628 to Department of Public Works, State of California; thence, along said easterly right-of-way line N. 10°18'E., 465.99 feet; thence, N. 13°52'35"E., 400.78 feet; thence, N. 07°17'53"E., 477.39 feet to the intersection of said easterly line and the northerly line of the SE¼SE¼ of said Sec. 7; thence, leaving said easterly right-of-way, east along said northerly line of said SE¼SE¼ 508.43 feet to the northeast corner of said SE¼SE¼; thence, S. 00°02'07" E. along the section line common to said Secs. 7 and 8, 1,321.08 feet to the point of beginning, containing 18.82 acres, more or less, in Kern County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistance Secretary of the Interior.

October 12, 1979.

[FR Doc. 79-32968 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1050

Monitoring and Reporting Program Performance

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: CSA is filing a final rule specifying the quantifiable data required on Project Progress Review (PPR) Reports required by grantees funded under Section 222(a) of the Economic Opportunity Act. These data will assure that information provided on these programs is uniform.

DATES: This rule is effective November 26, 1979.

Implementation date: Information as required in this rule will be provided by

grantees beginning with the first PPR due after the effective date of this rule.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Penland, Telephone: (202) 254-6110, Teletypewriter: (202) 254-6218.

SUPPLEMENTARY INFORMATION: Part 1050, Subpart I (CSA Instruction 6800-9) requires the submission of Project Progress Review reports (CSA Form 440) by all CSA-funded grantees. It also states that each PPR report must provide an analysis of accomplishments in relation to each goal on the grantees currently approved work program. The Form 440 breaks these down into measurable and non-quantifiable accomplishments.

In order to assure that the quantifiable data being reported for programs funded under section 222(a) of the Economic Opportunity Act are uniform, CSA requires that section 1.A. (measurable accomplishments) on the Form 440 includes all relevant data i.e., data resulting from activities undertaken as part of the work program, as indicated under the appropriate Program Account in Attachment B to this subpart.

This is not an additional reporting requirement being imposed on grantees. Rather, it is an effort to assure that the data which grantees are reporting are provided in a consistent and uniform manner. Therefore, CSA does not consider this a significant rule. In addition, since the format in which the data are presented will serve CSA's administrative needs only, CSA is not including a period for public comment.

The categories found in Attachment B reflect major activities which CSA indicated it would support in its previously published Program Policy Statements. As a result of this analysis of these data, future Program Policy Statements will be further refined or changed to meet local needs reflected in grantee reports.

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

Graciela (Grace) Olivarez,
Director.

45 CFR 1050.80-3(c)(1) is amended to add the following subparagraph:

§ 1050.80-3 CSA implementing policies and procedures

* * * * *

(c) * * *

(1) * * *

(iii) In order to assure that the quantifiable data being reported for programs funded under section 222(a) of the Economic Opportunity Act are uniform, CSA requires that Section 1.A. (measurable accomplishements) on the Form 440 includes all relevant data i.e., data resulting from activities undertaken as part of the work program, as indicated under the appropriate Program Account in Attachment B to this subpart.

* * * * *

In addition, Part 1050, Subpart I, is amended by adding Attachment B to Subpart I.

Subpart I—Monitoring and Reporting Program Performance

Attachment B—Data Required in PPR Reports for Projects Funded Under Section (222) (a) of the E.O.A.

No. *and Program Account*

06. *Senior Opportunities and Services—Independent Living 222(a)(2).*
Total Number of Beneficiaries
Number Beneficiaries of Housing Services
Number Beneficiaries of Nutrition Services
Number Beneficiaries of Home Care Services
Number Beneficiaries of Health Services
Number Beneficiaries Elderly Day Care Services
Number Beneficiaries other Services (*e.g.* counseling, safety, education, etc.)
Total Number Elderly Community Centers
Total Number Beneficiaries of Community Centers

07. *Senior Opportunities and Services—Access 222(a)(2).*
Total Number Elderly Transported to Services
Total Number New Beneficiaries
Number New Beneficiaries SSI
Number New Beneficiaries Food Stamp
Total Number Elderly Provided Training
Total Number Elderly Provided Jobs

12. *Nutrition—Access (222)(a)(1).*
Total Number New Beneficiaries
Number New Beneficiaries Food Stamp
Number New Beneficiaries of WIC
Number New Beneficiaries of School Breakfast
Number New Beneficiaries of School Lunch
Number New Beneficiaries of Elderly Feeding
Number New Beneficiaries Summer Feeding
Total Non-CSA Dollars Mobilized
Number New Beneficiaries of Day Care Feeding
Number New Beneficiaries of other (Identify)

13. *Nutrition—Self-Help (222)(a)(1).*
Total Number Beneficiaries
Number Beneficiaries from Buying Clubs
Number Beneficiaries from Community Cannery
Number Beneficiaries from Food Gleaning
Number Beneficiaries from Food Raising
Total [1] Estimated dollar value of Above Self-Help Efforts

15. *Nutrition—Consumer Education (222)(a)(1).*
Total Number Beneficiaries

16. *Nutrition—Crisis Relief (222)(a)(1).*
Total Number Beneficiaries

21. *Energy—Weatherization (222)(a)(5).*
Total Number Beneficiaries
Total Number Units Weatherized
Number Rental Units Weatherized
Number Elderly Head of Household Units Weatherized
Total Number Persons Employed in Weatherization
Number Persons Employed using CETA Funds
Number Persons Employed using CSA Funds
Number Persons Employed using Other (Identify) Funds
Total Non-CSA Dollar Resources Mobilized

22. *Energy—Crisis Intervention (222)(a)(5).*
Total Number Beneficiaries
Number People Benefiting from Payment of Fuel Bills
Number People Benefiting from Emergency Energy Related Home Repairs
Total Dollar Payment Other than Home Heating Payments
Total Number Households Assisted
Number Elderly Head of Households Assisted
Number Rental Households Assisted

23. *Energy—Consumer Information, Education and Legal Assistance (222)(a)(5).*
Total Number Beneficiaries
Number Beneficiaries 18 years and under
Number Beneficiaries 55 years and over

25. *Energy—Alternative Technologies (222)(a)(5).*
Total Number Beneficiaries
Number Beneficiaries of Solar Space Heating
Number Beneficiaries of Solar Domestic Water Heating
Number Beneficiaries of Wind Technology
Number Beneficiaries of Methane/Alcohol
Number Beneficiaries of Wood/Coal Stove
Number Beneficiaries of other (Describe)
Total Number Persons Employed
Number Employed with CETA Funds
Number Employed with CSA Funds
Number Employed with Other Funds

31. *Rural Housing—Housing Production (222)(a)(4).*
Total Number Housing Units
Number Units Constructed
Number Units Repaired and Rehabilitated
Total Non-CSA Dollars Mobilized

32. *Rural Housing—Access to Federal Home Loan Service (222)(a)(4).*
Total Number Loans and Grants
Number Loans and/or Grants Submitted
Number Loans and Grants Approved
Total Dollar Amount Approved Loans and/or Grants
Total Number Persons Trained
Number Trained with CETA Funds
Number Trained with CSA Funds
Number Trained with Green Thumb Funds
Total Non-CSA Dollars Mobilized
Number Trained with Other Funds (Identify)

33. *Rural Housing Training and Technical Assistance (222)(a)(4).*
Total Number of Beneficiaries Trained and/or Provided Technical Assistance

34. *Rural Housing—Small Town Community Development (222)(2)(4).*
Total Number of Public Officials Trained and/or Provided Technical Assistance

35. *Rural Housing—Housing Consumer Assistance (222)(a)(4).*
Total Number of Beneficiaries

36. *Rural Housing—Management Services (222)(a)(4).*
Total Number Beneficiaries Counselled
Total Number Housing Units Managed

80. *Energy—Emergency Energy Assistance (222)(a)(5).*
Total Number Beneficiaries

[1] Explain the Basis for Estimation.

Total Number Households Assisted
Number Elderly Head of Households
Number Rental Households Assisted
Total Dollar Payment Heating Fuel Bills
Dollar Payment Oil Heating Fuel Bills
Dollar Payment Gas Heating Fuel Bills
Dollar Payment Electricity Fuel Bills
Dollar Payment Other Fuel Bills

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BILLING CODE 6315-01-M

45 CFR Part 1067

[CSA Instruction 6100-1c]

Subpart 1067.41—Program Account Structure

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: CSA is filing a final rule amending certain Section 222 program account codes to reflect activities eligible for funding as described in CSA's program policy statements. These amended program account codes will enable CSA to collect project performance information in the same categories as those specified in the program policy statements.

DATES: This rule is effective November 26, 1979.

IMPLEMENTATION DATE: The program accounts in this rule will be used by grantees beginning with their initial FY 80 funding of Section 222 programs which occurs after the effective date of this rule.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Penland, Telephone: (202) 254-6110, Teletypewriter: (202) 254-6218.

SUPPLEMENTARY INFORMATION: CSA requires that program accounts be used on all funding documents (CSA Form 314), work programs (CSA Form 419) and the Project Progress Review Reports (CSA Form 440). These amended program account codes will enable CSA to collect project performance information in the same categories as those specified in the Program Policy Statements. They will also assure the quantifiable data being reported on the CSA Form 440 are uniform.

This is not an additional reporting requirement being imposed on grantees. Rather it is an effort to assure that the Section 222 program accounts adequately reflect the Program Policy Statements. Therefore, CSA does not consider this a significant rule. In addition, since these amended program accounts will serve CSA's administrative needs only, CSA is not including a period for public comment.

The amended program accounts in appendices A and B reflect major activities which CSA indicated it would support in its Program Policy Statements. The changes occur in Program Accounts 06, 07, 22, 31, 32, 33, 36, and 80. In addition, two program accounts have been added, *i.e.*, Program Accounts 34 and 35, and three have been eliminated, *i.e.*, 24, 37, and 38. The revised appendices A and B published in this rule reflect these changes.

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

Graciela (Grace) Olivarez,
Director.

1. 45 CFR 1067.41 is amended by revising § 1067.41-1 and 1067.41-2, including the caption for § 1067.41-2 to read as follows:

1067.41-1 Applicability.
1067.41-2 Policy.

§ 1067.41-1 Applicability.

This rule applies to grants funded under Titles I, II, IV, VII and IX of the Economic Opportunity Act of 1964, as amended, when the funds are administered by CSA.

§ 1067.41-2 Policy.

(a) CSA Program Accounts are the units within the financial and programmatic systems of the Agency which record the expenditure of funds and describe the activities that may be conducted under each account.

(b) CSA requires that program accounts listed in Appendices A and B be used on all funding documents (CSA Form 314), work programs (CSA Form 419) and the Project Progress Review Reports (CSA Form 440).

2. Appendix A to Subpart—Program Account Structure is revised to read:

Appendix A—Program Account Codes

Program Account Codes

Program account No.	Subject	Description
01	Local Initiative/CAA Administration.	
05	Local Initiative Program.	
02	Youth Sports	Summer Personnel.
03	Youth Sports	Other.
04	Youth Sports	Winter Program.
60	Summer Recreation	Personnel.
10	Summer Recreation	Other.
06	SOS	Independent Living.
07	SOS	Access.
08	SEOO	Training.
09	SEOO	Other.
12	Nutrition	Access.
13	Nutrition	Self-Help.
15	Nutrition	Consumer Education.
16	Nutrition	Crisis Relief.
29	Nutrition	Research.
39	Nutrition	Demonstrations.
42	Nutrition	T&TA—Seminars.
43	Nutrition	T&TA—On-Site Assistance.
44	Nutrition	T&TA—Other.
48	Nutrition	Evaluation.
18	Migrants and Seasonal Farmworkers.	

Program Account Codes—Continued

Program account No.	Subject	Description
21	Energy	Weatherization.
22	Energy	Crisis Intervention.
23	Energy	Consumer Information, Education, Legal Assistance.
25	Energy	Alternate Energy Sources.
80	Energy	Emergency Energy Assistance.
50	Energy	Research.
53	Energy	Demonstration.
54	Energy	T&TA—Seminars.
56	Energy	T&TA—On-Site Assistance.
57	Energy	T&TA—Other.
58	Energy	Evaluation.
19	Technical Assistance.	Grantee Administration.
27	Technical Assistance.	Grantee Program.
28	Technical Assistance.	Other.
31	Rural Housing	Housing Production.
32	Rural Housing	Access to Federal Home Loan Services.
33	Rural Housing	Training and Technical Assistance.
34	Rural Housing	Small Town Community Development.
35	Rural Housing	Housing Consumer Assistance.
36	Rural Housing	Management Services.
64	Special Assistance	
63	Economic Development.	Special Impact.
49	Economic Development.	Rural Programs.
51	Economic Development.	Rural Development Finance.
52	Economic Development.	Community Development Finance.
61	Economic Development.	Training and Technical Assistance.
66	Economic Development.	Demonstration.
67	Economic Development.	Research.
68	Economic Development.	Evaluation.
69	Economic Development.	Planning Grants.
71	Evaluation	Type I.
73	Evaluation	Type II.
75	Evaluation	Type III.
78	Evaluation	Other.
82	Research	
84	Demonstration	
98	Program Administration.	

3. Appendix B to Subpart Program Account Structure is revised as follows:

Appendix B—Definitions of Activities Which May Be Conducted, Singly or in Combination Under Each Program Account

01. Local Initiative/CAA Administration (221)

Includes support for general administration and management of central staff, facilities, and equipment of the community action agency. Coordination, mobilization of resources, general management, information collection and use, as well as planning, program development, and evaluation activities undertaken by CAAs as part of their overall administrative and management responsibilities are included in this account.

Support of the CAA board's functioning should also be included. Administrative overhead costs for delegate agencies or general support functions performed by the CAA for such delegate agencies where these costs are not related to specific programs may be included as appropriate. However, this activity does *not* include administration or managment directly linked to specific program activities such as community nutrition activities, etc. Such administrative overhead should be reported under the account designated for that program.

02. Youth Sports—Summer Personnel (227)

Includes the personnel costs to operate the national youth sports program during the summer months, June through late August or mid-September. This program provides disadvantaged youths the opportunity for sports skills instruction, sports competition, learning good health practices, and career and educational opportunities. Stipends should not be included in this account.

03. Youth Sports—Summer Other (227)

Includes the non-personnel costs to operate the national youth sports program during the summer months, June through late August or mid-September.

04. Youth Sports—Winter Program (227)

Includes all costs, both personnel and non-personnel to operate the national youth sports program during the winter months, September through May.

05. Local Initiative Program (221)

The basic purpose of community action programs as stated in the Economic Opportunity Act is "to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient." This purpose may be accomplished by programs designed and/or selected at the local level to meet specific community needs. They may deal with particular concerns in such areas as housing, manpower, education, health, day care, consumer affairs, economic development, general social services, etc. They may focus on particular target groups such as youth. They may employ some type of neighborhood center(s) as a means of reaching persons and delivering services.

06. Senior Opportunity and Services—Independent Living (222(a)(2))

Includes the personnel costs and non-personnel costs to help maintain independent living style of the Older Poor including the following: Housing Services, Nutrition Services, Home Care Services, Health Services, Elderly Day Care Services, and other services such as Counseling, and Safety Education. Also includes cost of providing jobs to elderly poor, and elderly Community Centers.

07. Senior Opportunity and Services—Access (222(a)(2))

Includes the personnel costs and non-personnel costs to identify and meet the needs of older poor in participation of other Federal, State, and local programs. Specifically includes costs associated with Access/Advocacy Activities for Supplementary Security Income Program and Food Stamp Program. Also includes costs of providing jobs and training to older poor, and transportation to services.

08. SEOO—Training (231)

Includes all costs directly associated with providing training and technical assistance by the SEOOs to communities, state and local agencies and to community action agencies in carrying out the programs under the Economic Opportunity Act.

09. SEOO—Other (231)

Includes other costs incurred by the SEOOs not included as training and technical assistance under account 08.

10. Summer Recreation—Other (222(a)(6))

Includes non-personnel costs associated with the summer recreation program whith is aimed at expanding and improving recreational services and activities for the economically disadvantaged youths. (Personnel costs associated with this program are shown under Program Account 60.)

12. Nutrition—Access (222(a)(1))

Includes operating program costs associated with improving the opportunities for low-income people to gain access to, and participation in Federal and non-Federal food and nutrition programs.

13. Nutrition—Self-Help (222(a)(1))

Includes operating program costs associated with projects designed to foster self-sufficiency through the mobilization of financial and community resources. Examples include buying clubs, community gardens, food raising co-ops, community canneries, farmer-to-consumer sales and greenhouse food production.

15. Nutrition—Consumer Education (222(a)(1))

Includes operating program costs associated with improving the ability of low-income individuals and families to understand the connection between diet and health, to obtain at the lowest prices nutritionally superior food and to prepare and preserve these foods in ways that minimize the loss of nutrients.

16. Nutrition—Crisis Relief (222(a)(1))

Includes operating program costs associated with the provision of food vouchers, foodstuffs or funds to purchase food stamps on a temporary or crisis basis. (For additional Program accounts dealing with nutrition see numbers 29, 39, 42, 43, 44 and 48.)

18. Migrant and Seasonal Farmworkers (Title IV)

Includes costs associated with the provision of services to migrant and seasonal farmworkers such as weatherization, transportation, housing, training, technical assistance, etc.

19. Training and Technical Assistance—Grantee Administration (230)

Includes costs associated with providing training and technical assistance to improve and maintain the administrative and managerial capacity of CSA-funded grantees, such as accounting, personnel, property or Board training.

(For additional program accounts dealing with technical assistance see numbers 27 & 28.)

21. Energy—Weatherization (222(a)(5))

Includes costs associated with home repairs and energy saving improvements to minimize heat transfer and improve thermal efficiency of dwellings.

22. Energy Crisis Intervention (222(a)(5))

Includes costs associated with intervention to prevent hardship or danger to health, especially the older poor. Includes cost for payment of fuel bills, emergency energy-related repairs, and payments other than home heating payments.

23. Energy—Consumer Information, Education and Legal Assistance—(222(a)(5))

Includes costs associated with the dissemination of energy conservation information, conduct of energy conservation educational activities, and the representation of the interests of the poor in public proceedings, for example, energy policy and utility rate structure.

24. Energy—Transportation (222(a)(5))

Includes costs associated with efforts to offset the increased costs to the poor of transportation needed for access to essential services and employment.

25. Energy—Alternate Energy Sources (222(a)(5))

Includes costs associated with the development and application to energy needs of the poor those technologies that capitalize on non-fossil fuels and renewable energy resources, or make conventional fuels available to the poor at substantially decreased costs and/or at increased energy efficiency. (For additional program accounts dealing with Energy, see numbers 50, 53, 54, 56, 57 and 58.)

27. Training and Technical Assistance—Grantee Program (230)

Includes costs associated with the provision of training and technical assistance in specific program areas such as housing, mobilization of resources, etc.

28. Training and Technical Assistance—Other (230)

Includes costs associated with training and technical assistance which does not relate specifically to grantee administration or grantee program areas.

29. Nutrition—Research (222(a)(1))

Includes costs associated with the development of new knowledge about hunger and malnutrition among the poor and/or ways to deal with their problems approved under the authority of Section 222(a)(1) of the EOA.

31. Rural Housing—Housing Production (222(a)(4)) and (232)

Includes costs associated with the repair and rehabilitation of housing for poor families, and development of housing factory delivery systems for building low cost housing. Also includes costs associated with removing architectural barriers from the homes of low-income disabled individuals.

32. Rural Housing Access to Federal Home Loan Services (222(a)(4)) and (232)

Includes costs associated with developing methods for full participation of the poor in Federal Home Loan, grant and subsidies programs.

33. Rural Housing Training and Technical Assistance (222(a)(4)) and (232)

Includes costs associated with area and State wide housing development corporations and other housing grantees in providing training and technical assistance, to CAAs and single purpose housing grantees.

34. Rural Housing—Small Town Community Development (222(a)(4)) and (232)

Includes costs associated with providing training and technical assistance to assist officials in small towns, with large percentage of poor, to implement Community Development Programs that improve housing conditions of the poor.

35. Rural Housing—Housing Consumer Assistance (222(a)(4)) and (232)

Includes costs associated with providing assistance for activities such as tenant organizing, fair housing assistance to poor families and groups, home ownership and default counseling, homesteading as well as advocacy and legal services for individuals and families.

36. Rural Housing—Management Services (222(a)(4)) and (232)

Includes costs associated with providing management services to assist grantees in the acquisition and maintenance of Default Housing.

39. Nutrition—Demonstrations (222(a)(1))

Includes costs associated with experimental, pilot or demonstration projects which test new or improved approaches to combating the problems of hunger and malnutrition.

42. Nutrition—T&TA Seminars (222(a)(1))

Includes costs associated with holding nutrition related T&TA seminars for persons from two or more agencies. Such seminars should help grantees plan, conduct and/or evaluate nutrition programs.

43. Nutrition—T&TA On Site Assistance (222(a)(1))

Includes the cost of providing nutrition related T&TA services to specific grantee personnel at the grantee's location. Such services should help a specific grantee plan, conduct and/or evaluate nutrition programs.

44. Nutrition—T&TA Other (222(a)(1))

Includes any costs of a T&TA activity related to nutrition which is not classified as seminar or on-site assistance in program accounts 42 and 43.

48. Nutrition—Evaluation (222(a)(1))

Includes costs associated with evaluation of nutrition projects approved under the authority of Section 222(a)(1) of the EOA. Does not include costs for grantee's self-evaluation.

49. Economic Development—Rural Programs (Title VII)

Includes costs associated with meeting the special economic needs of rural communities and areas pursuant to Title VII, Part B of the EOA.

50. Energy—Research (222(a)(5))

Includes costs of research related to energy type projects approved under the authority of Section 222(a)(5) of the EOA.

51. Economic Development—Rural Development Finance (Title VII, Part C)

Includes costs associated with the development, testing and operation of rural financial support mechanisms in conjunction with loans from the Rural Development Loan Fund.

52. Economic Development—Community Development Finance (Title VII, Part C)

Includes costs associated with the development, testing and operation of community financial support mechanisms in conjunction with loans from the Community Development Loan Fund.

53. Energy—Demonstrations (222(a)(5))

Includes costs associated with experimental, pilot or demonstration projects which test new or approved approaches to solving the energy problems of the poor.

54. Energy—T&TA Seminars (222(a)(5))

Includes costs associated with holding energy related T&TA seminars for persons from two or more grantees. Such seminars should help grantees plan, conduct and/or evaluate energy programs.

56. Energy—T&TA On Site Assistance (222(a)(5))

Includes the costs of providing energy-related T&TA services to specific grantee personnel at the grantee's location. Such services should help a specific grantee plan, conduct and/or access energy projects.

57. Energy—T&TA Other (222(a)(5))

Includes any costs of a T&TA nature related to energy which is not classified as services or on-site assistance in program accounts 54 and 56.

58. Energy—Evaluation (222(a)(5))

Includes costs associated with evaluation of energy projects approved under the authority of Section 222(a)(5) of the EOA.

60. Summer Recreation—Personnel (222(a)(6))

Includes all personnel costs associated with the summer recreation program which is aimed at expanding and improving recreational services and activities for the economically disadvantaged youths. (Non-personnel costs associated with this program are shown under Program Account 10.)

61. Economic Development—Training and Technical Assistance (Title VII, Part D)

Includes training and technical assistance costs related to economic development projects approved under the authority of Title VII, Part D of the EOA.

63. Economic Development—Special Impact (Title VII, Part A)

Includes costs associated with community development corporation projects approved under the authority of Title VII, Part A of the EOA.

64. Special Assistance (234)

Includes costs associated with projects serving groups of low income individuals who are not being effectively served by other Title II programs.

66. Economic Development—Demonstration (Title VII, Part D)

Includes costs associated with pilot and demonstration activities approved under the authority of Title VII, Part D of the EOA.

67. Economic Development—Research (Title VII, Part D)

Includes costs associated with research activities approved under the authority of Title VII, Part D of the EOA.

68. Economic Development—Evaluation (Title VII, Part D)

Includes costs associated with evaluation activities approved under the authority of Title VII, Part D of the EOA.

69. Economic Development—Planning Grants (Title VII, Part D)

Includes costs associated with economic development planning grants approved under the authority of Title VII, Part D of the EOA.

71. Evaluation—Type I (Title IX)

Includes costs associated with national impact evaluation strategies approved under the authority of Title IX.

73. Evaluation—Type II (Title IX)

Includes costs associated with determining the relative effects of different program strategies, intervention techniques and administrative processes employed to implement a national program approved under the authority of Title IX.

75. Evaluation—Type III (Title IX)

Includes costs associated with assessing the effectiveness and efficiency of individual grantees and projects.

78. Evaluation—Other (Title IX)

Includes costs associated with assessment projects not included under program accounts 71, 73, and 75. Examples might include short-term studies that respond to policy-related questions.

80. Energy—Emergency Energy Assistance (222(a)(5))

Includes costs associated with a special program to provide assistance to low-income households facing a crisis as a result of the rising cost of energy and severe weather

conditions by paying fuel/utility bills, providing lines of credit, or providing services such as blankets, clothing, etc.

82. Research (Title I) and (232)

Includes costs associated with basic research and related evaluation conducted to provide meaningful information for formulating new programs and policies affecting the poverty population in program areas not included elsewhere. Specifically excluded are nutrition (29, 39, 48) energy (50, 53, 58) rural housing (31, 32, 33, 34, 35, 36) economic development (67, 68) and Title IX (71, 73, 75, 78).

84. Demonstration (232)

Includes costs associated with pilot or demonstration projects designed to test or assist in the development of new approaches or methods which will aid CSA's poverty population.

98. Program Administration

Includes costs incurred by Federal employees for the overall direction, management, coordination and support of all CSA programs and related anti-poverty programs of other Federal, State and local agencies. This is not a grantee activity.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Extension of the Effective Date of the Rule Designating Sarracenia oreophila as an Endangered Species

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

ACTION: Extension of the effective date for the rule designating *Sarracenia oreophila* as an Endangered Species.

SUMMARY: On September 21, 1979, the Fish and Wildlife Service published in the Federal Register a final rule indicating its determination that *Sarracenia oreophila* (green pitcher plant) is an Endangered Species under the Endangered Species Act of 1973, as amended. The final rule indicated that the prohibitions and restrictions applicable to Endangered Species would take effect for *Sarracenia oreophila* on October 21, 1979. The Service has determined, in response to several requests, that the effective date of the final rule should be extended to allow an opportunity for a public meeting in the area in which this species occurs to better inform the people in that area about this matter.

DATES: The final rule designating *Sarracenia oreophila* as an Endangered Species will become effective February 22, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

Notice of the meeting date(s) and location will be published in a subsequent issue of the Federal Register.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.
October 19, 1979.

[FR Doc. 79-32843 Filed 10-24-79; 8:45 am]
BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 44, No. 208
Thursday, October 25, 1979

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 434

Proposed Tobacco (Dollar Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring tobacco crops under the "Dollar Plan" effective with the 1980 crop year. This rule combines provisions from previous regulations for insuring tobacco in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than November 26, 1979, to be assured of consideration.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), it is proposed that there be established a new Part 434 of Chapter IV in Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 434, Tobacco (Dollar Plan) Crop Insurance.

This part prescribes procedures for insuring tobacco crops effective with the 1980 crop year.

All previous regulations applicable to insuring tobacco crops under the "Dollar Plan" as found 7 CFR 401.101–401.111, and 401.141, will not be applicable to 1980 and succeeding tobacco crops but will remain in effect for Federal Crop Insurance Corporation (FCIC) tobacco insurance policies issued under the "Dollar Plan" for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring tobacco crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, proposed 7 CFR Part 434 provides: (1) For a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent permium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) That any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (3) That the time period for submitting a notice of loss be extended from 15 days to 30 days, (4) That the 60-day time period for filing a claim be eliminated, (5) That three coverage level options be offered in each county, (6) That the cancellation date be changed to December 31 in all tobacco insurance counties under this plan to coincide with all other spring crops in these tobacco areas, and (7) For an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 434.5 of these proposed regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The proposed Tobacco (Dollar Plan) Crop Insurance regulations provide a December 31 cancellation date for all tobacco producing counties under this plan. These regulations and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of December 31, 1979, before they become effective for the 1980 crop year.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to delete and reserve 7 CFR 401.141, but this provision shall remain in effect for FCIC tobacco insurance policies issued for crop years prior to 1980. The Corporation also proposes to issue a new Part 434 in Chapter IV of Title 7 of the Code of Federal Regulations effective with the 1980 and subsequent crops of tobacco insured under the "Dollar Plan" which shall remain in effect until amended or superseded, to read as follows:

PART 434—DOLLAR PLAN OF TOBACCO CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

434.1 Availability of the Dollar Plan of Tobacco Insurance.
434.2 Premium rates, amounts of insurance, and coverage levels.
434.3 Public notice of indemnities paid.
434.4 Creditors.
434.5 Good faith reliance on misrepresentation.
434.6 The contract.
434.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516)

§ 434.1 Availability of the Dollar Plan of Tobacco Insurance

Insurance shall be offered under the provisions of this subpart on tobacco in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which the dollar plan of tobacco insurance will be offered.

§ 434.2 Premium rates, amounts of insurance, and coverage levels.

(a) The Manager shall establish premium rates, amounts of

insurance,and coverage levels for tobacco which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level from among those levels shown on the actuarial table for the crop year.

§ 434.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 434.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 434.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the dollar plan of tobacco insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advise by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 434.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the tobacco crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table showing the amounts of insurance, coverage levels, premium rates, insurable and uninsurable acreage, and applicable dates. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 434.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the tobacco crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a tobacco contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and the Dollar Plan of Tobacco Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Dollar Plan of Tobacco Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application For 19— and Succeeding Crop Years

Dollar Plan of Tobacco; Crop Insurance Contract

Contract Number ———
Identification Number ———
Name and Address ———
Zip Code ———
County ———
State ———
Type of Entity ———
Applicant is over 18 Yes—— No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the tobacco planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level. The premuim rates and amounts of insurance shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.

Level Election ———

Example: For the 19— Crop Year Only (100% Share)

Location/ farm No.	Amount of insurance per acre*	Premium per $100**	Practice

*Your guarantee will be based on the unit (acres x dollar amount x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the Corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following dollar plan of tobacco insurance policy, the attached appendix, and the provisions of the county actuarial table showing the amounts of insurance, coverage levels, premium rates, insurable and uninsurable acreage, and aplicable dates shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

Code No./Witness To Signature ———

Signature of Applicant ———
(Date) , 19——
Address of Office for County: ———

Phone ———
Location of Farm Headquarters: ———

Phone———

Dollar Plan of Tobacco Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with causes of loss that are shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be tobacco of the type shown as insurable on the actuarial table and which is grown on insured acreage and for which the actuarial table shows an amount of insurance and premium rate.

(b) The acreage insured for each crop year shall be that acreage planted to an insurable tobacco type on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) on which the tabacco was destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture, (3) which is destroyed and after such destruction it was practical to replant to tobacco and such acreage was not replanted, (4) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (5) planted to tobacco of a discount variety under the provisions of the tobacco price support program, (6) planted to a type or variety of tobacco not established as adapted to the area or shown as noninsurable on the actuarial table, or (7) planted for experimental purposes.

3. *Responsibility of Insured To Report Acreage and Share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of insurable types of tobacco planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Amounts of Insurance and Coverage Levels.* (a) For each crop year of the contract, the dollar amounts of insurance and coverage levels shall be those shown on the actuarial table.

(b) In addition to the provisions contained in section 10 of the appendix, if for any crop year the support price per pound is reduced 10 percent or more below the support price per pound for the previous crop year, the dollar amounts of insurance per acre for the current crop year shall be adjusted by multiplying the support price per pound (rounded to the nearest cent, less warehouse charges as determined by the Corporation) for the current crop year by the amount in pounds per acre shown on the actuarial table for this purpose: *Provided, however,* That where a tobacco price support program is not in effect for the kind of tobacco which includes the insured type for any crop year, the amounts in pounds per acre shown on the actuarial table will be multiplied by the market price for that crop year to determine the amount of insurance per acre for such crop year.

5. *Annual Premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the dollar amount of insurance per acre, times the applicable premium rate, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

BILLING CODE 3410-08-M

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE

	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *However,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach at the time the tobacco is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) weighing in at the tobacco warehouse, (c) removal of the tobacco from the unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), (d) total destruction of the insured tobacco crop, (e) the applicable date set forth below, according to type of tobacco, immediately following the normal harvest period:

Type of tobacco:	
11	Dec. 31.
12	Nov. 30.
13	Oct. 31.
14	Sept 30.
31, 35 and 36	Feb. 28.
All other types	Mar. 31.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the tobacco on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant tobacco. Notice shall also be given when such acreage has been put to another use.

(c) Notice shall be given immediately if any tobacco is destroyed or damaged by fire during the insurance period.

(d) Where tobacco is not to be sold through auction warehouses and an indemnity is to be claimed, notice shall be given to allow the Corporation sufficient time to inspect the cured tobacco prior to its sale or other disposition.

(e) For any unit of tobacco of type 11, 12, 13 or 14 on which an indemnity is to be claimed and the tobacco stalks are to be destroyed before such notice would otherwise be required under the contract, notice of loss shall be given the Corporation upon completion of harvest. The tobacco stalks shall not be destroyed until consent is given by the Corporation.

(f) In addition to the notices required in subsections (b), (c), (d), and (e) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earliest of (1) the date marketing or other disposal of the insured tobacco is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire tobacco crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(g) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed, shall be left intact until inspected by the Corporation.

(h) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of tobacco on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the corporation.

(b) indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of tobacco on the unit by the applicable amount of insurance per acre, which product shall be the amount of insurance for the unit, (2) subtracting therefrom the value of the total production to be counted for the unit as provided further in this section, and (3) multiplying the remainder by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The value of the total production to be counted for a unit shall be determined by the corporation and shall include the value of all harvested and appraised production.

(1) The value of appraised production to be counted shall include: (i) the value of any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (ii) not less than the applicable amount of insurance for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause and (iii) not less than 35 percent of the amount of insurance for all other unharvested acreage.

(2) Production to count shall be valued as follows: (i) The gross returns (less actual warehouse charges) from tobacco sold on the warehouse floor, (ii) The fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (iii) The fair market value, as determined by the Corporation, of the tobacco harvested and not sold, (iv) The fair market value, as determined by the Corporation, of any unharvested tobacco as if such tobacco were harvested and cured, and (v) The current year's support price per pound (less warehouse charges as determined by the Corporation) for appraisals made by the Corporation for poor farming practices or uninsured causes of loss: *Provided, however,* That if a price support program is not in effect, such appraised production shall be valued at the market price for the current crop year.

(d) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured and, if the best offer received by the insured for any such tobacco is

considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

(e) The stalks on any insured acreage of tobacco types 11, 12, 13, or 14 shall not be destroyed until consent is given by the Corporation. For any such acreage on which the stalks have been destroyed prior to such consent, the Corporation reserves the right to make an appraisal on such acreage of not less than the amount of insurance per acre.

(f) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of indemnity under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of tobacco becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Other Insurance Against Fire.* If the insured has other insurance, whether valid or not, against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of either (a) the amount of indemnity determined pursuant to this contract without regard to any other insurance, or (b) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

10. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

12. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

13. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

States	Cancellation date	Termination date for indebtedness
All States	Dec. 31	Mar. 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix—Additonal Terms and Conditions

1. *Meaning of Terms.* For the purposes of tobacco crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the corporation which are on file for public inspection in the office for the county, and which show the amounts of insurance, coverage levels, premium rates, insurable and uninsurable acreage, and related information regarding tobacco insurance in the county.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(c) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period within which the tobacco crop is normally grown and shall be designated by the calendar year in which the tobacco crop is normally harvested.

(e) "Harvest" mean cutting or priming of at least 20 percent of the amount of tobacco in pounds per acre shown on the actuarial table for such purpose.

(f) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(g) "Insured" means the person who submitted the application accepted by the Corporation.

(h) "Market price," for a crop year in the case of tobacco (1) types 11, 12, 13, 14, 21, 22, 23, 31, 32, 35, and 36, means the average auction price less warehouse charges) for the applicable type in the belt or area as determined by the Corporation, and (2) types 41, 54, and 55, means the average price for the applicable type in the belt or area as determined by the corporation. The market price when determined by the corporation shall be filed in the office for the county with the actuarial table.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Planting" means transplanting the tobacco plant from the bed to the field.

(l) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured tobacco crop at the time of planting as reported by the insured or as determined by the corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(m) "Support price per pound" means the average price support level per pound for the insured type of tobacco as announced by the United States Department of Agriculture under the tobacco price support program: *Provided, however,* That for any crop year in which a price support for the insured type is not in effect, the market price for that crop year shall be used in lieu thereof.

(n) "Tenant" means a person who rents land from another person for a share of the tobacco crop or proceeds therefrom.

(o) "Unit" means all insurable acreage in the county of an insurable type of tobacco planted on a farm or farms for which a single farm acreage allotment and/or a single poundage marketing quota for the insurable

type of tobacco is established and in which at the time of planting (1) the insured has a 100 percent share, or (2) is owned by one entity and operated by another entity on a share basis: *Provided, however,* That where a tobacco price support program is not in effect for the insurable type of tobacco for any crop year, the above words "planted on a farm or farms for which a single farm acreage allotment and/or a single poundage marketing quota for the insurable type of tobacco is established" shall be disregarded. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tobacco crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured.* (a) The corporation reserves the right to limit the insured acreage of tobacco to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of tobacco.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated Acreage.* (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable on an irrigated basis, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by the corporatin, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

(c) Insurance shall not attach on an irrigated basis on acreage otherwise insurable on such basis unless it is so reported and designated by such practice at the time the acreage is reported.

4. *Annual Premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured tobacco acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the tobacco is planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage Level.* (a) If the insured has not elected on the application a coverage level from among those shown on the actuarial table, the coverage level which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 13 of the policy.

This proposal has not been classified "significant" and is being published under emergency procedures, as authorized by Executive Order 12044 and Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by James D. Deal, Manager, Federal Crop Insurance Corporation, that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because the final regulations and policies covering tobacco must be published and be available in the FCIC county offices not later than December 15, 1979, to afford the farmers an opportunity to examine them before the cancellation date of December 31, 1979. A Draft Impact Analysis has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A-40.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79-32963 Filed 10-24-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 435

Proposed Tobacco (Quota Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring tobacco crops under the "Quota Plan" effective with the 1980 crop year. This rule combines provisions from previous regulations for insuring tobacco in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than November 26, 1979.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), it is proposed that there be established a new Part 435 of Chapter IV in Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 435, Tobacco (Quota Plan) Crop Insurance.

This part prescribes procedures for insuring tobacco crops effective with the 1980 crop year.

All previous regulations applicable to insuring tobacco crops under the "Quota Plan" as found 7 CFR 401.101-401.111, and 401.148 and 150, will not be applicable to 1980 and succeeding tobacco crops but will remain in effect for Federal Crop Insurance Corporation (FCIC) tobacco insurance policies issued under the "Quota Plan" for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring tobacco crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, proposed 7 CFR Part 435 provides: (1) For a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) That any premium not paid by the termination date will be increased by a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (3) That the time period for submitting a notice of loss be extended from 15 days to 30 days, (4) That the 60-day time period for filing a claim be eliminated, (5) That three coverage level options be offered in each county, (6) That the cancellation date be changed to December 31 to coincide with all other spring crops in the tobacco area, (7) For an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 435.5 of these proposed regulations, wherein the Manager of the Corporation is authorized to take action to grant relief, and (8) That the warehouse charges shall be 6 cents for burley and 4 cents for all other types, which more nearly relects current warehouse charges.

The proposed Tobacco (Quota Plan) Crop Insurance regulations provide a December 31 cancellation date for all tobacco producing counties under this plan. These regulations and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of December 31, 1979, before they become effective for the 1980 crop year.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to delete and reserve 7 CFR 401.148 and 150, but these provisions shall remain in effect for FCIC tobacco insurance policies issued for crop years prior to 1980. The Corporation also proposes to issue a new Part 435 in Chapter IV of Title 7 of the Code of Federal Regulations effective with the 1980 and subsequent crops of tobacco insured under the "Quota Plan" which shall remain in effect until amended or superseded, to read as follows:

PART 435—QUOTA PLAN OF TOBACCO CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

435.1 Availability of the Quota Plan of Tobacco Insurance.
435.2 Premium rates, amounts of insurance, and coverage levels.
435.3 Public notice of indemnities paid.
435.4 Creditors.
435.5 Good faith reliance on misrepresentation.
435.6 The contract.
435.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516)

§ 435.1 Availability of the Quota Plan of Tobacco Insurance.

Insurance shall be offered under the provisions of this subpart on tobacco in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which the quota plan of tobacco insurance will be offered.

§ 435.2 Premium rates, amounts of insurance, and coverage levels.

(a) The Manager shall establish premium rates and coverage levels for tobacco which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level from among those levels shown on the actuarial table for the crop year.

§ 435.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 435.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 435.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the quota plan of tobacco insurance contract, whenever (a) an insured

person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 435.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the tobacco crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 435.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the tobacco crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a tobacco contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and the Quota Plan of Tobacco Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Quota Plan of Tobacco Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years

Quota Plan of Tobacco; Crop Insurance Contract

(Contract) _____
(Identification Number) _____
Name and Address _____
Zip Code _____
County _____
State _____
Type of Entity _____
Applicant is over 18 Yes——No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the tobacco plant on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level. The premium rates and coverage levels shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.
Level Election _____

Example: For the 19— Crop Year Only

Location farm No.	Insured poundage quota*	Pounds of quota insured	Amount of insurance	Premium per $100**	Practice

*Subject to the limitations provided in subsection 2(c)(2) of the policy.
**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following quota plan of tobacco insurance policy, the attached appendix, and the provisions of the county actuarial table showing the coverage levels, premium rates, and any uninsurable acreage, shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.
Code No./Witness To Signature _____

Signature of Applicant _____
Date_____, 19——
Address of Office for County: _____

Phone _____
Location of Farm Headquarters: _____

Phone_____

Quota Plan of Tobacco Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's tenants or employees, any member of the insured's household, the tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop, Acreage and Insured Poundage Quota.* (a) The crop insured shall be tobacco of the type shown as insurable on the actuarial table and which is grown on insured acreage.

(b) The acreage insured for each crop year shall be that acreage planted to an insurable tobacco type in the county and the insured's share therein as reported

by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) on which the tobacco was destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture, (3) which is destroyed and after such destruction it was practical to replant to tobacco and such acreage was not replanted, (4) which is designated as noninsurable on the actuarial table, (5) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (6) planted to tobacco of a discount variety under the provisions of the tobacco price support program, (7) planted to a type or variety of tobacco not established as adapted to the area or shown as noninsurable on the actuarial table, or (8) planted for experimental purposes.

(c) The insured poundage quota shall be the effective poundage marketing quota applicable to the unit for the current crop year as provided under ASCS Tobacco Marketing Quota Regulations including any additional quota the insured intends to obtain later for the unit for the current crop year, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That (1) such poundage marketing quota may be reduced for any carryover tobacco to be marketed under the poundage quota applicable to the unit when such poundage reduction is clearly specified by the insured in filing the acreage and quota report, (2) the insured poundage quota shall never exceed the pounds obtained by multiplying the insured acreage by the applicable farm yield per acre, and (3) unless otherwise provided on the actuarial table, for any crop year in which tobacco poundage marketing quota regulations are not in effect, the insured poundage quota shall be the pounds obtained by multiplying the applicable farm yield per acre times the lower of the reported or insured acreage on the unit.

3. *Responsibility of Insured To Report Acreage, Share and Poundage Quota.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of insurable types of tobacco planted in the county (including as designation of any acreage to which insurance does not attach) in which the insured has a share, (b) the insured's share therein at the time of planting, and (c) the effective poundage marketing quota applicable to the unit for the current crop year as provided under ASCS Tobacco Marketing Quota Regulations including any additional quota the insured intends to obtain later for the unit for the current crop year. Such poundage marketing quota may be reduced for any carryover tobacco to be marketed under the poundage quota applicable to the unit provided such poundage reduction is clearly specified in filing the acreage and quota report. The quota so reported shall not be subject to change by the insured. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Amounts of Insurance and Coverage Levels.* (a) For each crop year of the contract, the coverage levels shall be as provided on the actuarial table.

(b) The amount of insurance for a unit shall be the dollar amount determined by multiplying the insured poundage quota for the unit by the percentage guarantee for the applicable coverage level shown on the actuarial table for this purpose and multiplying this result (1) by the current year's support price for type 31 (rounded to the nearest cent) less six cents per pound for warehouse charges, or (2) by the previous year's support price for all other types (rounded to the nearest cent) less four cents per pound for warehouse charges.

5. *Annual Premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the dollar amount of insurance for the unit times the applicable premium rate, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE

	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *However,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agricuture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach at the time the tobacco is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) weighing-in at the tobacco warehouse, (c) removal of the tobacco from the unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), (d) total destruction of the insured tobacco crop, or (e) the applicable date set forth below, according to type of tobacco, immediately following the normal harvest period:

Type of tobacco:	
13	Oct. 31.
14	Sept. 30.
31	Feb. 28.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the tobacco on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to tobacco. Notice shall also be given when such acreage has been put to another use.

(c) Notice shall be given immediately if any tobacco is destroyed or damaged by fire during the insurance period.

(d) Where tobacco is not to be sold through auction warehouses and an indemnity is to be claimed, notice shall be given to allow the Corporation sufficient time to inspect the cured tobacco prior to its sale or other disposition.

(e) For any unit of tobacco of type 13 or 14 on which an indemnity is to be claimed and the tobacco stalks are to be destroyed before such notice would otherwise be required under the contract, notice of loss shall be given the Corporation upon completion of harvest. The tobacco stalks shall not be destroyed until inspected by the Corporation.

(f) In addition to the notices required in subsections (b), (c), (d), and (e) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earliest of (1) the date marketing or other disposal of the insured tobacco is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire tobacco crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(g) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(h) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of tobacco on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by subtracting from the amount of insurance for the unit the value of the total production to be counted for the unit and multiplying the remainder by the insured share.

(c) The value of the total production to be counted for a unit shall be determined by the Corporation and shall include the value of all harvested and appraised production.

(1) The value of appraised production to be counted shall include: (i) The value of any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (ii) Not less than the average amount of insurance per insured acre for the unit for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iii) Not less than 35 percent of the average amount of insurance per insured acre for the unit for all other unharvested acreage. However, if the Corporation determines that the insured harvested tobacco with a value in excess of the amount of insurance from a unit, and such production is subsequently destroyed or damaged before the end of the insurance period by an insured cause, no appraisals for unharvested production shall be charged as production to count unless the Corporation determines that such production could have been harvested after the loss occurrence.

(2) Production to count shall be valued as follows: (i) The gross returns (less actual warehouse charges) from tobacco sold on the warehouse floor, (ii) The fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (iii) The fair market value, as determined by the Corporation, of the tobacco harvested and not sold, (iv) The fair market value, as determined by the Corporation, of any unharvested tobacco as if such tobacco were harvested and cured, and (v) The current year's support price per pound less warehouse charges as provided in section 4(b) for appraisals made by the Corporation for poor farming practices or uninsured causes of loss: *Provided, however,* That if a price support program is not in effect, such appraised production shall be valued at the market price for the current crop year.

(d) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be

inadequate, to obtain additional offers therefor on behalf of the insured.

(e) The stalks on any insured acreage of tobacco types 13 or 14 shall not be destroyed until consent is given by the Corporation. For any such acreage on which the stalks have been destroyed prior to such consent, the Corporation reserves the right to make an appraisal on such acreage of not less than the average amount of insurance per insured acre for the unit.

(f) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of tobacco becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Other Insurance Against Fire.* If the insured has other insurance, whether valid or not, against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of either (a) the amount of indemnity determined pursuant to this contract without regard to any other insurance, or (b) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

10. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

12. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

13. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

States	Cancellation date	Termination date for indebtedness
All states	Dec. 31	Mar. 31

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix—Additional Terms and Conditions

1. *Meaning of Terms.* For the purposes of the quota plan of tobacco crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the coverage levels, premium rates, and any uninsurable acreage, and related information regarding tobacco insurance in the county.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(c) "Carryover tobacco" means any tobacco on hand from a previous year's production.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(e) "Crop year" means the period within which the tobacco crop is normally grown and shall be designated by the calendar year in which the tobacco crop is normally harvested.

(f) "Farm yield" means the yield per acre used by ASCS in establishing the basic farm marketing poundage quota for the tobacco farm, unless the Corporation has established a yield for the farm on the county actuarial table.

(g) "Harvest" means cutting or priming of at least 20 percent of the amount of tobacco in pounds per acre obtained by multiplying the applicable insured poundage quota for the unit by the applicable percentage of guarantee shown on the actuarial table for such acreage and dividing this result by the insured acres in the unit.

(h) "Insurable acreage" means that acreage planted to an insurable type of tobacco excluding any acreage designated as noninsurable on the actuarial table.

(i) "Insured" means the person who submitted the application accepted by the Corporation.

(j) "Market price," for a crop year in the case of tobacco (1) types 13, 14 and 31, means the average auction price for the applicable type (less actual warehouse charges) in the belt or area, as determined by the Corporation. The market price when determined by the Corporation shall be filed in the office for the county with the actuarial table.

(k) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be determined by the Corporation.

(l) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(m) "Planting" means transplanting the tobacco plant from the bed to the field.

(n) "Effective farm marketing quota" means the farm marketing quota as established and recorded by ASCS.

(o) "Rounded" means rounding up for ½ and above and rounding down for less than ½.

(p) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured tobacco crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(q) "Support price per pound" means the average price support level per pound for the insured type of tobacco as announced by the United States Department of Agriculture under the tobacco price support program: *Provided, however,* That for any crop year in which a price support for the insured type is not in effect, the market price for that crop year shall be used in lieu thereof.

(r) "Tenant" means a person who rents land from another person for a share of the tobacco crop or proceeds therefrom.

(s) "Unit" means all insurable acreage in the county of an insurable type of tobacco planted on a farm or farms for which a single poundage marketing quota for the insurable type of tobacco is established and at the time of planting (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis: *Provided, however,* That where a tobacco price support program is not in effect for the insurable type of tobacco for any crop year, the above words "planted on a farm or farms for which a single poundage marketing quota for the insurable type of tobacco is established" shall be disregarded. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tobacco crop on such land shall be considered as owned by the lessee. Poundage quotas leased and combined with other quotas under a leasing arrangement providing compensation to the lessor on some other basis than a specified share in the production from a unit shall be considered to be the 100 percent interest of the lessee. Land which would otherwise be one unit may be divided by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured.* (a) The Corporation reserves the right to limit the insured acreage of tobacco to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of tobacco.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated Acreage.* (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable on an irrigated basis, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

(c) Insurance shall not attach on an irrigated basis on acreage otherwise insurable on such basis unless it is so reported and designated by such practice at the time the acreage is reported.

4. *Annual Premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *However,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured tobacco acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the tobacco is planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially delcared incompentent,or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *However,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage Level.* (a) If the insured has not elected on the application a coverage level from among those shown on the actuarial table, the coverage level which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 13 of the policy.

This proposal has not been classified "significant" and is being published under emergency procedures, as authorized by Executive Order 12044 and Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by James D. Deal, Manager, Federal Crop Insurance Corporation, that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because the final regulations and policies covering tobacco must be published and be available in the FCIC county offices not

later than December 15, 1979, to afford the farmers an opportunity to examine them before the cancellation date of December 31, 1979. A Draft Impact Analysis has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A40.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79-32964 Filed 10-24-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 436

Proposed Tobacco (Guaranteed Production) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring tobacco crops under the "Guaranteed Production" plan effective with the 1980 crop year. This rule combines provisions from previous regulations for insuring tobacco in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than November 26, 1979, to be assured of consideration.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), it is proposed that there be established a new Part 436 of Chapter IV in Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 436, Tobacco (Guaranteed Production) Crop Insurance.

This part prescribes procedures for insuring tobacco crops effective with the 1980 crop year.

All previous regulations applicable to insuring tobacco crops under the "Guaranteed Production Plan" as found 7 CFR 401.101–401.111, and 401.145, will not be applicable to 1980 and succeeding tobacco crops but will remain in effect for Federal Crop Insurance Corporation (FCIC) tobacco insurance policies issued under the "Guaranteed Production Plan" for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring tobacco crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, proposed 7 CFR Part 436 provides: (1) For a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) That any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (3) That the time period for submitting a notice of loss be extended from 15 days to 30 days, (4) That the 60-day time period for filing a claim be eliminated, (5) That three coverage level options be offered in each county, (6) That the insurance will be offered as a guaranteed production with a poundage guarantee per acre and a price election per pound, (7) That adjustments for quality will be made when the price received is less than the market price, (8) That the cancellation date shall be December 31 to coincide with all other spring crops in the tobacco areas, and (9) For an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 436.5 of these proposed regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The proposed Tobacco (Guaranteed Production) Crop Insurance regulations provide a December 31 cancellation date for all tobacco producing counties under this plan. These regulations and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of December 31, 1979, before they become effective for the 1980 crop year.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to delete and reserve 7 CFR 401.145, but these provisions shall remain in effect for FCIC tobacco insurance policies issued for crop years prior to 1980. The Corporation also proposes to issue a new Part 436 in Chapter IV of Title 7 of the Code of Federal Regulations effective with the 1980 and subsequent crops of tobacco insured under the "Guaranteed Production Plan", which shall remain in effect until amended or superseded, to read as follows:

PART 436—GUARANTEED PRODUCTION PLAN OF TOBACCO CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

436.1 Availability of Guaranteed Production Plan of Tobacco Insurance.
436.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
436.3 Public notice of indemnities paid.
436.4 Creditors.
436.5 Good faith reliance on misrepresentation.
436.6 The contract.
436.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516)

§ 436.1 Availability of Guaranteed Production Plan of Tobacco Insurance.

Insurance shall be offered under the provisions of this subpart on tobacco in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which the guaranteed production plan of tobacco insurance will be offered.

§ 436.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for tobacco which shall be shown on the county actuarial table on file for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 436.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 436.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 436.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the guaranteed production plan of tobacco insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied theron in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 436.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the tobacco crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 436.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the tobacco crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a tobacco contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and the Guaranteed Production Plan of Tobacco Crop Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Guaranteed Production Plan of Tobacco Insurance Policy are as follows:

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years: Guaranteed Production Plan of Tobacco Crop Insurance Contract

(Contract Number) ————————
Identification Number) ————————
(Name and Address) ————————
ZIP Code) ————————
(County) ————————
(State) ————————
Type of Entity————Applicant Is Over 18 Yes—No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the tobacco planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant effects from the actuarial table the coverage level and price at which indemnities shall be computed. The premium rates and production guarantees shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.

Level Election————.

Price Election————.

Example: For the 19— crop year only (100% share).

Location/ farm No.	Guarantee per acre*	Premium per acre**	Practice

*Your guarantee will be on a unit basis (acres x per acre guarantee x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the Corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following guaranteed production plan of tobacco insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Code No./Witness to Signature)

(Signature of Applicant)

————, 19—

(Date)

Address of office for county:

Phone————

Location of Farm Headquarters:

Phone————

Guaranteed Production Plan of Tobacco Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants, or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be a tobacco type which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage planted to an insurable tobacco type on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) on which it is determined by the Corporation that the tobacco was destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture, (2) planted to tobacco of a discount variety under the provisions of the tobacco price support program, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) which is destroyed and after such destruction it was practical to replant to tobacco and such acreage was not replanted, (5) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (6) planted to a type or variety of tobacco not established as adapted to the area, shown as noninsurable on the actuarial table, or (7) of tobacco grown for experimental purposes.

3. *Responsibility of Insured To Report Acreage and Share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of tobacco planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by 35 percent for any unharvested acreage.

5. *Annual Premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE

	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *However,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach at the time the tobacco is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) weighing-in at the tobacco warehouse or removal of the tobacco from the unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), (c) March 31 immediately following the normal harvest period, or (d) total destruction of the insured tobacco crop.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the tobacco on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to tobacco. Notice shall also be given when such acreage has been put to another use.

(c) Notice shall be given immediately if any insured tobacco is destroyed or damaged by fire during the insurance period.

(d) In addition to the notices required in subsections (b) and (c) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earliest of (1) the date marketing or other disposal of the insured tobacco is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date of the entire tobacco crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(e) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed, shall be left intact until inspected by the Corporation.

(f) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of tobacco on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of tobacco on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of tobacco to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Any production which, due to insurable causes occurring during the insurance period, has a value of less than the market price for tobacco of the same type shall be adjusted by (i) dividing the value per pound of such damaged tobacco by the market price and (ii) multiplying the result by the number of pounds of such damaged tobacco.

(2) Appraised production to be counted shall include: (i) Any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (ii) Not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iii) Only the appraisal in excess of 35 percent of the production guarantee for all other unharvested acreage.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of tobacco becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Other Insurance Against Fire.* (a) If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (1) the amount of indemnity determined pursuant to this contract without regard to any other insurance or (2) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

(b) For purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

10. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such

voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

12. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

13. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All states	Dec. 31	March 31

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix—(Additional Terms and Conditions)

1. *Meaning of Terms.* For the purposes of tobacco crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, market price, and related information regarding tobacco insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the tobacco crop is normally grown and shall be designated by the calendar year in which the tobacco crop is normally harvested.

(d) "Market price" means the average price for the applicable type as determined by the Corporation.

(e) "Harvest" means cutting or priming of at least 20 percent of the production guarantee per acre shown on the actuarial table.

(f) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(g) "Insured" means the person who submitted the application accepted by the Corporation.

(h) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Planting" means transplanting the tobacco plant from the bed to the field.

(k) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured tobacco crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(l) "Tenant" means a person who rents land from another person for a share of the tobacco crop or proceeds therefrom.

(m) "Unit" means all insurable acreage of an insurable type of tobacco in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tobacco crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage insured.* (a) The Corporation reserves the right to limit the insured acreage of tobacco to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of tobacco.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated Acreage.* (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable on an irrigated basis, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure

or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

(c) Insurance shall not attach on an irrigated basis on acreage otherwise insurable on such basis unless it is so reported and designated by such practice at the time the acreage is reported.

4. *Annual Premium.* If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured tobacco acreage.

(b) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the tobacco is planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *However,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage Level and Price Election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 13 of the policy.

This proposal has not been classified "significant" and is being published under emergency procedures, as authorized by Executive Order 12044 and Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by James D. Deal, Manager, Federal Crop Insurance Corporation, that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because the final regulations and policies covering tobacco must be published and be available in the FCIC county offices not later than December 15, 1979, to afford the farmers an opportunity to examine them before the cancellation date of December 31, 1979. A Draft Impact Analysis has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A40.

Approved by the Board of Directors on September 6, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 51

Storage and Disposal of Nuclear Waste

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The United States Nuclear Regulatory Commission is conducting a generic proceeding to reassess its degree of confidence that radioactive wastes produced by nuclear facilities will be

safely disposed of, to determine when any such disposal will be available, and whether such wastes can be safely stored until they are safely disposed of. This rulemaking has been initiated in response to the decision of the United States Court of Appeals for the District of Columbia Circuit in *State of Minnesota* v. *NRC*, Nos. 78-1269 and 78-2032 (May 23, 1979), but it also is a continuation of previous proceedings conducted by the Commission in this area. 42 FR 34391 (July 5, 1977).

This notice describes the procedures the Commission will employ to conduct that proceeding and how members of the public can participate. If the Commission finds from this proceeding reasonable assurance that radioactive wastes from nuclear facilities will be safely stored or disposed of off-site prior to the expiration of the license for the facility, it will promulgate a rule providing that the safety and environmental implications of radioactive waste remaining on site after the anticipated expiration of the facility licenses involved need not be considered in individual facility licensing proceedings. In the event the Commission determines that on-site storage after license expiration may be necessary or appropriate, it will issue a proposed rule providing how that question will be addressed.

DATES: Notices of intent to participate must be filed by November 26, 1979. Other deadlines are described below.

ADDRESS: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. All filings will be available for public inspection in the Commission's Public Document Room at 1717 H. Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Stephen S. Ostrach, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (202) 634-3224.

SUPPLEMENTARY INFORMATION:

Background

On May 23, 1979 the United States Court of Appeals for the District of Columbia Circuit remanded two licensing actions to the Commission to consider whether an off-site storage solution for nuclear wastes will be available by the years 2007-09, the expiration dates of the licenses of the Vermont Yankee and Prairie Island nuclear plants to which the Commission had granted permits to increase the on-site waste storage facilities, and, if not, whether that waste can be stored at the sites past those dates and until an off-site solution is available. In response to the D.C. Circuit's decision the Commission has decided to undertake a generic reconsideration of the radioactive waste question so that it can: (1) reassess its confidence that safe off-site disposal of radioactive waste from licensed facilities will be available; (2) determine when any such disposal or off-site storage will be available; and (3) if disposal or off-site storage will not be available until after the expiration of the licenses of certain nuclear facilities, determine whether the wastes generated by those facilities can be safely stored on-site until such disposal is available. Previously, in connection with a petition for rulemaking filed by the Natural Resources Defense Council the Commission considered the related question of the likelihood that waste disposal will be accomplished safely, and at that time it found reasonable assurance that methods of safe permanent disposal of high-level waste would be available when they were needed. 42 FR 34391, 34393 (July 5, 1977), *pet. for rev. dismissed sub nom. NRDC* v. *NRC*, 582 F.2d 166 (2nd Cir. 1978). However, in denying the NRDC petition, the Commission announced its intent to reassess this finding periodically. This new proceeding will offer an opportunity for the Commission to reassess its earlier finding, to obtain wider public participation in its decision and also to take account of new data and recent developments in the federal waste management plan, most notably the Report to the President by the Interagency Review Group on Waste Management, TID-29442 (March, 1979) (the "IRG Report").

Purpose of Proceeding

The purpose of this proceeding is solely to assess generically the degree of assurance now available that radioactive waste can be safely disposed of, to determine when such disposal or off-site storage will be available, and to determine whether radioactive wastes can be safely stored on-site past the expiration of existing facility licenses until off-site disposal or storage is available. In addition to information submitted by public participants and government agencies, this proceeding will draw upon the record compiled in the Commission's recently concluded rulemaking on the environmental impacts of the nuclear fuel cycle (44 FR 45362-74 (August 2, 1979)), and the record complied herein will be available for use in the general fuel cycle rule update discussed in that rulemaking. However, this proceeding is not designed to reach quantitative conclusions about waste repository impacts or performance. The Commission will consider economic issues in this proceeding in the same fashion such issues were considered in the recent fuel cycle rulemaking: namely, a waste disposal model will not be considered realistically available if it would be prohibitively expensive to build and operate such a proposed facility. *Cf.* 44 FR at 45367.

During this proceeding the safety implications and environmental impacts of radioactive waste storage on-site for the duration of a license will continue to be subjects for adjudication in individual facility licensing proceedings. The Commission has decided, however, that during this proceeding the issues being considered in the rulemaking should not be addressed in individual licensing proceedings. These issues are most appropriately addressed in a generic proceeding of the character here envisaged. Furthermore, the court in the *State of Minnesota* case by remanding this matter to the Commission but not vacating or revoking the facility licenses involved, has supported the Commission's conclusion that licensing practices need not be altered during this proceeding. However, all licensing proceedings now underway will be subject to whatever final determinations are reached in this proceeding.

If the Commission finds reasonable assurance that safe, off-site disposal for radioactive wastes from licensed facilitites will be available prior to expiration of the facilities' licenses, it will promulgate a final rule providing that the environmental and safety implications of continued on-site storage after the termination of licenses need not be considered in individual licensing proceedings. In the event the Commission determines that on-site storage after license expiration may be necessary or appropriate, it will issue a proposed rule providing how that question will be addressed.

Procedures

The Commission has chosen to employ hybrid rulemaking procedures for conducting this proceeding. Within thirty days after publication of this notice members of the public may file a notice of intent to participate as a "full participant" in the further stages of the proceeding discussed below. The notice of intent should set forth the person's or group's identity, technical or other qualifications to participate, tentative positions on the issues to be considered, and a discussion of any special matters or concerns sought to be raised. Furthermore, at that time those members of the public who do not wish to be full

participants but who wish to file comments on the issues addressed in this rulemaking should file their comments.

The individuals or groups who have chosen to participate as full participants shall be supervised by a "presiding officer" to be named by the Commission at a later date. That officer's principal responsibility will be to monitor the early stages of the proceeding for the Commission, and to assist the Commission in conducting the later portions. To those ends he or she will have authority to order consolidation of individuals or groups in the same fashion provided in 10 CFR 2.715a. The presiding officer may take appropriate action to avoid delay, including, if necessary, holding pre-hearing conferences or certifying matters to the Commission.

The Commission's staff will compile a full bibliography on the subjects relevant to the proceeding which will be made available to the public at an early stage of this proceeding. In addition to that bibliography the Commission will maintain a publicly available data bank which will include relevant information on waste storage and disposal. The data bank will include the IRG Report, the background material the IRG collected in preparing the report, the Generic Environmental Impact Statement on Waste Management being prepared by the Department of Energy, and a collection of other principal works that the Commission staff will compile on the subject of radioactive waste storage and disposal. Furthermore, the Commission will solicit the views of a number of federal agencies on the questions involved in this proceeding and on the conclusions of the IRG Report and make the responses of those agencies available in the data bank so that the participants can address them in their papers. The Commission expects that full participants will voluntarily make relevant documents in their possession available to other full participants to the extent practical and will reference and produce on request the documents on which they rely.

The Commission is considering whether additional procedures should be employed. One proposal is to strictly control inter-participant discovery and to provide that requests for interrogatories, depositions or other formal discovery will not be entertained unless the Commission finds compelling justification therefor. If this proposal were adopted, the Commission expects that there would be at most only a few exceptional circumstances in which such justification could be demonstrated. An alternative proposal which is also under consideration would be to apply to this proceeding the discovery procedures set forth in 10 CFR Part 2 and to have any discovery supervised by the presiding officer. Participants or other members of the public who wish to express views on this matter should file those views with their notices of intent or comments which are due November 26, 1979. In particular participants should discuss whether imposition of the discovery provisions of Part 2 or their absence would be likely to alter their willingness to participate in this rulemaking or to affect the quality of their contribution to the record. The presiding officer will then summarize the views expressed and present his or her recommendations to the Commission. The Commission will issue a prompt decision on this matter so that the participants' preparation of their statements will not be adversely affected by uncertainty as to the extent of data that may be available to them.

Approximately 30 days after the notices of intent are filed, the officer will issue a prehearing order resolving all preliminary issues including consolidation. Following the prehearing order the participants will have approximately 60 additional days (the exact time to be set in the prehearing order) to prepare and file their statements of position. The statements will be the participants' principal contribution to the waste confidence proceeding, and participants should focus their preparation on them. The statements should set forth the participants' views on the issues discussed above, and on the underlying assumptions and scenarios, both technical and institutional, upon which those views are based. After the statements are filed, the participants will be given approximately 60 days (to be set by the order) to prepare cross-statements discussing statements filed by other participants. The cross-statements should be limited to material discussed in the statements and should not be used to introduce new material.

After the statements and cross-statements have been received, the Commission with the assistance of the presiding officer will issue a second prehearing order. This order will set out the procedures to be followed for the remainder of the hearing and may provide for further written submissions from the full participants, or for the scheduling of an oral hearing. If the Commission desires oral presentations, the participants may be further consolidated to ensure that the oral presentations will be efficient and useful. Unless different procedures are set out in the second prehearing order, the hearing will begin with delivery of prepared statements from the representatives, both technical and legal, of the groups into which the participants have been consolidated. These statements should succintly summarize the participants' views previously set forth in their statements and cross-statements. Participants should ensure that their representatives will be able to address the merits of the legal, technical and institutional issues that have been raised in this proceeding. After the prepared remarks the speakers will be questioned by the members of the Commission. Furthermore, other participants will be given the opportunity to submit written questions to the Commission for it, in its discretion, to ask of participants.

The Commission reserves the option of providing a final stage at which representatives of the participants may be cross-examined by other participants. The Commission will defer deciding whether to permit any cross-examination until after the hearing is over. To obtain cross-examination a participant will be required to identify the issue or issues as to which cross-examination is sought, and the representative or participant involved, and to demonstrate that cross-examination is necessary to prepare a record adequate for a sound decision.

Based on the material received in this proceeding and on any other relevant information properly available to it, the Commission will publish a proposed or final rule in the Federal Register. Any such final rule will be effective thirty days after publication.

Comments, notices of intent to participate and any other documents filed in this proceeding should be filed by serving a copy on the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Branch. All filings will be available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated: October 18, 1979.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

BILLING CODE 7590-01-M

COMPARISON OF ESTIMATED SCHEDULE FOR RULEMAKING TO ASSESS COMMISSION CONFIDENCE WITH SCHEDULE FOR S-3 AND ACCESS RULE PROCEEDING

	FEDERAL REGISTER NOTICE								
WASTE CONFIDENCE PROCEEDING	Public Comments and Notices of Intent	First Pre-hearing Conference Order	Statements of Position	Cross Statements	Second Prehearing Order and Preparation for Hearing	Hearing	Review Record and Write Rule	Rule Effectiveness	
	30 days	30 days	60 days	60 days	90 days	10 days	180 days	30-60 days	
S-3	Prehearing Activities	Prepare Testimony	Written Questions	Responses Questions	Hearing	Cross-ex requests Completion of record	Review of record Preparation of decision		
	83 days	48 days	31 days	76 days	74 days (10 actual hearing days)	86 days	120 days		
CLEARANCE ACCESS RULE	Prehearing Activities	Prepare Testimony, Questions, Responses	Hearing	Cross-ex Requests Completion of Record	Review of Record - Preparation of Decision				
	120 days	74 days	2 days	70 days	160 days				

[FR Doc. 79-32956 Filed 10-24-79; 8:45 am]
BILLING CODE 7590-01-C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR-79-12]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect to FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before December 24, 1979.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on October 19, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel Regulations and Enforcement Division.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
19652	Department of Defense	To allow military personnel to carry weapons aboard civil aircraft operating under contract (full planeloads) for the U.S. Army or other operating elements of DOD.

[FR Doc. 79-32869 Filed 10-24-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 21 and 36

[Docket No. 13410; Notice No. 79-13A]

Civil Helicopter Noise Type Certification, Airworthiness Certification, and Acoustical Change Approvals; Proposed Noise Standards for Helicopters in the Normal, Transport, and Restricted Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: On July 19, 1979, the FAA published Notice No. 79-13 containing its proposed noise regulations governing type certification, airworthiness certification, and acoustical change approvals for helicopters in the normal, transport, and restricted categories (44 FR 42410). The notice provided that comments on the proposal must be received on or before November 19, 1979. Subsequently, the FAA was requested to extend the comment period 60 days until January 19, 1980. This notice grants that request in the public interest.

DATES: Comments must be received on or before January 19, 1980.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 13410, 800 Independence Avenue, SW, Washington, DC 20591, or delivered in duplicate to: Room 916, Ninth Floor, 800 Independence Avenue, NW., Washington, DC 20591. Comments must be marked "Docket No. 13410," Comments may be examined in Room 916 between 8:30 a.m. and 5:00 p.m., daily.

FOR FURTHER INFORMATION CONTACT: Richard N. Tedrick, Noise Policy and Regulations Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, Washington, DC 20591; telephone (202) 755-9027.

SUPPLEMENTARY INFORMATION:

Background

Notice No. 79-13 (44 FR 42410; July 19, 1979) proposes noise standards for helicopters certificated in the normal, transport, and restricted categories. For purposes of the proposal, "helicopters" include other aircraft for which lift is furnished, in whole or in part, by an engine-driven rotor during takeoff, hover, or landing. The proposal covers noise levels and test procedures for the issuance of new type certificates and of original standard airworthiness certificates and restricted category airworthiness certificates for newly produced helicopters of older design types. It also would prohibit certain changes in type designs of helicopters that might increase their noise levels beyond prescribed limits. The original comment period for Notice No. 79-13 closes on November 19, 1979.

By letter, dated September 7, 1979, the Helicopter Association of America, on behalf of its members, petitioned for a 60-day extension of the comment period for Notice No. 79-13. The petitioner stated that because of the extensive and technical nature of the proposal and the need to evalute it and other materials that it believes may be significant to its response, additional time is needed to submit comments. The FAA notes that, while the notice originally provided a comment period in excess of 120 days, the proposal is complex both technically and in the nature of its potential environmental and regulatory impacts. To ensure that there is an adequate opportunity to evaluate the proposal and develop responsive and meaningful comments, the FAA concludes that an extension of the original comment period would be in the public interest and that an additional 60 days is adequate but would not unduly delay achieving the environmental benefits contemplated from the proposal.

Extension of the Comment Period

Accordingly, pursuant to the authority delegated to me by the Administrator, the comment period for Notice No. 79-13

(44 FR 42410; July 19, 1979) is hereby extended to January 19, 1980.

(Secs. 313(a), 601(a), 603, and 611(b), Federal Aviation Act of 1958, as amended (49 U.S.C. Sections 1354(a), 1421(a), 1423, and 1431(b)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (49 U.S.C. Section 4321 et seq.); Executive Order 11514, March 5, 1970; and 14 CFR 11.45.)

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

Issued in Washington, D.C., on October 17, 1979.

J. E. Wesler,

Director, Office of Environment and Energy.

[FR Doc. 79-32714 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-30]

Control Zone and Transition Area, North Platte, Nebr.; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to alter the control zone and the 700-foot transition area at North Platte, Nebraska, to provide additional controlled airspace for aircraft executing and instrument approach procedure to new Runway 29 at Lee Bird Field, North Platte, Nebraska, utilizing the Lee Bird Non-directional Radio Beacon (NDB) as a navigational aid.

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

ADDRESSES: Sent comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri. 64106, Telepohone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

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

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri. 64106, Telepohone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri. 64106. All communications received on or before December 1, 1979 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain an copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering amendments to Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) and Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the control zone and 700-foot transition area at North Platte, Nebraska. To enhance airport usage, an instrument approach procedure is being established for new Runway 29 at Lee Bird Field, North Platte, Nebraska, utilizing the Lee Bird NDB as a navigational aid. The establishment of this instrument approach procedure entails alteration of the control zone and transition area at North Platte, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to ensure segregation of aircraft using this approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1979 (44 FR 353), by altering the following control zone:

North Platte, Nebr.

Within a 6 mile radius of Lee Bird Field (latitude 41°07'42"N, longitude 100°41'49"W); within 2 miles each side of the 168° bearing from the Big Nell RBN, extending from the 6 mile radius zone to 8 miles south of the RBN; and within 3 miles each side of the 125° bearing from the Lee Bird RBN, extending from the 6 mile radius zone to 10 miles southeast of the RBN.

Additionally, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442), by altering the following transition area:

North Platte, Nebr.

That airspace extending upward from 700 feet above the surface within a 10 mile radius of Lee Bird Field (latitude 41°07'42"N, longitude 100°41'49"W); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10 mile radius area to 8 miles southwest of the VOR; and within 5 miles each side of the 301° bearing from Lee Bird RBN, extending from the 10 mile radius area to 13 miles northwest of the RBN; and within 3 miles each side of the 125° bearing from Lee Bird RBN extending from the 10 mile radius to 14 miles southeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 1109 of the Federal Aviation Regulations (14 CFR 11.69).)

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

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

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-32715 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-AL-20]

Designation of Transition Area, St. Marys, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to designate a transition area at St. Marys, Alaska, to provide controlled airspace for aircraft executing an instrument approach procedure to the St. Marys airport using approach procedures based on the St. Marys NDB and ILS.—This action would lower the base of controlled airspace from 1,200 feet AGL to 700 feet AGL in that area directly beneath B-27 and V-506 and would also designate controlled airspace extending upward from 700 feet above the surface in that portion of the proposed transition area that is west of B-27. The need for a transition area was created when IFR approach procedures were establsihed at St. Marys. However, until recently the lack of a capability to communicate with aircraft on approach made the establishment of a transition area impractical.

DATE: Comments must be received on or before November 26, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attn: Chief, Air Traffic Division, Docket No. 79-AL-20, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513.

An informal docket may be examined at the office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, at the above address.

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

SUPPLEMENTARY INFORMATION: Subpart 71.181 (44 FR 442) of the FAR Part 71, last published on January 2, 1979, 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 St. Marys, Alaska, will necessitate an amendment to this subpart.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before November 26, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513, or by calling (907) 271-5903. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Administration (14 CFR Part 71) to designate a transition area at St. Marys, Alaska. This proposal would provide protected controlled airspace for aircraft conducting prescribed instrument approach and departure procedures at the St. Marys airport while operating above 700 feet above the surface.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) to designate the St. Marys, Alaska, transition area as follows:

St. Marys, Alaska

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the 198° True (180°M) bearing from the St. Marys NDB, extending from the NDB to 18.5 miles south of the NDB and within 9.5 miles west of the 351° True (333°M) bearing from the St. Marys NDB, and 9.5 miles east of the 002° True (344°M) bearing from the St. Marys NDB, extending from the NDB to 21 miles north of the NDB.

(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 11.65.)

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 October 12, 1979.

Robert L. Faith,
Director, Alaskan Region.

[FR Doc. 79-32871 Filed 10-24-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 79-WE-14]

Establishment of Temporary Restricted Area

Correction

In Federal Register Doc. 79-31416 appearing at page 58746 in the issue for Thursday, October 11, 1979; on page 59747, in the first column, make the following changes:

(a) Under The Proposed Amendment, sixteenth line from the top, the latitude now reading "Lat. 32°01'00" N." should read "Lat. 33°02'00" N."; and in the eighteenth line from the top, the longitude now reading "113°37'20" W." should have read "113°39'04" W.".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

DEPARTMENT OF THE INTERIOR

Office of the Secretary

15 CFR Part 303

Watches and Watch Movements; Proposed Amendment of Codified Rules

AGENCY: Industry and Trade Administration, Department of

Commerce; Office of Territorial Affairs, Department of the Interior.

ACTION: Proposed amendment of codified rules.

SUMMARY: It is proposed to make a number of substantive and technical changes in the watch quota regulations (15 CFR Part 303). The proposed changes are prompted by new entry procedures recently adopted by the U.S. Customs Service; by developments in the regulated industry which suggests the need for new or clarified regulatory guidelines; and by the Departments' review of the adequacy of the codified watch quota provisions since December 1977, when they first were issued. The intended effect of the proposals is to conform the codified provisions to new procedures, practices and circumstances affecting the industry as a whole. The proposed changes are listed and discussed in Supplementary Information below.

DATES: Comments are due by December 24, 1979.

ADDRESS: Send comments to: Statutory Import Programs Staff, Bureau of Trade Regulation, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Seppa, (202) 724-3526.

SUPPLEMENTARY INFORMATION: On December 14, 1977, the Departments of Commerce and the Interior published codified rules (42 FR 62907 (1977)) incorporating provisions of the watch quota rules having general applicability and future effect which had been previously published yearly, as well as provisions which had previously been promulgated in Title 15, Part 13 of the Code of Federal Regulations. The purpose of the codification was to bring together in a single part all watch quota provisions expected to remain applicable beyond any given quota year term, and also provide for the issuance of annual rules within a defined scope (See § 303.3).

The changes proposed here in reflect developments which have occurred since the rules were originally codified in a single Part and the Departments' internal review of the adequacy of these provisions during the intervening period.

If adopted in final form, the proposed changes would have no effect on the 1979 annual rules, which will remain in effect through December 31, 1979 (43 FR 60313 (1978)). Proposed annual rules for calendar year 1980 are being published separately in this issue of the Federal Register in accordance with the codified provisions.

The proposed changes are as follows:

(1) In the definition of the reallocation process, it is proposed to add language clarifying that maximization of a territory's use of its quota is one among several of the quota statute's purposes, and that reallocations must be consistent with congressional intent to avoid funnel-through operations.

Reasons: During the rulemaking process leading to publication of the 1979 annual rules, it was argued by some producers that the Departments were obligated to reallocate available quota to any producer requesting it regardless of the degree of that producer's contribution to the territorial economy. This change will remove all possibility of an interpretation of the Departments' regulations which is incompatible with one of the central purposes of the underlying statute i.e., avoiding funnel-through operations (*See* S. Rep. No. 1679, 89th Cong., 2nd Sess. (1966)).

(2) It is proposed to change the time for publication of annual rules in proposed form (now between November 1 and December 15) to any time prior to December 15.

Reasons: The existing provision is unnecessarily restrictive and inconsistent with an executive order, issued subsequently to the existing provision, recommending at least 60 days for public comments.

(3) It is proposed to add to the list of records which must be made available for the Departments' review in verifying the annual data submitted by producers any other records maintained by the parent or affiliated companies located outside the insular possession pertaining to any aspect of the producer's headnote 3(a) watch assembly operation.

Reasons: Some producers employ centralized accounting systems in the United States and most or all rely in varying degrees on personnel or agents located outside the territory for Customs entry, components purchases, payments for purchases, marketing/sales and other directly related operations. The absence of such records necessary to the verification of certain data on the annual application form (ITA-334P) has unnecessarily complicated the annual verification process and in some instances forced delays in the issuance of annual allocations to other producers.

This change will provide additional clarity for all producers on the question of what records must be made available in the territory for examination by the Departments' representatives.

(4) It is proposed that, in those cases where a company cannot satisfactorily substantiate the data presented in its application prior to the time allocations must be calculated, the Departments would be authorized to stipulate, on the basis of the best available information, the data to be used in calculating the quotas.

Reasons: Any delay in making the annual allocations can create serious problems for all producers in setting their annual production schedules, ordering parts and taking customer orders. The failure of one or more producers to maintain or produce the records required for verification of the data on which the final annual allocations must be based can, and has in the past, resulted in such delays. This change will enable the Departments to avoid protracted verification efforts and will provide an additional incentive for all producers to ensure timely production of complete and accurate records in the verification process.

(5) It is proposed to authorize the Departments to allocate an initial quota to a producer in an amount smaller than the quota it would receive under the formula for calculating initial quotas if, in the Departments' judgment, the producer might otherwise receive an initial quota in an amount greater than the producer's probable annual quota.

Reasons: If a producer ships all or most of its production prior to August 31 and if its relative economic contributions to the territory are significantly lower than the industry average (or if it is ineligible to receive a portion of the overall quota to be allocated under any applicable incentive provisions of the annual rules), there is the likelihood of its receiving an allocation under this paragraph greater than the amount of its annual allocation. This change will give the Secretaries the discretion to avoid this problem on a case-by-case basis. An alternative solution (lowering the ratio of shipments prior to August 31) was rejected as an undesirable new constriction on the entire industry's ability to sustain full operations pending allocation of the annual quotas.

(6) The Departments propose to modify language in existing provisions referring to Customs entry procedures in order to make the watch quota provisions consistent with recent changes in Customs procedures.

Reason: The codified rules must take into account new Customs entry procedures established during 1979 which restricted the use of immediate delivery procedures and which established the time of entry as, among others, the time Customs authorizes the release of the merchandise covered by the entry documentation.

(7) It is proposed to permit producers to modify their requests for annual quota after March 31, subject to the

discretion of the Secretaries in determining whether modifications later than that date can be accepted without unduly affecting the timing of the annual allocation.

Reasons: The proposed change would afford producers additional flexibility in determining their final annual needs based on the most recent conditions. The specific date shown in the existing provision is retained as a useful target deadline in most cases, and discretion would be reserved to the Secretaries to balance the needs of any producer revising its request after that date against the best interests of the entire industry and the territorial economy.

(8) It is proposed to authorize the making of a special allocation to any firm which, due to unusual circumstances, was unable to maintain its duty-free shipments at a level comparable with its past record. The proposed change would require the Secretaries to determine that the amount of quota so allocated would not be likely significantly to affect the amounts of quota allocated to other producers, and that making the allocation would be beneficial to the economy of the territory.

Reasons: The Departments have traditionally treated requests for so-called "hardship relief" under § 303.11 (or it predecessor provisions) relating to appeals. Under those provisions, the presumption has been that the decision, action or rule (whether or not directly related to an allocation action by the Secretaries) shall remain in force in the absence of compelling reasons to the contrary, and the burden of presenting those reasons has been on the petitioner.

The proposed change would establish a more expeditious mechanism. It would afford individual producers greater flexibility in requesting allocations when special circumstances seem to warrant and when the central questions at issue are the availability of the quota and the probable impact on the territorial economy.

(9) It is proposed to authorize the use of more than one shipment permit (Form ITA-340) to cover a single shipment or consignment if commercial hardship might otherwise result.

Reasons: There have been instances in the past where strict observance of the existing provision could have caused commercial hardship to the producer. The proposed change would enable producers to use their best judgment as to when exceptions to the general rule should be made. In view of the latitude proposed for producers, the Governors and their delegates should not be burdened by a requirement to evaluate the producer's reasons for making exceptions and that part of the existing provision would be deleted. If the change is adopted, the Departments intend to maintain the usefulness of the general rule by scrutinizing the reasons offered for the exceptions. Routine or repetitive use of multiple permits for single shipments would not be acceptable because of problems associated with verifying with the U.S. Customs Service multiple permits covered by a single entry.

(10) See (6), above, for the reasons for the change proposed in § 303.7(d).

(11) It is proposed to amend the criteria governing the maintenance of quota entitlements. The main changes proposed are: (a) To eliminate the requirement that producers utilize at least 25 percent of their initial quota by April 1; (b) To change the prospective utilization standard for the entire year from 90 percent to 80 percent; and (c) To provide for the issuance of show-cause orders when specified operational discontinuities or minimal employment thresholds occur or when producers fail to comply with commitments made to the Departments upon which receipt of quota was predicated.

Reasons: The existing provision for issuance of a show-cause order to producers that fail to use 25 percent of their initial quotas prior to April 1 is considered unnecessary in view of the provisions for making supplemental initial allocations (§ 303.5(a)(3)) to firms that have the ability to use additional quota and of the fact that the total amount of available quota is known by April 1. Producers' requirements for additional quota during the first part of the year can accordingly be accommodated without seeking the relinquishment of quota by other producers whose production and marketing plans might still be tentative. Only once since 1967 have the Secretaries exercised their discretion under this provision or its predecessor. Historically, most producers have cooperated by voluntarily relinquishing quota which evidently would be excess to their annual needs. In view of the growing uncertainty in the marketing of watches caused by rapidly changing technologies and consumer preferences, it has become increasingly difficult for producers to estimate their quota needs within 10 percent. In view of current market conditions the Secretaries consider that an 80 percent criterion for triggering a show-cause order is more realistic than the present 90 percent standard. At the same time the Secretaries would preserve their administrative discretion to recover and reallocate quota in the interests of the territory in the event producers elected not to relinquish quota evidently excess to their needs.

The proposed changes with respect to factory closings and maintenance of minimal work forces are also intended to create additional incentives for producers to reduce the seasonal and part-time character of much of the employment provided by the industry. The Departments recognize that such employment frequently suits the personal needs and preferences of part of the local labor force and have no intention to prescribe rules which would entirely eliminate producers' flexibility in this respect. The Departments are concerned, however, that in 1977 and 1978 fully 15 percent and 17 percent, respectively, of all persons who received headnote 3(a) watch assembly wages received less than $500 and 43 percent and 45 percent, respectively, received less than $3,000, a wage level which, with existing minimum wages, clearly denotes a part-time employee. Due to the wide differences in individual company data in this regard, the Departments believe that the relatively highly seasonality of the overall data reflects management preferences as much as worker preferences, and that the portion of such seasonal employment can be partly and beneficially reduced through better planning.

Firms may receive quota from the Departments' based upon written representations made to the Departments with respect to proposed operating or assembly practices. To ensure compliance with such representations, the new show-cause provision is proposed.

(12) The Departments propose to establish a procedure for seeking the Departments' prior approval of the sale of a quota firm when such sale is an indirect and relatively insignificant part of a larger transaction; and to set forth guidelines for subcontracting arrangements between quota firms.

Reasons: There have been instances in which ownership and control of a quota firm has been transferred indirectly as a result of the sale of stock transfer of a corporate entity, neither of which entities (buyer or seller) was located in the insular possession. In some instances, these transfers have reflected less the acquiring firm's desire to obtain a duty-free watch quota than to obtain the parent and related companies. In those instances the assets of the territorial firm have represented a very small financial portion of the entire transfer. The proposed new paragraph (c) would establish a more flexible

review process for such transactions and, without unnecessarily injecting the Departments into potentially delicate private business negotiations, still assure satisfaction of the Departments' direct concerns that the quota itself not be treated as a capital asset in the transaction; that no undue concentration of quota entitlements result from it; and that the transaction not result in operational changes detrimental to the territorial economy.

The proposed new paragraph (d), relating to subcontracting arrangements, sets forth ground rules for a practice employed on a limited and occasional basis by various producers over the existence of the program but which has not been subject to specific regulatory guidelines. In order that the practice be uniformly applied and to ensure that it not be used to undermine the incentive provisions in the allocation rules, specific guidelines are proposed.

(13) The Departments propose to authorize the setting aside of a portion of the annual quota sufficient to protect the interests of a petitioner pursuant to § 303.11 if their consideration of a petition overlaps the normal timing of an annual allocation.

Reasons: Because annual allocations made by the Secretaries are final by law, allocating the total amount of available quota before a final decision had been made on a petition before the Secretaries might achieve inconsistent results. Delaying the allocation, however, could cause substantial injury to other producers. The proposed rule would establish a mechanism to protect both the petitioner's and the remainder of the industry's interests during any appeal proceedings which might coincide with the ordinary timing of allocation decisions.

(14) In addition to the proposed substantive changes described above, a number of technical changes are proposed in §§ 303.2(b)(2), 303.5(a)(3), 303.5(b)(4), 303.6(e), and 303.8(b).

Accordingly, Part 303 of Title 15 of the Code of Federal Regulations is proposed to be amended as set forth below. New or changed material is indicated by brackets.

Issued at Washington, D.C. on October 19, 1979.

Robin B. Schwartzman,

Acting Deputy Assistant Secretary, Trade Regulation, U.S. Department of Commerce.

Ruth G. Van Cleve,

Director, Office of Territorial Affairs, U.S. Department of the Interior.

Section 303.2 (a) and (b) are proposed to be amended as follows:

§ 303.3 Definitions and forms.

(a) Unless the context otherwise indicates:

* * * * *

(14) A "reallocation" is a process whereby quota held by one or more producers, or quota set aside for new entrants, is placed with one or more other producers. Such will generally involve reduced allocations and supplemental allocations. Reallocations generally are made for the purpose of facilitating maximum utilization of a territory's calendar year quota and of promoting the greatest possible economic contribution to the territory, [consistent with Congressional intent to avoid funnel-through operations in general headnote 3(a) businesses.]

(b) * * *

(2) ITA-333, * * * It is also used to record the balance of a producer's quota [remaining] * * *

2. Section 303.3 is proposed to be amended as follows:

§ 303.3 Publication of annual rules.

[Prior to] December 15 each calendar year * * *

3. Section 303.4(b) is proposed to be amended as follows:

§ 303.4 Application for quotas.

* * * * *

(b) * * *

[(7) Any other records in the possession of the parent or affiliated companies outside the insular possession pertaining to any aspect of the producer's headnote 3(a) watch assembly operation.]

The verification of data shall be performed * * * the end of March. [In the event a company cannot satisfactorily substantiate the data presented in its application prior to the time allocations must be calculated, the Secretaries shall determine, on the basis of the best available information, the data which will be used in calculating the quotas.]

4. Section 303.5(a) and (b) are proposed to be amended as follows:

§ 303.5 Allocation and reallocation of quotas.

(a) *Allocation of quotas*—(1) *Initial allocations.* As soon as practicable * * * * or any lesser amount requested in writing by such producer. [The Secretaries may also issue a lesser amount if, in their judgment, the producer might otherwise receive an initial allocation in an amount greater than the producer's probable annual allocation.] In calculating the initial allocations, the Director shall count only duty-free watches and watch movements verified by the U.S. Customs Service on Form ITA-340 as having been *entered* on or before August 31.

(2) *Annual allocations.* As soon as practicable * * * A producer's request may be modified by written communication received by the Secretaries on or by March 31, [or, at the discretion of the Secretaries, a later date prior to the making of the annual allocations.] A notice of allocations * * *

(3) *Supplemental allocations.* * * * Before making such supplemental allocations, the Secretaries shall take into account the requesting producer's estimated annual allocation to ensure that the sum of its initial and supplemental allocations does not constitute a disproportionate amount of the [producer's estimated] annual allocation. * * *

(4) * * *

[(5) Special Allocations. If in their judgment it would be beneficial to the economy of the territory, the Secretaries may make a special allocation to any firm which, due to unusual circumstances, was unable to maintain its duty-free shipments at a level comparable with its past record provided, however, that the Secretaries determine that the amount of quota so allocated is not likely significantly to affect the amounts of quota allocated to other producers pursuant to § 303.5(a), above. In evaluating requests for such special allocations, the Secretaries shall take into account the firm's proposed assembly operations and its record in contributing to the territorial economy, as well as its intentions and capacity to make meaningful contributions in the event a special allocation is made.]

(b) * * *

[4] Whether the addition of new [entrants] offers the best prospect * * *

5. Section 303.6(e) is proposed to be amended as follows:

§ 303.6 Issuance of licenses.

* * * * *

(e) * * * of each calendar year. [No] unused quota may be carried over into the subsequent calendar year.

6. Section 303.7(c) and (d) are proposed to be amended as follows:

§ 303.7 Issuance of shipment permits.

* * * * *

[(c) Except when commercial hardship may result, producers shall request only one shipment permit for each separate shipment or consignment.]

(d) Shipment permits shall be valid for only the calendar year in which issued. In order to accomplish duty-free entry, the importer of record or his broker must, [prior to midnight, December 31, of the year in which the shipment permit is

issued, present the merchandise together with the original of the related form ITA-340 and other documents required by the U.S. Customs Service to the District Director of Customs at the port of entry.]

7. Section 303.8(b) is proposed to be amended to follows:

§ 303.8 Quarterly reporting requirements.

(a) * * *

(b) * * *which have occurred during the reporting period [(see also § 303.10 regarding restrictions on the transfer of duty-free quotas).]

8. Section 303.9(a) is proposed to be amended as follows, and present paragraph 303.9(a)(3) is redesignated paragraph (5):

§ 303.9 Maintenance of quota entitlements.

(a) The Secretaries may issue a show-cause order requiring a producer to show cause, within 30 days of receipt of the order, why the duty-free quota to which it would otherwise be entitled should not be [cancelled, in whole or in part, if:]

[(1) At any time after June 30 of the calendar year a producer's assembly and shipment record provides a reasonable basis to conclude that the producer will by the end of the calendar year utilize less than 80 percent of its total quota, and if the producer does not voluntarily relinquish, at the Secretaries' request, that portion of its quota which will not be utilized;]

[(2) A producer fails to satisfy or fulfill any term, condition, or representation, whether undertaken by itself or prescribed by the Departments, upon which receipt of quota has been predicated;]

[(3) A producer discontinues its assembly operations for a period exceeding four consecutive weeks (excluding regularly scheduled holidays or vacations) at any time during the calendar year prior to November 30, and if the producer fails to provide written notice to the Secretaries, within two weeks following the beginning of the discontinuance, of the reasons therefor and of the date if expects to resume operations; provided that, notwithstanding such notice, the Secretaries may cancel the producer's quota, if any interruption of its operations exceeds six consecutive weeks or if repeated interruptions cumulatively exceed twelve weeks;

[(4) A producer's headnote 3(a) assembly operations result in the employment of fewer than five fulltime watch and watch movement assembly workers or watchmakers for longer than two months (whether or not consecutively) during any calendar year; or]

[(5)] A producer * * *

9. Section 303.10 is proposed to be amended by adding two new paragraphs (c) and (d) and by redesignating present paragraph (c) as paragraph (e) as follows:

§ 303.10 Restrictions on transfer of duty-free quotas.

(a) * * *

(b) * * *

[(c) The sale or transfer of a business which owns or has controlling interest in a producer may also be permitted with the prior approval of the Secretaries. Prior approval may be sought by submitting a written request to the Secretaries setting forth the facts regarding the proposed sale or transfer, including: a current financial statement for the producer; a complete description of the relationship of the proposed purchaser with any other watch quota producer and any other firm(s) engaged in the production or sale of watches, watch movements and modules, or watch parts; evidence regarding the value placed on the producer in the proposed sales agreement; and a detailed statement of the producer's proposed assembly operations subsequent to the sale or transfer.

[(d) Subcontracting of Assembly of Watches and Watch Movements to Other Territorial Producers: A producer may subcontract to another producer in the same insular possession the assembly of a portion of the first producer's total quota for any calendar year period. In such instances, the producer which issues the subcontract shall receive credit for quota allocation purposes for wages generated in the assembly of the subcontracted units and for the shipment of the units. Sufficient records must be maintained by both producers to permit the Departments to verfiy the wage and shipment information regarding the subcontracted production. No producer may subcontract production of more than 40 percent of its annual quota. Firms desiring to enter into an agreement under the terms of this provision must secure in advance the written approval of the Departments.]

10. It is proposed to amend § 303.11 by adding a new paragraph (e) as follows:

§ 303.11 Appeals.

* * * * *

[(e) If the outcome of any petition may materially affect the amount of the petitioner's quota and if the Secretaries' consideration of the petition continues during such time as the interests of other producers would be affected by delaying decisions of the Secretaries, the Secretaries shall set aside a portion of the quota to be allocated in an amount which, in their judgment, protects the petitioner's interest and shall allocate the remainder among the other producers.]

(Pub. L. 89-805, 80 Stat. 1521, 19 U.S.C. 1202)

[FR Doc. 79-32934 Filed 10-24-79; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 402

[R-79-731]

Tenant Participation in Multifamily Housing Projects; Transmittal of Proposed Rule to Congress

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, SW., 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:

24 CFR PART 402—TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS

This proposed rule would implement the requirement of Section 202(b)(1) of the Housing and Community Development Amendments of 1978 for tenant participation in multi-family housing projects. The rule requires that mortgagors of specified insured multi-family housing projects give tenants notice of and an opportunity to comment upon major actions on which mortgagors are required to request HUD's review and approval.

(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., October 20, 1979.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-32858 Filed 10-24-79; 8:45 am]

BILLING CODE 4210-01-M

POSTAL SERVICE

39 CFR Part 111

Handling of Unpaid Articles Placed in Private Mail Receptacles or in the Mail by Private Delivery Companies

AGENCY: Postal Service.

ACTION: Proposed Rule.

SUMMARY: Existing postal regulations do not clearly distinguish between the procedures to be followed when a selective distribution of unpaid mailable matter intended for handling by a private delivery company is found in or on private mail receptacles and when a general distribution of identical pieces of such matter is found. This has resulted in certain interpretative problems and corresponding differences in practice in different locations. The proposed rule is intended to solve these problems by prescribing, for selective piece distributions, a uniform procedure, to be followed by all offices, for retrieval of the pieces, computation of postage, notification of the firm or individual responsible for delivery, and possible return of the item to the publisher or manufacturer.

The proposed rule also specifies that unpaid mail matter intended for delivery by private delivery companies but found in the mail includes parcels, newspapers and magazines, books and records. Address correction or forwarding service will not be provided for such mail matter.

DATE: Comments must be received on or before November 24, 1979.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Mail Classification, Rates and Classification Department, Room 1610, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9:00 AM and 4:00 PM, Monday through Friday, at the above location.

FOR FURTHER INFORMATION CONTACT: Robert K. Bickham, (202) 245-4017.

SUPPLEMENTARY INFORMATION: Of late there has been an increasing amount of unpaid mailable matter, principally magazines, delivered by or intended for delivery by private delivery companies, but found in or on private mail receptacles, in collection boxes, or otherwise in the mail. Because existing postal regulations do not clearly deal with the handling of this material, postal carriers have reacted in various ways, to the sometimes dismay of publishers or senders. This proposed regulation is intended to clearly define a uniform procedure for handling such unpaid materials. It is intended to safeguard postal revenues and deal fairly and equitably with the publishers and senders of such material.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c))[1] regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendments of the Domestic Mail Manual:

Part 146—Prepayment and Postage Due

1. In 146.12 revise .123 to read as follows:

146.12 Unpaid Matter Found in the Mail.

* * * * *

.123 Unpaid mail matter (including parcels, newspapers and magazines, books, and records) intended for handling by a private delivery company but found in collection boxes or otherwise in the mail will be returned to sender postage due rather than to the addressee or private delivery company. Address correction service or forwarding service will not be provided. Postage due should be rated according to 146.221c and will be assessed by computing postage due from the point at which the unpaid mail matter entered the mail to the sender's location. However, when the entry point of the unpaid mail matter is unknown, postage due will be computed from the point where it was first found in the mail to the sender's location. See 159 if sender cannot be identified or mail matter is refused by sender.

2. In 146.2 revise .22 to read as follows:

146.2 Mailable Matter not Bearing Postage Found in or on Private Mail Receptacles.

* * * * *

.22 Collection of Postage

Except as permitted in 156.58, any mailable matter not bearing postage found in, or upon, or attached to, or supported by, or hung from, the private mail receptacles described in 151.1, is subject to the payment of the same postage as would be paid if carried by mail. For unpaid matter found in the mail, see 146.12.

.221 Selective Piece Distribution

When there is selective distribution of pieces on a route (distribution to predetermined addresses on a route rather than all stops on the route), they will be handled as follows:

a. Each piece will be retrieved and brought to the delivery unit.

b. The date and approximate time of retrieval will be recorded on the piece. If the address where the piece is retrieved is different from the address on the label, the address where retrieved will be recorded, as well as the approximate time and date.

c. Postage on the piece retrieved will be computed as follows:

(1) Second Class Publications. The transient rate in 411.42 will be applied.

(2) Controlled Circulation Publications. The applicable single piece third-class or fourth-class rate in 611.11 or 711 will be applied.

(3) Fourth Class Books, Records, and Merchandise. If the piece weighs less than 16 ounces, either the single piece third-class rate must be paid, or the fourth-class rate, whichever is lower. See 611.12. If the piece weighs 16 ounces or more, the applicable fourth-class rate must be paid.

d. If the private delivery firm or individual responsible for delivery is known, and is within the delivery area of the post office, the firm or individual will be notified concerning the number of pieces and the amount of postage due. If the pieces are found *in* receptacles, the firm or individual will be notified that the practice is a violation of the law, 18 U.S.C. 1725. If the firm or individual agrees to pay the postage due, payment will be accepted and the articles will be delivered to the addressees. If the firm or individual desires to see the pieces that have been retrieved, or chooses to redeliver the pieces themselves rather than have the Postal Service deliver them, the pieces will be held for review or redelivery by them after proper postage has been paid. While the Postal Service will not compile a list of addresses on the pieces, the firm or individual may do so.

e. If the firm or individual is not known or refuses to pay postage due, the pieces will be returned to the publisher or manufacturer, postage due, with each piece endorsed to show that the articles were retrieved from the addressees' mailboxes without postage. If a publisher or manufacturer provides the name and telephone number of a person to contact about pieces retrieved from mailboxes and verbally or in writing guarantees payment of postage, the pieces will not be returned. The articles will be redelivered promptly to the addressees.

.222 General Distribution

a. If general distribution of identical pieces has been made on a route, only two copies, each dated, initialed, and marked with the address where found, will be taken to the office along with a written notation of the total number of identical pieces observed on the route. The postmaster must prepare a memorandum showing the details to support the claim of postage.

b. If the person or firm or distributor responsible for, or who assists in, the impermissible use of the private mail receptacles is known, and is within the delivery area of the post office, the local postmaster will make demand for the total postage chargeable on all pieces. The demand will cite the pertinent provisions of this Manual. If the pieces are found *in* the receptacles, the postmaster will also inform the person or firm or distributor that the practice is a violation of the law, 18 U.S.C. 1725. An equivalent amount of postage due

stamps affixed to a sheet of paper and properly canceled as a receipt for money collected will be given the person or firm. If payment is in the form of uncanceled stamps or meter stamps, they will be affixed to a sheet, canceled and returned as a receipt for payment. No other receipt will be issued.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 79-32962 Filed 10-24-79; 8:45 am]

BILLING CODE 7710-12-M

39 CFR Part 111

Pickup of Express Mail Addressed to Post Office Box Addresses

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Pursuant to Parts 223 and 224 of the Domestic Mail Manual, the Postal Service picks up shipments of Express Mail from addresses within designated areas. Certain regulations, such as those governing delivery of registered mail and preparation of Express Mail shipments, place conditions upon, or limit the usefulness of, pickup service from post office box addresses. This proposal would amend postal regulations to establish conditions for service agreements that govern pickup service from post office box addresses, and to alter Express Mail preparation requirements in order to make such pickup service more useful to all Express Mail customers.

DATE: Comments must be received on or before November 24, 1979.

ADDRESS: Written comments should be sent or delivered to the General Manager, Expedited Mail Services Division, Customer Services Department, Room 5986, 475 L'Enfant Plaza, SW, Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9:00 AM and 4:00 PM, Monday through Friday, at the above location.

FOR FURTHER INFORMATION CONTACT: William Purson, (202) 245-5624.

SUPPLEMENTARY INFORMATION: Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual:

Part 223—Express Mail Custom Designed Service.

1. In 223.2 add new .24 reading as follows:

.24 Pickup from Post Office Box Addresses.

The Postal Service will pick up Express Mail shipments made up of mail addressed to post office box addresses provided that postage and fees are paid by special permit and instructions are given to redirect registered, certified, numbered insured, and C.O.D. mail. (See Handbook M-68, *Express Mail Service,* for procedures.) Business reply and shortpaid mail will be handled in accordance with the provisions of the service agreement.

Part 224—Express Mail Next Day Service

2. Revise 224.3 to read as follows:

224.3 *Service Agreement.*

Pickup service is available for Next Day Service only on a scheduled basis pursuant to a service agreement (Form 5631) between the Postal Service and the mailer. The service agreement must specify the time, place, day or date, and frequency of such service. The Postal Service will pick up Express Mail shipments made up of mail addressed to post office box addresses provided that postage and fees are paid by postage trust account and instructions are given to redirect registered, certified, numbered insured, and C.O.D. mail. (See Handbook M-68, *Express Mail Service,* for procedures.) Business reply and shortpaid mail will be handled in accordance with the provisions of the service agreement. Service under a service agreement must not be offered in a manner that makes any undue or unreasonable preference to any such user. Commencement and termination of service agreements are subject to the provisions of 223.22 and 223.23.

Subchapter 260—Preparation Requirements

3. Revise 262 to read as follows:

262 *Express Mail Custom Designed Service.*

Except as provided in 261.2 and 223.24, all Custom Designed Service mail must be tendered in sealed Express Mail pouches with the required receipt forms and labels combined and attached. See 261.2 for outside pieces and 223.24 for pickup from post office box addresses.

4. Revise 263.2 to read as follows:

263.2 For Next Day Service pickup (see 224.3) other than pickup from post office box addresses, the customer must complete Form 5625-B, *Mailing Statement for Next Day and Same Day Airport Express Mail Service,* for each pickup. Volume mailers must tender the mail in containers provided or approved by the Postal Service.

An appropriate amendment of 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 403)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 79-32961 Filed 10-24-79; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL 1345-6]

Missouri Proposed Revision to Air Quality Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: Provisions of the Clean Air Act, as amended in 1977, require States to revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The Act requires that states submit the necessary plan revisions to the EPA by January 1, 1979, and that the EPA publish a final determination of approvability in the Federal Register by June 10, 1979. The requirements for an approvable SIP are described in a general preamble published April 4, 1979, Federal Register (44 FR 20372), supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 20372), and September 17, 1979 (44 FR 43761). The discussion of requirements will not be repeated in this notice.

The Missouri Air Conservation Commission adopted attainment plans on June 20, 1979, after notice and public hearings, for the Kansas City and St. Louis nonattainment areas. These plans were submitted to the EPA on July 2, 1979. The revised Missouri plans are part of the total Missouri State Implementation Plan and contain new regulations and revised control strategies designed to attain the appropriate national Ambient Air Quality Standard as expeditiously as practicable, but in the case of total suspended particulate matter and sulfur dioxide no later than December 31, 1982.

The EPA proposes to conditionally approve the revised state air pollution control strategy as part of the Missouri State Implementation Plan. This revised strategy consists in part of revised air pollution control emission regulations and in part of commitments to adopt other necessary control measures in the future. The purpose of this revision is to provide sufficient control for the attainment of NAAQS in areas where the standards are not now being met. These control strategy revisions were submitted to comply with Part D of the Clean Air Act Amendments of 1977. This proposal is published to advise the public of this plan revision and to invite comments on EPA's proposal to conditionally approve the plan and on

appropriate deadlines for correction of deficiencies.

On October 25, 1978, the Missouri Air Conservation Commission adopted recommendations for redesignating certain areas of the state from nonattainment to attainment. Additional recommendations were adopted on August 23, 1978, and June 20, 1979. The EPA proposes to act on these recommendations. The submittal does not include plans for areas which the Commission recommends as attainment. No plan was submitted for the St. Joseph nonattainment area.

DATES: Comments must be received by November 26, 1979.

ADDRESS: Comments should be sent to Mr. Robert J. Chanslor, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state submission and the EPA prepared plan evaluation document are available at the above address. They are also available at the following locations: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Missouri Department of Natural Resources, 615 East 13th Street, Room 483, Kansas City, Missouri 64106; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102; and the Missouri Department of Natural Resources, 8460 Watson Road, St. Louis, Missouri 63229.

FOR FURTHER INFORMATION: Contact Robert J. Chanslor at 816-374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION:

A. General Discussion

The Clean Air Act as amended in 1977 contains several requirements which must be addressed in a SIP submission. The general requirements for all SIP revisions are found in Section 110(a). Section 121 requires the state to consult with local governments on certain matters. Section 123 limits the availability of dispersion techniques for certain sources. Section 126 relates to interstate abatement. Section 127 requires public notification of violations of health related standards. Section 128 imposes requirements on state boards. Sections 161 through 169 require each plan to contain measures for the prevention of significant deterioration (PSD) of air quality. Part D (Sections 171 through 178) and related sections in the Act contain requirements for nonattainment plans. The latter requirements were discussed in the April 4 issue of the Federal Register (44 FR 20372). A supplement to the April 4 notice was published on July 2, 1979 (44 FR 38583) involving, among other things, conditional approval.

The EPA proposes to fully approve portions of the plan and conditionally approve where there are minor deficiencies. The EPA proposes to conditionally approve portions where the state provides assurances that it will submit corrections by specified deadlines. This notice solicits comment on what items should be conditionally approved, and on what deadlines should apply for meeting the conditions. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

The Missouri SIP was considered at a public hearing in St. Louis on May 23, 1979, and in Kansas City on May 24, 1979. The plan was formally adopted by the Missouri Air Conservation Commission (MACC) on June 20, 1979, and submitted to comply with the new Clean Air Act requirements on July 2, 1979.

B. Area Designations

At 40 CFR Part 81, Subpart C, eleven areas of the state are identified as nonattainment for one or more pollutants.

The Clean Air Act established criteria which each state used to prepare a list of areas which had attained the national ambient air quality standards, had not attained standard, or had insufficient data to determine whether an area could be classified (Section 107(d)). An attainment area is one in which measured air quality does not exceed the ambient air quality standards. A nonattainment area is one in which the air quality is worse than the standards. An unclassified area is one for which there is insufficient data to determine whether the area is attainment or nonattainment. The EPA allowed rural areas which experienced violations of the total suspended particulate matter standard which could be attributed to fugitive dust to be designated attainment, if such areas have: (1) A lack of major industrial development or an absence of significant industrial particulate emissions, and (2) low urbanized population (44 FR 20378, April 4, 1979).

The State of Missouri provided a list of areas with recommendations for designations. The EPA promulgated this list adding Columbia as a secondary TSP nonattainment area. The designated nonattainment areas published in the Federal Register on March 3, 1978, are as follows:

Nonattainment

Designated area	Pollutant			
	TSP	SO2	Ozone	CO
St. Louis	1, 2		1	1
St. Louis "hotspot"	1, 2	1, 2	1	1
St. Louis County	2		1	1
Herculaneum	2			
Kansas City	1, 2		1	
St. Joseph	1, 2			
Kirksville	1, 2			
Mexico	1, 2			
Columbia	2			
New Madrid	1, 2			
Bixby		1, 2		

Note.—1 denotes primary nonattainment. 2 denotes secondary nonattainment.

The remaining areas of the State of Missouri were designated attainment or unclassifiable. In order to designate an area as attainment, the state was required to examine at least two years of valid air quality data. If the most current year data showed that standards were not exceeded, the state examined the data for the previous year. If there were two consecutive years showing the long and short-term standards were not exceeded, the area could be classified attainment based upon air quality data. However, certain rural or nonurban areas could also be designated attainment if the criteria for fugitive dust were met.

A number of comments were received from the public on the March 3, 1978, EPA promulgation of the list of nonattainment areas in Missouri. Commenters on the Mexico designation stated that the data used for the designation were not valid and the area could be designated attainment using the EPA's fugitive dust policy. One commentor suggested that the Mexico area be restudied. On April 23, 1979, the Missouri Department of Natural Resources (MDNR) submitted information which shows that the entire Mexico area should not be classified nonattainment. The only existing monitor site appears unduly influenced by emissions from the building on which the monitor is located. The monitor location is such that the data validity is in doubt. The EPA believes that the fugitive dust policy is not applicable to Mexico, since there are two major industrial TSP emission sources located in or near Mexico. The MDNR and the City of Mexico will conduct a study to determine whether the area is attainment or nonattainment, and if it is nonattainment, how large an area is affected. The EPA recommended the area be unclassified until valid air quality data are available.

One commenter disagreed that the primary TSP standard was violated in St. Joseph, but acknowledged that the

secondary standard was being violated and suggested that the nonattainment boundary be changed. The MACC found that there were three years of valid air quality data showing St. Joseph to be a TSP nonattainment area and found the original designated area to be correct. The EPA agrees with this finding of the MACC.

A commenter expressed the belief that the Kirksville nonattaiment area designation was an error and that the EPA fugitive dust policy should be used to designate the area attainment. The EPA believes the fugitive dust policy is applicable due to the low population and absence of significant industrial sources of particulate emissions or major industrial development.

Comments on the Columbia designation suggested the violations are due to fugitive dust and that air quality data should be reevaluated. Columbia does not meet the fugitive dust policy criteria, and the state and EPA believe the air quality data are valid. One commenter objected to the inclusion of Platte County, Missouri in the Kansas City ozone nonattainment area because air quality measurements showed no violations of the ozone standard. The EPA believes Platte County should remain in the nonattainment area because part of the Kansas City urbanized area is included in the county. This is consistent with EPA's ozone designation policy. Further, Kansas City International Airport is located in the Kansas City urbanized portion of Platte County and may be a significant contributor to ozone levels found in the city.

One commenter stated that New Madrid should have been designated attainment using EPA's fugitive dust policy. The New Madrid designation is currently in litigation and an action will be proposed in the near future.

C. Redesignation Requests

In order for EPA to redesignate an area from non-attainment to attainment, there must be at least eight consecutive quarters of valid air quality data showing the air quality does not exceed the applicable standard. If there is an applicable emission control strategy which demonstrates that legally enforceable emissions reductions have contributed to improved air quality, less than eight consecutive quarters of air quality data may be used for redesignating an area attainment.

The Missouri Air Conservation Commission during their October 25, 1978, meeting adopted recommendations that EPA redesignate certain areas of the state. These recommendations were submitted to the EPA on December 5, 1978. The recommendations submitted are as follows:

1. Total Suspended Particulate Matter

(a) *Kansas City.* The primary nonattainment area boundry and the secondary nonattainment area are changed. The state used monitoring data in conjunction with an EPA approved model to project a more accurate primary nonattainment boundary and secondary nonattainment boundary. This new boundary would make portions of Clay, Jackson and Platte Counties which were designated secondary nonattainment in the March 3, 1978, Federal Register (40 FR 8963) become attainment. Likewise, portions of the Kansas City primary nonattainment area would retain the secondary nonattainment designation.

Proposed Action: The EPA proposes to accept the MACC recommendation for the boundary changes for Kansas City, Missouri.

(b) *Herculaneum.* The MACC found that three and one-half years of air quality data show an improvement trend in air quality with no violations of the TSP standard within the past eight quarters and recommends an attainment designation.

Proposed Action: The EPA proposes to accept the MACC recommendation that Herculaneum be redesignated attainment for TSP.

(c) *Kirksville.* The MACC found that Kirksville meets the EPA criteria for an attainment classification since there are no major industrial sources of particulate emissions or major industrial development and a low population.

Proposed Action: the EPA proposes to accept the findings of the MACC and redesignate Kirksville attainment for TSP.

(d) *Mexico.* The MACC recommended that Mexico be designated attainment for TSP because the monitor was source specific and not representative of the area. On December 29, 1978, the EPA informed the state that because Mexico had historically reported violations of the primary TSP standard and there is at least one major source in Mexico that an attainment classification is unacceptable. The state was further advised that the nonattainment area could be reduced in size as monitoring in other locations in the city had found no TSP violations. Further information provided by the State of Missouri suggests that the monitor upon which the nonattainment designation was bsed may be unduly biased by emissions from the building upon which the monitor is located, and the data may not be valid. On June 20, 1979, the MACC recommended an unclassified designation until sufficient valid data are available so that the attainment or nonattainment classification is clear and if nonattainment, a realistic boundary can be determined.

Proposed Action: The EPA proposes to accept the MACC recommendation that Mexico be redesignated unclassified for TSP.

2. Sulfur Dioxide—Bixby

The Bixby designation (for SO_2) will be discussed in a separate Federal Register action in the near future.

D. Nonattainment Plan Submittal

This section discusses the plan and portions thereof as they relate to Part D of the Act. Section E discusses requirements for SIPs contained elsewhere in the Act. Section F discusses the approvability of the plan submittal and contains conditions for portions of the plan where there are minor deficiencies. Section F also discusses each issue as it relates to the applicable Part D requirement. Each discussion is followed by a proposed EPA action. Section G summarizes major issues which have been raised over the plan submitted.

The MDNR submitted on behalf of the MACC plans to attain total suspended particulate matter and ozone standards in the Kansas City area; total suspended particulate matter, ozone, and carbon monoxide in the St. Louis area; and total suspended particulate matter and sulfur dioxde in the St. Louis "hot spot." The St. Louis "hot spot" is an area within a radius of approximately one mile at the confluence of River Des Peres and the Mississippi River. This area includes a portion of south St. Louis City and an adjoining portion of St. Louis County.

No plan has been submitted for either St. Joseph or New Madrid. A plan is being developed for St. Joseph and will be submitted at a later date. No plan is being developed for New Madrid.

1. Legislation

The Missouri 80th General Assembly adopted legislation to enable the MACC to promugate regulations required to carry out provisions in the Clean Air Act Amendments of 1977, Part D.

Amended Sections 307.360, 307.361, and 307.365 of the Missouri Revised Statutes authorize and direct the MACC and the Missouri State Highway Patrol (MSHP) to jointly develop a pilot program, for inspection/maintenance (I/M) as needed in the appropriate nonattainment areas. The MACC and the MSHP are to report the results of the pilot program to the legislature upon completion. Public participation in the pilot program will be voluntary. The

MACC and the MSHP are to develop a program which will be adequate to implement mandatory I/M by December 31, 1982.

Amended Chapter 536 of the Missouri Revised Statutes, which primarily relates to provisions of the Missouri Air Conservation Law (Chapter 203), gives the MACC enabling authority to promulgate regulations to enable the state to comply with the Clean Air Act Amendments of 1977.

2. Regulatory Revisions

The MACC adopted the following volatile organic compound (VOC) controls which were submitted with the SIP revision: Rule 10 CSR 10-2.210, Control of Emissions from Solvent Metal Cleaning; Rule 10 CSR 10-2.240, Restriction of Emissions of Volatile Organic Compounds from Petroleum Refinery Sources; Rule 10 CSR 10-2.250, Control of Volatile Leaks from Petroleum Refinery Equipment; Rule 10 CSR 10-2.260, Control of Petroleum Liquid Storage, Loading, and Transfer; Rule 10 CSR 10-2.220, Liquified Cutback Asphalt Paving Restricted; and Rule 10 CSR 10-2.230, Control of Emissions from Industrial Surface Coating Operations. These VOC regulations apply to the 11 categories covered by the Reasonably Available Control Technology (RACT) VOC guideline documents published by the EPA. These regulations are applicable in the Kansas City area, which includes Jackson, Clay, and Platte Counties. The following VOC regulations are applicable in the St. Louis area which includes the City of St. Louis, St. Charles, St. Louis, Jefferson, and Franklin Counties: Rule 10 CSR 10-5.300, Control of Emissions from Solvent Metal Cleaning; Rule 10 CSR 10-5.310, Liquified Cutback Asphalt Paving Restricted; Rule 10 CSR 10-5.330, Control of Emissions from Industrial Surface Coating Operations and, Rule 10 CSR 10-5.220, Control of Petroleum Liquid Storage, Loading and Transfer. The State of Missouri has certified that there are no petroleum refineries in St. Louis; thus, VOC regulations for refineries are not needed in St. Louis.

The SIP includes a provision which exempts methyl chloroform (1,1,1 trichloroethane) and methylene chloride. These VOCs, while not appreciably affecting ambient ozone levels, are potentially harmful. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

Furthermore, methyl chloroform is considered one of the slower reacting VOCs which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratosphere ozone is the principal of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

With the exemption of these compounds, some sources, particularly existing degreasers, will be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

The agency is concerned that the state has chosen this course of action without full consideration of the total environmental and health implications. The agency does not intend to disapprove the state SIP submittal, if the state chooses to maintain these exemptions. However, we are concerned that this policy not be interpreted as encouraging the increased use of these compounds nor compliance by substitution. The agency does not endorse such approaches. Furthermore, state officials and sources are advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

(a) *VOC Regulations and the CTGs.* The Control Techniques Guidelines (CTGs) provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. The following is a discussion of the Missouri VOC regulations and the deviations from the CTG recommendations.

(1) Rule 10 CSR 10-2.210 and Rule CSR 10-5.300 are solvent metal cleaning regulations for the Kansas City and St. Louis nonattainment areas.

(A) The CTG recommends that the distance from the surface of the degreasing solvent to the top of the container be higher than that required by the Missouri regulations.

(B) The MACC believes the third safety switch suggested in the CTG is unnecessary and unreliable. The state believes that the thermostatic switch required by the regulations and a manual reset will serve the same purpose as the CTG recommendation.

(C) The Missouri regulations substitute an entry rate restriction for the load size in the CTG. This restriction is as enforceable as the CTG recommendation.

(2) Rule 10 CSR 10-2.220 and Rule 10 CSR 10-5.310 Liquified Cutback Asphalt Paving Restricted are applicable to the Kansas City and St. Louis non-attainment areas.

(A) Missouri defines emulsified asphalt as a liquified asphalt containing less than seven percent diluent. The CTG recommends that emulsified asphalt be used with no petroleum solvent.

(B) Missouri exempts pothole filling and emergency repairs. The CTG makes no recommendation regarding exemptions.

(3) Rule 10 CSR 10-2.260 and Rule 10 CSR 10-5.220 Control of Petroleum Liquid Storage, Loading and Transfer.

(A) These regulations require floating roof tanks for storage of VOC with a vapor pressure of 1.8 pounds per square inch or greater at 70 degrees Fahrenheit. The CTG recommends a 1.5 pounds per inch absolute (psia). The vapor pressure adopted by the state is based upon petroleum industry standards.

(B) The CTG recommends a 0.30 gram per gallon emission limit for gasoline loading. The regulation for St. Louis and Kansas City specifies 0.50 gram per gallon. The control equipment specified in the Missouri regulations is consistent with the CTG recommendation and will meet 0.30 gram per gallon.

(C) A vapor balance system is required for gasoline transfer at bulk plants with a storage capacity greater than 2,000 gallons. Storage containers of 240 to 2,000 gallons are required to be equipped with a submerged fill pipe.

(b) *Other regulations.* (1) Rule 10 CSR 10-5.030 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating is applicable in St. Louis. This revised rule includes emissions control for existing and new fuel burning installations. Existing sources of less than 10 million BTU heat imput are limited to 0.60 pounds per million BTU; sources equal to or greater than 10 million BTU, but less than or equal to 5,000 million BTU shall determine th allowable emission rate by the equation $E=1.09(Q)^{-0.259}$ where E equals the allowable emission rate and Q is the heat input in millions of BTUs. New sources not controlled by the New Source Performance Standards are subject to the following limitations:

(A) Less than 10 million BTU heat input shall not exceed 0.40 pounds per million BTU Heat input;

(B) Sources equal to or greater than 10 million BTU, but less than or equal to

1,000 million BTU shall use the equation $E=0.80(Q)^{-0.301}$ to determine allowable emissions. E is the allowable emission rate and Q is the heat input in millions of BTU; and

(C) Sources with heat input greater than 1,000 million BTU are limited to 0.10 pounds per million BTU.

(2) Rule 10 CSR 10-5.090 Restriction of Emission of Visible Air Contaminants is revised to change the allowable visible emission from existing sources in the St. Louis Air Quality Control Region from 40 percent opacity to 20 percent opacity.

(3) Rule 10 CSR 10-5.290, More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in the South St. Louis area establishes emission limits for two specific sources of these air contaminants which are located in an area defined as the St. Louis "hot spot." In addition to emission limits, the regulation establishes a time schedule for compliance. The regulation requires all sources to be in compliance by October 1, 1980. This regulation is considered RACT for the St. Louis "hot spot."

(4) Rule 10 CSR 10-2.040, Maximum Allowable Emission of Particulate Matter from Fuel Burning equipment Used for Indirect Heating is applicable in the Kansas City AQCR. This revised rule includes emissions control for existing and new fuel burning installations. Existing sources of less than 10 million BTU heat input are limited to 0.60 pounds per million BTU; sources equal to or greater than 10 million BTU, but less than or equal to 5,000 million BTU shall determine the allowable emission rate by the equation $E=1.09(Q)^{-0.259}$ where E equals the allowable emission rate and Q is the heat input in millions of BTUs. New sources not controlled by the New Source Performance Standards are subject to the following limitations:

(A) Less than 10 million BTU heat input shall not exceed 0.40 pounds per million BTU heat input;

(B) Sources equal to or greater than 10 million BTU, but less than or equal to 1,000 million BTU shall use the equation $E=0.80(Q)^{-0.301}$ to determine allowable emissions. E is the allowable emission rate and Q is the heat input in millions of BTU; and

(C) Sources with heat input greater than 1,000 million BTU are limited to 0.10 pounds per million BTU.

(c) The remaining Missouri regulations for the St. Louis and outstate areas were recodified, reviewed by EPA and generally proposed to be approved on September 6, 1979, at 44 FR 52001. On July 1, 1976, the State of Missouri revised the numbering system for all air pollution control regulations. The state air regulations are now contained in Title 10, Division 10 of the Code of State Regulations designated as 10 CSR 10. Neither the title nor content of the regulations were changed by this renumbering.

The above Code of State Regulations contains a new "Chapter 6—Air Quality Standards, Definitions, and Reference Methods for the State of Missouri." This chapter contains the state air quality standards, all definitions, and source and air monitoring methods. The source testing methods specify the EPA Reference Methods at 40 CFR Part 60, Appendix A for Methods 1 through 11. The methods adopted for ambient air quality monitoring use the EPA Reference Methods found at 40 CFR Part 50, Appendices A through F. The MACC revised the state ambient air quality standard for SO_2 to be consistent with the National Ambient Air Quality Standard. Other new regulations include: process weight regulations for cotton gins, rock quarries and grain handling operations; the New Source Performance Standards found at 40 CFR Part 60 as of January 18, 1975; and continuous monitoring of opacity at certain power plants, cement kilns and fluid bed catalytic cracking units catalyst regenerators at petroleum refineries. The continuous monitoring regulations fulfill the requirements of 40 CFR 51.19(e), except that there are no federal requirements for continuous monitoring at portland cement plants.

3. Nonattainment Plan Provisions

Section 172 of the Act contains the requirements for nonattainment plan provisions. The following is a listing of the requirements of Section 172 and a discussion of how the Missouri plan addresses each issue. The approvability of the Missouri plan is discussed in Section F "Approvability." In the discussion below in this section, parenthetical cross references to Section F refer the reader to specific paragraphs in which proposed EPA action on a particular issue can be found.

(a) *Demonstration of Attainment.* Section 172(a)(1) requires the plan to provide for attainment of NAAQS as expeditiously as practicable. The primary standards for total suspended particulate matter (TSP) and SO_2 will be attained by December 31, 1982 in the Kansas City and St. Louis nonattainment areas (Section F, paragraph 1).

(b) *Attainment Date Extensions.* Section 172(a)(2) authorizes extension of the attainment date to not later than December 31, 1987, for CO and O_3 if the state demonstrates the standards cannot be attained by December 31, 1982 despite implementation of reasonable control measures.

The State submittal regarding extensions will be discussed in paragraphs (e)(4), (e)(5), (e)(6), and (m) below.

(c) *Public Participation.* Section 172(b)(1) requires the plan to be adopted after reasonable notice and public hearing.

The public hearings for the nonattainment plans were announced in several newspapers in the State of Missouri as attested to by affidavits of publication. Public hearings were held in St. Louis on May 23, 1979, and in Kansas City on May 24, 1979. The plans were formally adopted on June 20, 1979 (Section F, paragraph 5).

(d) *Reasonably Available Control Measures.* Section 172(b(2) requires implementation of all reasonably available control measures as expeditiously as practicable.

For a discussion of reasonable control measures including RACT, see paragraph (e), Reasonable Further Progress, below (Section F, paragraph 3).

(e) *Reasonable Further Progress (RFP).* Section 172(b)(3) requires the state to demonstrate that it will make reasonable further progress toward attaining the standard by specified dates, including emission reductions which can be achieved by application of RACT (Section F, paragraph 6).

The Control Techniques Guidelines (CTGs) for control of VOC provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. RACT determinations for TSP and SO_2 are based upon engineering judgement regarding the degree of control that is readily available for stationary sources, and the cost effectiveness of the available control technology.

The Missouri SIP revision contains graphs showing incremental emissions reductions anticipated through application of RACT measures at existing sources in the designated nonattainment areas. The SIP calls for meeting the primary NAAQS for TSP in all nonattainment areas by December 31, 1982, by using nontraditional source controls in addition to RACT. The state has committed to completing nontraditional source control studies within 180 days of the fial rulemaking. The state has requested an extension to July 1, 1980, to submit plans to meet the secondary TSP standard.

The nonattainment analysis for the Kansas City area evaluates current emissions controls used at major stationary sources and found that existing controls represent RACT. A

similar analysis is contained in the plan for St. Louis showing that existing controls represent RACT. Rule 10 CSR 10-5.290 specifies RACT controls in the St. Louis "hot spot" and is designed to meet the primary TSP and SO_2 standard. The demonstration of attainment is verified by dispersion modeling.

The Missouri SIP shows attainment of the oxidant standard in Kansas City by December 31, 1982, but that an extension to 1987 will be necessary to show attainment in St. Louis. Each area is discussed below:

(1) St. Louis (TSP)—The state has shown that RACT has been applied to all major stationary sources and that existing regulations require RACT. The City of St. Louis plans to conduct studies to determine the impact of reentrained road dust and dust from unpaved parking lots on nonattainment monitoring sites and implement corrective measures on an area-wide basis. These studies consist of paving unpaved parking lots and street cleaning, and are to be completed within 180 days of the final rulemaking. The studies proposed are a feasible approach to achieving RFP. The state has requested an extension to July 1, 1980, for submission of the plan to attain secondary standards (Section F, paragraph 6(c)).

(2) Kansas City (TSP)—The Kansas City plan demonstrates that existing major stationary sources are required to install RACT controls and that such sources have RACT controls or are on schedules to comply with RACT regulations. The plan demonstrates that such controls alone are inadequate to attain the primary standard by December 31, 1982; thus, the state proposes to conduct a study of the amount of improved air quality which results from an intensive street cleaning program. The state has requested an extension to July 1, 1980, for submission of the plan to attain the secondary standard (Section F, paragraph 6(d)).

(3) St. Louis "hot spot" (TSP and SO_2)—The St. Louis "hot spot" is an area within a radius of approximately one mile at the confluence of River Des Peres and the Mississippi River. This area includes a portion of south St. Louis City and an adjoining portion of St. Louis County.

The state has demonstrated that RACT regulations (Rule 10 CSR 10-5.290) have been adopted for existing sources in the "hot spot" area and that such sources are on schedules which will provide sufficient emissions reductions to meet the primary TSP standard by December 31, 1980. The plan projects that stationary source controls will provide an 80 percent reduction of particulate matter emissions. The control strategy projects that the primary SO_2 standard will be met by December 31, 1982.

(4) St. Louis (ozone)—Using the Empirical Kinetic Modeling Analysis (EKMA), the state has determined that a 50 percent reduction of VOC emissions are necessary in order to meet the ozone standard. Application of RACT to stationary sources and the Federal Motor Vehicle Emission Control Program (FMVECP) is not adequate to provide attainment of the ozone standard by December 31, 1982. The state has requested an extension until December 31, 1987 to meet the ozone standard. Attainment of the standard depends upon implementation of transportation related controls, and a mandatory inspection/maintenance (I/M) program by December 31, 1982.

The overall St. Louis ozone plan projects attainment of the standard by December 31, 1987. The East-West Gateway Coordinating Council (EWGCC) is the designated lead planning agency for the St. Louis metropolitan area and has the required legal authority to develop transportation plans (Section F, paragraph 6(b)).

(5) St. Louis (Carbon Monoxide)—The estimated emissions reduction needed to meet the standard is 35 percent. Application of RACT regulations and the FMVECP is not adequate to meet the CO standard by December 31, 1982. The state has requested an extension until December 31, 1987 to meet the CO standard.

The St. Louis CO plan relies upon transportation control measures and instigation of I/M in 1982 to attain the standard by December 31, 1987. The plan shows that inclusion of I/M and transportation measures will reduce emissions by 62.7 percent by December 31, 1987 (Section F, paragraph 6(f)).

(6) Kansas City (ozone)—An 11 percent reduction of VOC emissions is necessary to attain the ozone standard. Application of the adopted VOC emission control regulations and the FMVECP is projected to provide a 28 percent emissions reduction. The Kansas City plan for ozone projects attainment of the standard by December 31, 1982; thus, no extension to December 31, 1987, is necessary. The requirements of Section 172(b)(11) are not applicable to the Kansas City ozone plan. The requirements of Section 172(b)(11) are discussed in paragraph (m) below (Section F, paragraph 6(e)).

(7) Columbia (TSP)—Columbia is nonattainment for the secondary TSP standard and the state requests an extension to July 1, 1980, to submit a plan to attain the secondary TSP standard.

(f) *Emission Inventory.* Section 172(b)(4) requires the plan to include a comprehensive, accurate, and current inventory of all sources of each pollutant for which an area is nonattainment. It also requires the inventory to be updated as freuqnetly as necessary to assure that RFP is being made and to assure that the standard will be attained.

Appropriate emissions inventories for TSP, VOC, SO_2, and CO have been submitted. Plans for future reporting to update emissions inventories have been included (Section F, paragraph 7).

(g) *Emission Growth.* Section 172(b)(5) requires the plan to expressly identify and quantify the emissions, if any, which will be allowed to result from the construction and operation of major new or modified stationary sources in a nonattainment area.

The plan for the St. Louis ozone nonattainment area identified an annual amount of growth for the applicable pollutant. For growth beyond that amount, the state has committed to require offsetting emissions required under Section 173 of the CAAA. The TSP plans for St. Louis County and Kansas City do not identify or quantify emissions growth from new or modified stationary sources, but the state provided assurances that offsetting emissions would be used to assure attainment and maintenance of the applicable standard. The mechanism for tracking new or modified sources is the permit system provided for under State Rules 10 CSR 10-2.110 and 10 CSR 10-5.190 (Section F, paragraph 8).

(h) *Permit Requirements.* Section 172(b)(6) requires plans to have a permit program for the construction and operation of new or modified stationary sources in accordance with the permit requirements of Section 173.

To comply with Section 173, the permit program must assure that when a new source commences operation, there will be sufficient emissions to offset the increased emissions from the new source and to assure reasonable further progress or that the new source will not cause or contribute to an exceedance of any margin for growth identified in the plan; the permit program must require compliance with the lowest achievable emission rate; all sources in the state owned or operated by the permit applicant must be in compliance with all applicable state and federal emission limits; and the applicable implementation plan must be carried out in the nonattainment area in which the source is to be constructed.

The State of Missouri requires permits for the construction of new sources under Rule 10 CSR 10–2.110 and 10 CSR 10–5.190. The state may have adequate enabling authority for operating permits under amended Chapter 536 or Section 203.075 of the Missouri Revised Statutes. The state has not submitted regulations specifically implementing operating permit requirements; however, the state has authority to impose operating conditions on construction permits.

The state has committed to using offsets as required by Section 173 where the growth allowance has been consumed and where no growth allowance has been provided. The state has committed to applying more stringent emission limits where necessary to attain and maintain the ambient air quality standards. The state has committed to carrying out the applicable implementation plan in all affected areas of the State of Missouri. However, the state has not submitted regulations implementing the permit requirements of Sections 172(b)(6) and 173 (Section F, paragraph 9).

(i) *Resources.* Section 172(b)(7) requires the state to identify and commit the financial and manpower resources necessary to carry out the plan provisions.

Each portion of the Missouri SIP revision identifies and commits resources necessary to carry out the plan (Section F, paragraph 10).

(j) *Schedules.* Section 172(b)(8) requires emission limitations, schedules of compliance and other measures as may be necessary to meet the requirements of Section 172.

The plan contains emission limitations to meet the requirements of Section 172. Except for the St. Louis "hot spot" area, the submission contains no compliance schedules for TSP. However, the state maintains that all TSP sources in the nonattainment areas are in compliance with RACT regulations or are on schedules for compliance. The Kansas City and St. Louis TSP plans contain analyses which show the degree of control installed and operating at each major source. The state has demonstrated the existing RACT source controls will not achieve attainment of the primary and secondary standards.

The state is relying on nontraditional source controls such as street cleaning and parking lot paving to show attainment of the primary TSP standard. The Kansas City and St. Louis plans contain schedules for nontraditional source controls to be completed within 180 days of the final rulemaking (Section F, paragraph 11).

(k) *Public, Local Government and Legislative Involvement.* Section 172(b)(9) requires evidence of involvement and consultation of the public, local government and state legislature in the planning process. The section also requires an identification and analysis of various effects of the plan and a summary of public comments on the analysis.

Consultation with the public local governments and the state legislature is evidenced by copies of testimony during the public hearings, copies of the hearing transcript, letters from local government officials regarding the plan and the area designations, and copies of the legislation adopted. In addition, the state met with legislators and legislative committees regarding requirements of the Clean Air Act.

In accordance with Section 174 of the Act, the Mid-America Regional Council (MARC) was designated lead planning agency for the Kansas City area and East-West Gateway Coordinating Council (EWGCC) was designated lead planning agency for the St. Louis area. MARC and EWGCC are primarily responsible for transportation planning, but are active in other SIP elements. MARC is providing funds to support a portion of the nontraditional source control study in Kansas City. These planning agencies represent the local governments in these interstate areas and provide input to the SIP revisions (Section F, paragraph 12).

The SIP submission contained analyses addressing effects required to be analyzed by Section 172(b)(9) and a summary of public comments on the proposal.

(l) *Commitments.* Section 172(b)(10) requires written evidence that all necessary measures have been adopted as legally enforceable requirements, and that agencies responsible are committed to their implementation and enforcement. For some types of measures, EPA interprets the Act as allowing approval of plans containing schedules for adoption and submittal of these measures.

The Missouri Department of Natural Resources has statutory authority to carry out regulations and orders of the MACC. The City of St. Louis, St. Louis County, and Kansas City have ordinances which are part of the existing Missouri SIP. The plan contains adopted regulations and commitments to implement and enforce such regulations, as well as commitments to adopt additional requirements. The plan also contains schedules for study and implementaion of certain measures such as control of nontraditional sources of particulate matter (Section F, paragraph 13).

(m) *Delayed Attainment Dates.* Section 172(b)(11) requires plans with post 1982 attainment dates for ozone and carbon monoxide to have a permit program requiring consideration of alternatives, the establishment of a motor vehicle inspection and maintenance program, and identification of other measures to provide attainment not later than December 31, 1987.

The ozone plan for St. Louis does not clearly demonstrate that alternative site analysis, cost benefit analysis, et cetera, are provided for at either the state or local level as required by Section 172(b)(11).

The St. Louis ozone and carbon monoxide plans contain transportation control measures in addition to inspection and maintenance to assist in attainment of those standards (Section F, paragraph 14).

(n) *1982 Plan Submission.* Section 172(c) requires plans with attainment dates after December 31, 1982, to submit a State Implementation Plan revision by July 1, 1982, containing enforceable measures to assure attainment of the standards not later than December 31, 1987.

The Missouri plan demonstrates that attainment of the ozone and carbon monoxide standards by December 31, 1982 in the St. Louis metropolitan area is not possible. The plan demonstrates that using I/M and other transportation control related measures will achieve attainment of standards by December 31, 1987. Therefore, Section 172(c) will be applicable as a SIP requirement for St. Louis.

E. Other Provisions

This section discusses each requirement, other than those of Part D, that a State Implementation Plan must meet in order to be fully approvable under the Clean Air Act, as amended in 1977.

(1) Interstate Air Pollution

Section 110(a)(E)(i) requires the plan for a state to contain provisions prohibiting stationary sources within that state from causing violations of standards, interfering with measures relating to prevention of significant deterioration of air quality, or interfering with measures to protect visibility in another state. It also requires the plan to contain provisions insuring the compliance with the requirements of Section 126 relating to interstate pollution abatement. The Missouri submission does not expressely address this requirement.

(2) State Boards

Section 128 requires that any board or body which approves permits or enforcement orders shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permit or enforcement orders, and requires procedures ensuring that financial interests are adequately disclosed.

The Missouri plan revision does not expressly address this requirement.

(3) Permit Fees

Section 110(a)(2)(K) requires a permit fee in connection with any permit required under the Act. This is not expressly addressed in the Missouri SIP revision.

(4) Consultation

Section 121 of the Act requires that the State provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials and any federal land manager having authority over land to which the state plan applies.

Although development of the nonattainment revision included consultation with various public officials, the submission did not expressly address the requirements of Section 121 by providing a continuous consulting process.

(5) Stack Heights

Section 123 of the Act requires that the degree of emission limitation required for control of any air pollution source shall not be affected by so much of a stack height exceeding good engineering practice or any other dispersion technique.

This requirement was not expressly addressed in the Missouri SIP revision.

(6) Public Notification

Section 127 requires that each state plan shall contain measures to notify the public of instances in which health-related standards were exceeded.

This requirement is not expressly addressed in the Missouri SIP revision.

(7) Prevention of Significant Deterioration (PSD)

Section 161 requires each implementation plan to contain emission limitations and other measures to prevent significant deterioration of air quality in each region which is designated attainment or unclassified under Section 107 of the Act.

This requirement is not expressly addressed in the Missouri SIP revision.

F. Approvability

This section contains a discussion of issues identified by the EPA which could affect approval of the Missouri SIP. The discussion includes a general description of the deficiency and describes possible actions. This section sets forth alternative approaches to final rulemaking with respect to these issues. Portions of the plan which are discussed below are proposed to be approved.

(1) Demonstration of Primary TSP Standard Attainment

The Missouri submission projects attainment of the primary standard for TSP in the Kansas City and St. Louis nonattainment areas. The control strategy demonstration shows that reasonable further progress will be made and projects incremental reductions to attain the primary standard. The plan shows that reasonably available control technology applied to stationary sources is not adequate to attain the standard. The state submitted schedules to conduct studies of nontraditional source controls in St. Louis and Kansas City which are to be completed within 180 days of the final rulemaking. The anticipated reductions from nontraditional source controls project that the primary TSP standard will be met by December 31, 1982. The EPA believes the Missouri attainment demonstration is adequate to show attainment of the primary TSP standard by December 31, 1982.

Proposed Action: The EPA proposes to approve the attainment demonstration.

(2) Attainment of the Secondary TSP Standard

The State of Missouri has demonstrated that RACT measures will not achieve attainment of the secondary standard for TSP in the secondary nonattainment areas. The state has requested an extension until July 1, 1980 to submit plans to attain the secondary TSP standard in the St. Louis metropolitan area, Kansas City, and Columbia; except that July 1, 1981 was requested for the St. Louis "hot spot." The state has verified that the extension date in the "hot spot" request is a typographical error, and that an extension until July 1, 1980, was intended. The EPA believes that an extension until July 1, 1980 for submission of the plans to attain the secondary TSP standard is approvable.

Proposed Action: The EPA proposes to approve the extension required for submission of plans to attain the secondary ambient air quality standard until July 1, 1980. This proposed extension would apply to the secondary TSP plans required for Kansas City, Columbia, St. Louis, and the St. Louis "hot spot."

(3) Reasonably Available Control Technology

The Missouri Air Conservation Commission adopted rules for the eleven so-called Group I VOC sources to represent RACT. These rules apply only to the St. Louis and Kansas City ozone nonattainment areas. The Control Technique Guidelines (CTGs) provide information on available air pollution control techniques and provide recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations are consistent with the RACT guidelines, except as noted below. Where the state requirement deviates from the information contained in the CTGs, and such deviation is adequately justified, EPA proposes approval. RACT is required on major (i.e., greater than 100 tons) and nonmajor sources in St. Louis, but only on major sources in Kansas City.

(A) Rule 10 CSR 10-2.210, Control of Emissions from Solvent Metal Cleaning, applies to the Kansas City ozone nonattainment area and Rule 10-5.300, Control of Emissions from Solvent Metal Cleaning, applies to the St. Louis ozone nonattainment area. The CTGs recommend that all open-top vapor degreasers have a freeboard ratio of 0.75. These rules differ from the CTG recommendation in that existing open-top vapor degreasers are required to have a freeboard ratio of 0.5. New open-top vapor degreasers are required to have the CTG recommended free broad ratio of 0.75. The MACC found that the existing degreasers were designed to meet the OSHA standard of 0.5 and that the cost of retrofitting existing sources would be an unnecessary expense for the small amount of additional control that may be expected. The MACC also found that conversion of existing open-top vapor degreasers to agree with the CTG would only control an estimated additional four to 18 tons per year of VOC. This is less than five percent of the VOC emissions from this source category and represents RACT in the St. Louis area.

The MACC believes the third safety switch recommended in the CTG is unnecessary and not as reliable as the thermostatic cut-off switch and manual reset required by the Missouri regulations. The state believes this requirement will serve the same purpose as the CTG third switch recommendation.

The Missouri regulations substitute an entry rate restriction in lieu of the load size recommended in the CTG.

Proposed Action: The EPA believes the deviations from the CTGs will not significantly affect the allowable VOC emissions from open-top vapor degreasers. The EPA proposes to approve Rule 10 CSR 10.2.210 and 10 CSR 10-5.300 as representing RACT.

(B) Rule 10 CSR 10-2.220, Liquid Cutback Asphalt Paving Restricted, is applicable in the Kansas City ozone nonattainment area and Rule 10 CSR 10-5.310, Liquid Cutback Asphalt Paving Restricted, is applicable in the St. Louis ozone nonattainment area. These regulations are the same. The Missouri regulations define cutback asphalt as containing seven percent diluent. Emulsified asphalt conversely is defined as containing less than seven percent diluent. The CTG recommends that emulsified asphalt may contain no petroleum distillate and that the diluent may be 98 percent water plus two percent non-volatile organic emulsifier. The CTG notes that the State of New York as requiring the use of 100 percent emulsified asphalt; however, New York allows 15 percent petroleum diluent in emulsified asphalt. It appears the Missouri regulation may be at least as stringent as the example in the CTG.

Proposed Action: The EPA believes the Missouri asphalt regulation is approvable as RACT. The EPA proposes to approve Rule 10 CSR 10-1.110 and Rule 10 CSR 5.310 as representing RACT.

(C) Rule 10 CSR 10-2.260, Control of Petroleum Liquid Storage, Loading and Transfer, is applicable in the Kansas City ozone nonattainment area; Rule 10 CSR 10-5.220, Control of Petroleum Liquid Storage, Loading and Transfer, is applicable in the St. Louis ozone nonattainment area. These regulations have the same requirements for each area.

(1) These regulations require floating roof tanks for storage of VOC with a vapor pressure of 1.8 pounds per square inch or greater at 70 degrees Farenheit. The CTG recommendation is 1.5 pounds per square inch absolute (psia) as stored.

The state plan does not adequately discuss the rationale for using 1.8 pounds per square inch at 70 degrees Farenheit in lieu of the CTG recommended value. There must be a demonstration that the Missouri rule will provide controls which will control emissions within five percent of the allowable emissions of the CTG recommendation, or that the rule represents RACT for the specific sources being controlled.

Proposed Action:

The EPA proposes to conditionally approve Rule 10 CSR 10-5.220 and Rule 10 CSR 10-2.260 as representing RACT in the respective nonattainment areas, if within six months of the final rulemaking, the state can show that this rule is within five percent of the control recommended by the CTG, or that the rule represents RACT for the specific sources being controlled.

(2) Rule 10 CSR 10-2.260 and Rule 10 CSR 10-5.220 allows an emission of 0.50 gram per gallon of VOC emission limit for gasoline loading. The CTG recommends 0.30 gram per gallon. The methods of control specified in the state rules are consistent with the controls recommended in the CTG such that installed equipment can meet the CTG recommended emission rate. The rationale for adopting the 0.50 gram per gallon emission rate is that it was adopted previously for St. Louis as part of a revision of the current SIP. The state believes it is simpler to adopt an identical regulation (Rule 10 CSR 10-2.260) for Kansas City and be consistent with the regulation for St. Louis. The state also reasons that revising the emission limit for St. Louis would require an additional public hearing on an existing regulation.

Proposed Action: The EPA proposes to conditionally approve Rule 10 CSR 10-5.220 and Rule 10 CSR 10-2.260 as representing RACT in the respective nonattainment areas, provided that within six months of the final rulemaking, the state demonstrates that the allowable emission limit will not cause emissions to exceed five percent of that of the CTG recommendation, or that the rule represents RACT for the specific sources being controlled.

(D) Rule 10 CSR 10-2.230, Control of Emissions from Industrial Surface Coating Operations, and Rule 10 CSR 10-5.330, Control of Emissions from Industrial Surface Coating Operations, are applicable in the Kansas City and St. Louis ozone nonattainment areas, respectively. These rules exempt sources emitting less than 50 tons per year. The CTG recommends a 25-ton per year cut-off. The MACC finds that only one additional source would be added and that such additional control amounts to less than one percent of the VOC emissions which are allowed by the CTG recommendation from surface coating operations.

The rules submitted express the allowable VOC emissions in terms of pounds per gallon of coating, minus water. The CTG recommends a control efficiency specification because of the difficulty and questionable emission testing procedures. However, in order to determine an efficiency of control equipment, there must be a source test, otherwise the state must assume a collection efficiency. The CTG does provide the alternative mass emission rate used in the Missouri rules for surface coating operations.

Each of these rules specify an emission limit for each of the painting operations of each automobile company with assembly plants in the nonattainment areas. Each painting or coating operation has a specified date for compliance and the regulations require that the owner or operator submit plans to comply with the emission limits for approval by the Director of the Missouri Department of Natural Resources.

The emission limits submitted by the state generally follow the CTG recommendations with two significant deviations. Limits for certain operations at Ford Motor Company plants in St. Louis and Kansas City are less stringent than the CTG recommendations. It has been demonstrated to the EPA that these less stringent limits represent RACT for these Ford plants. Slight additional reductions could be obtained at great additional cost. As an example, using the CTG recommendation an additional 120 tons of VOC could be controlled at one assembly line at an added cost of $20,000 per ton of VOC controlled. The emissions allowed by the Missouri regulation could cost $1,400, per ton of VOC controlled.

The MACC adopted a less stringent emission limit on the General Motors Corvette assembly line, without adequate justification. The General Motors Corporation has committed to meeting the CTG recommended limit on this line.

The state adopted a delayed effective date for surface coating of certain types of cans. No explanation was provided by the state for the delayed date.

These regulations require source owners or operators to maintain records regarding the amounts of emission, solvent content of each coating used (minus water), and capture and control efficiencies. These records are to be maintained for a minimum of two years and shall be available to the Director, Missouri Department of Natural Resources upon request.

Proposed Action: The EPA proposes to approve Rule 10 CSR 10-2.230 and 10 CSR 10-5.330 as representing RACT subject to the condition that within six months of the final rulemaking, the state shall: (1) amend the emission limit for the Corvette assembly line, and (2) demonstrate that the delayed effective dates for can coating represent

compliance as expeditiously as practicable, or amend the dates.

(5) Public Participation

The Missouri submission contained evidence that the plan was adopted after reasonable notice and public hearing.

Proposed Action: The EPA proposes to approve the Missouri plan with respect to Section 172(b)(1).

(6) Reasonable Further Progress

(a) The Missouri submission contains graphs and timetables showing incremental reductions of air pollutants which project attainment of the applicable standards by December 31, 1982, except for ozone attainment in the St. Louis nonattainment area. The St. Louis ozone nonattainment plan approvability will be discussed below at paragraph (14).

Proposed Action: The EPA proposes to approve the Missouri plan with respect to the reasonable further progress demonstration required by Section 172(b)(3).

(b) St. Louis TSP—The state has shown that the primary standard for TSP cannot be attained using only RACT controls at existing stationary sources by December 31, 1982. The state has submitted a schedule to study control of nontraditional sources in St. Louis which is to be completed within 180 days of the final rulemaking. Anticipated results of the study project attainment of the primary TSP standard.

Proposed Action: The EPA proposes to approve the St. Louis TSP nonattainment plan as showing reasonable further progress as required by Section 172(b)(3) of the Act.

(c) Kansas City (TSP)—The state has shown that RACT controls applied to existing stationary sources will not allow the primary ambient air quality standard for TSP to be attained by December 31, 1982. The state submitted a plan for a study of nontraditional source control which will be completed within 180 days of the final rulemaking. The anticipated results of the study project attainment of the primary TSP standard by December 31, 1982.

Proposed Action: The EPA proposes to approve the Kansas City TSP plan as showing reasonable further progress as required by Section 172(b)(3) of the Act.

(d) Kansas City (ozone)—The state has shown that application of the adopted VOC regulations and the Federal Motor Vehicle Pollution Control Program project attainment of the ozone standard by December 31, 1982.

Proposed Action: The EPA proposes to approve the Kansas City ozone plan since it demonstrates attainment of standards as expeditiously as practicable as required by Section 172(a)(1) of the Act and reasonable further progress required by Section 172(b)(3).

(e) St. Louis (CO and ozone)—The state submittal for attainment of the carbon monoxide and ozone standard in St. Louis depends upon transportation control measures and instigation of I/M measures in 1982 to attain the standard by December 31, 1987. Deficiencies in the transportation control measures are discussed in paragraph (14) below. The Missouri Legislature adopted enabling legislation to conduct I/M in the ozone and carbon monoxide nonattainment areas. The MACC and the Missouri State Highway Patrol are to develop a pilot program leading to mandatory I/M program by December 31, 1982. Citizen participation in the I/M program may not be mandatory prior to the 180th day following the convening of the 81st General Assembly First Session without specific legislative authorization and until the governor certified that Illinois and/or Kansas have instigated an equally effective mandatory I/M program or that EPA is applying effective and sufficient sanctions for failure of these states to have such a mandatory program in the appropriate areas. Under EPA's interpretation of the Clean Air Act, the imposition of any of the following actions would be effective and sufficient sanctions:

(1) Denial of clean air grants;

(2) Denial of grants under title 23, U.S. Code;

(3) Denial of permits for the construction and operation of new or modified stationary sources; or

(4) Federal enforcement action.

The Governor of Missouri must 1) determine that the imposition of any of the above actions is effective and sufficient, and 2) reasonably determine whether Illinois and/or Kansas has implemented an equally effective program, in order to avoid the possible imposition of Clean Air Act sanctions in Missouri.

This legislation is approvable as providing the necessary legal authority for the state to conduct I/M in the ozone and carbon monoxide nonattainment areas. Mandatory I/M is to begin no later than December 31, 1982. Analysis of I/M measures projects at least a 25 percent reduction in mobile source carbon monoxide and VOC emissions by December 31, 1987. The SIP does not contain an implementation schedule with milestones indicating activities necessary to instigate a mandatory I/M program.

The attainment demonstration for carbon monoxide uses a simple roll back calculation. However, the plan commits the EWGCC to using a mathematical diffusion model to redefine the required emission reductions and to analyze the impacts of the selected control measures.

Proposed Action: The EPA proposes to conditionally approve the CO and ozone plan revision for St. Louis. The state must correct the deficiences discussed in paragraph (14) below. The state must develop a schedule which will be followed to instigate a mandatory I/M program. The schedule must contain the major milestones (starting and completion dates) the MDNR and/or EWGCC will follow to begin and continue the I/M program and must include actions to implement alternative I/M programs considered, for which air quality benefit credits have been taken. The state must develop or revise the reasonable further progress demonstration, when the final stringency factor and vehicle test mix is selected within six months of the final rulemaking. In addition, EWGCC must implement the carbon monoxide dispersion model in accordance with the schedule contained in the plan. The schedule begins July 1, 1979, and will be complete by June 30, 1980.

(7) Emission Inventory

The Missouri plan submission contains emissions inventories as required by Section 172(b)(4) of the Act.

Proposed Action: The EPA proposes to approve the plan as meeting the requirements of Section 172(b)(4) of the Act.

(8) Emission Growth

The state submittal contains identified emissions growth allowances for certain areas as required by Section 172(b)(5). The plan commits to orderly growth or the application of offsets required under Section 173 of the Act. Missouri used EPA guidance which recommended 1975 through 1977 air quality data as a basis for a strategy design, but permitted use of 1978 data where available. Utilizing 1977 air quality data, a 50 percent reducion in VOC emissions will be required to attain the ozone standard.

The Missouri plan provides for a total annual growth for VOC emissions of approximately 1,700 tons per year from 1980 through 1987 for a total of 10,000 tons for stationary sources during this period. This annual growth includes new and existing sources. The state will track this growth using the existing permit system. Should the tracking system project an exceedance of the annual increment, new or modified sources would be required to employ offsetting emissions.

The state projects approximately 6,000 tons total for new sources only and approximately 4,000 tons for expansion of existing sources in the 1980–1987 time period. The VOC growth allowances will be consumed on a first come, first served basis. Where disputes arise over permitted growth, the state will make the final determination.

The St. Louis AQCR includes three counties in Illinois. The plan for the Illinois portion of the St. Louis metropolitan area differs from Missouri's approach. Illinois used 1978 ozone air quality data as the basis for the estimated reductions needed to meet the ozone standard. The Illinois EKMA analysis utilizing 1978 ozone data projects the need for a reduction of 54 to 60 percent in VOC emissions to attain the ozone standard. Illinois accounted for increases in emissions from existing sources by including the projections of emission changes into their emission inventory and their attainment demonstration. Consequently, the Illinois plan would require major new sources to seek emission offsets. The Missouri submittal included consideration of the Illinois VOC emission reductions.

The EPA solicits comments on the growth allowed by the Missouri submittal for attainment of the ozone standard and on the differences in the approach taken by Missouri and Illinois in the St. Louis Air Quality Control Region.

Proposed Action: The EPA proposes to approve the Missouri plan with respect to the requirements of Section 172(b)(5).

(9) Permit Requirements

The state submittal demonstrates that the MACC has authority to issue permits to construct and commits to requiring the lowest achievable emission rate where necessary. Legislation was adopted granting the MACC the necessary legal authority to comply with the requirements of the Clean Air Act. However, regulations have not been promulgated which would meet the requirements of Section 173. The EPA is considering several options concerning action on the Missouri plan with respect to the new source permit requirements of Sections 172(b)(6) and 173. The EPA is seeking comments on the options discussed below, as well as any other alternatives.

Option A. Disapprove the plan with respect to the requirements of Section 172(b)(6) and Section 173.

Discussion: Under this option new source construction would be prohibited under Section 110(a)(2)(I) of the Act. The growth restriction is explained in detail in the Federal Register of July 2, 1979 (44 FR 38471). The growth restriction went into effect automatically on July 1, 1979, and remains in effect until the SIP is approved or conditionally approved.

Option B. Conditional approval of the plan with respect to the permit requirements. Discussion: If the EPA conditionally approves any portion of a state plan prepared pursuant to Part D of the Act, growth restrictions imposed by the Act are removed during the time between the conditional approval and the deadline for meeting the condition. If the condition is satisfied within the deadline, no further growth restriction is imposed. If the condition is *not* satisfied, the growth restriction is again applicable.

The state has made firm commitments to adopt regulations to comply with the requirements of Section 173. The state has also made a commitment to deny permits not in accordance with Section 173. Commitments include requiring alternate site analysis, lowest achievable emission rate, and assurance that all sources owned or operated by the same entity are in compliance with the applicable plan.

It is unclear that the State of Missouri would be legally able to prevent construction or modification (in a nonattainment area) of sources not in compliance with the requirements of Section 173, without regulations expressly requiring such compliance. Therefore, EPA could approve with the condition that the state submit regulations required by Sections 172(b)(6) and 173 within six months of final rulemaking, *only* if the state provides a certification demonstrated to be legally enforceable that it will not issue permits to sources which do not meet the requirements of Sections 172(b)(6) and 173.

Option C. Delay approval until the appropriate regulations are adopted and submitted to EPA for approval.

Discussion: This option is to take no action on this portion of the plan until the deficiency is corrected. The net result of this option is that restrictions imposed by the Act after July 1, 1979, will remain in effect until the state has adopted and EPA has approved regulations which satisfy the requirements of Section 173.

Option D. Under Section 110(c), promulgate plan provisions for Missouri tracking the language of Section 173. Since the language in the statute is mandatory, EPA would have no discretion and there would be no need for further public hearing.

Proposed Action: EPA does not make a specific proposal on the permit requirements of Sections 172(b)(6) and 173. EPA requests comments on the issue, and will take final action based on comments received and on a detailed evaluation of the situation.

(10) Resources

The Missouri submittal identifies and commits resources needed to carry out the plan as required by Section 172(b)(7) of the Act.

Proposed Action: The EPA proposes to approve the Missouri plan with respect to Section 172(b)(7).

(11) Schedules

The state submission includes compliance schedules for sources subject to the regulations adopted for the nonattainment areas.

Proposed Action: The EPA believes the Missouri plan satisfies the requirements of Section 172(b)(8) and proposes to approve the plan regarding schedules.

(12) Public, Local Government, and Legislative Involvement

The Missouri submission demonstrates involvement of the public and local government by inclusion of hearing transcripts and letters from local governments commenting on the Missouri plan. The plan clearly shows public and local government involvement and consultation in accordance with Section 174; however, the only evidence of legislative involvement are copies of the adopted enabling legislation. Additional information is needed to show consultation with the legislature on the plan contents. This is a minor deficiency and should be easily corrected. The plan includes a brief analysis of air quality, health, welfare, economic, energy, and social effects of the nonattainment plan provisions and alternatives considered by the state, and a summary of public comment on the plan.

Proposed Action: The EPA proposes to approve the plan as complying with Section 172(b)(9). The state should submit additional information which discusses consultation with the legislature regarding the plan.

(13) Commitments

The Missouri submittal contains written evidence of adopted requirements, assurances and commitments that the plan will be implemented and enforced. When additional requirements are adopted to comply with any conditional approvals which may be promulgated, the state will be required to submit additional commitments for implementation and enforcement.

Proposed Action: The EPA proposes to approve the plan as complying with the requirements of Section 172(b)(10) for those measures adopted in the plan.

(14) Attainment Dates and Extensions

The requirements of Section 172(b)(11) are applicable only to the St. Louis plans for ozone and carbon monoxide because an extension until December 31, 1987, has been requested to attain those standards. The ozone and carbon monoxide plans for St. Louis do not clearly demonstrate that alternate site analysis, cost benefit analysis, and other requirements of Section 172(b)(11)(A) have been included.

The St. Louis ozone plan projects attainment of the standard by December 31, 1987; however, there are deficiencies with respect to the requirements of Sections 172(b)(11)(B) and (C) which must be corrected. Deficiencies and approvability of the St. Louis CO submittal were discussed in paragraph 6(e) above. Included in this discussion is the I/M program which is applicable to ozone and carbon monoxide.

(a) The state must require that the East-West Gateway Coordinating Council (EWGCC) provide a list of currently programmed transportation measures having air quality benefits and include the associated implementation schedules. The state and local agencies responsible for implementing those measures must approve and make a a commitment to carry out these projects in accordance with these schedules.

(b) The list of Transportation Improvement Program (TIP) elements must include only those projects having demonstrable air quality benefits. The list submitted with the plan includes "stand-by" projects from the TIP. Such projects must demonstrate their air quality benefits and have commitments for implementation by the responsible agencies or be deleted.

(c) The EWGCC must submit a work program acceptable to EPA for an urban air planning grant under Section 175 of the Act. EWGCC is the designated lead agency for transportation air quality planning. The current grant to EWGCC includes funds for design of a work program leading to a subsequent grant. The work program must provide a schedule for the analysis of alternative transportation strategies and include a commitment by EWGCC to seek commitments to specific transportation measures after the analysis. This work program must also commit EWGCC to assess the health, air quality, economic, energy, and social impacts of the transportation strategies. The effect assessment provided in the SIP must be expanded to adequately address the transportation measures to be submitted in the December 31, 1982, SIP submittal.

(d) The SIP must include a description of the procedures used by EWGCC for determining conformity of transportation plans and programs to the SIP in order to meet the requirements of Section 176(c) of the CAAA. EWGCC must also include in the SIP the description of the process to be used in assessing the air quality impact of transportation system management type projects.

(e) EWGCC must provide explicit commitments in the Section 175 work program to monitor the goals identified in the SIP for emissions reductions by way of five classes of transportation measures. These five classes are: improved mass transportation, increased car pooling, increased van pooling, increasing average vehicle speed, and traffic flow improvements. The SIP revision establishes annual goals through 1982 for achieving emissions reductions using TCMs. These TCMs provide for an estimated 6.45 percent reduction in emissions by December 31, 1982; however, the SIP does not establish specific strategies for achieving this reduction. The Transit Development Plan is cited as a means of increasing ridership by 50 percent, but there is no indication that the plan will be implemented. There are no commitments to other transportation strategies.

(f) In addition to the commitments outlined above, EWGCC must provide a commitment to justify any decision not to adopt difficult control measures.

PROPOSED ACTION: The state has a transportation planning mechanism in process thus, the EPA proposes to conditionally approve the transportation control measures contained in the St. Louis ozone and carbon monoxide plans provided that the deficiencies described in (a) are corrected in three months, and (b) through (f) are corrected within six months of the final rulemaking. The EPA also proposes to conditionally approve the Missouri request for an extension of the attainment date for ozone and carbon monoxide to no later than December 31, 1987. The state must develop within six months of the final rulemaking a program which complies with Section 172(b)(11)(A) of the Act. Such program must include an analysis of alternate sites, sizes, production processes, and environmental control techniques for any new or modified source prior to issuance of a permit for such source to be located in the nonattainment area. Prior to any conditional approval, the state must provide a certification that it will not issue any permits for construction or modification prior to performance of the analysis required by Section 172(b)(11)(A).

G. Summary of Major Issues

1. No attainment plan has been submitted for St. Joseph and New Madrid.

2. Regulations which subject proposed new or modified sources to the requirements of Section 173 of the Act have not been developed. These regulations would require in part emission offsets and the lowest achievable emission rates for new sources locating in a nonattainment area and for modification of existing sources.

H. Conclusion

The measures proposed today will be in addition to and not in lieu of existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without control, or under less stringent controls, while it is moving toward compliance with the new regulation. Failure of a source to meet applicable preexisting regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Further, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations because of a court order or for any other reason, the preexisting regulations will be applicable and enforceable.

The only exceptions to this rule are cases where there are conflicts between the requirements of the new regulations and the requirements of the existing regulations such that it is impossible for sources to comply with the regulations. In these situations, the state may exempt sources from compliance with the preexisting regulations. Any exemption granted will be reviewed and acted on by the EPA either as part of these proposed regulations or as a future SIP revision.

The public is invited to submit comments on whether the proposed amendment to the Missouri air pollution regulations and the revised SIP should be approved as a revision to the Missouri State Implementation Plan.

A notice of availability was published in the Federal Register on July 25, 1979, (44 FR 43490) at which time the public was invited to review the revised Missouri SIP. With the publication of the notice of availability and the 30-day comment period allowed on this proposed rulemaking, sixty days will have been allowed for public inspection and comment on the Missouri SIP revision.

The Administrator's decision to approve or disapprove will be based on comments received and on a determination of whether the amendments meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized."

I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

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

Dated: September 19, 1979.

Kathleen Camin,

Regional Administrator.

[FR Doc. 79-32866 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

VETERANS ADMINISTRATION

41 CFR Part 8-7

Contract Clauses

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration is proposing to amend its procurement regulations by revising two contract clauses. A supply contract clause is to be revised to increase the amount charged to contractors for remarking improperly marked containers so as to reflect current costs. The other clause is to be revised to clarify the allowable calculation of profit in changes to construction contracts.

DATES: Comments must be received on or before November 26, 1979. It is proposed to make this change effective 30 days after final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until December 6, 1979.

FOR FURTHER INFORMATION CONTACT: A. G. Vetter (202-389-2334).

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until December 6, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: October 17, 1979.

By direction of the Administrator.

John J. Leffler,

Associate Deputy Administrator.

1. In § 8-7.150-23, the clause is revised to read as follows:

§ 8-7.150-23 Noncompliance with packaging, packing, and/or marking requirements.

* * * * *

Noncompliance With Packaging, Packing, and/or Marking Requirements

Failure to comply with the packaging, packing, and marking requirements indicated herein, or incorporated herein by reference, may result in rejection of the merchandise and request for replacement, or repackaging, repacking, and/or marking. The Government reserves the right without obtaining authority from the Contractor to perform the required repackaging, repacking, and/or marking services and charge the Contractor therefor at a rate of $16 per man-hour for the first or fractional hour and $10 for any succeeding or fractional hour, or have the required repackaging, repacking, and/or marking services performed commercially under Government orders and charge the Contractor therefor at the above rates. In connection with any discount offered, time will be computed from the date of completion of such repackaging, repacking, and/or marking services.

2. In § 8-7.650-21, paragraph (d) is revised to read as follows:

§ 8-7.650-21 Contract changes.

Clause 3, Changes, and Clause 4, Differing Site Conditions, of General Provisions, SF 23A, are supplemented as follows:

* * * * *

(d) Allowances not to exceed 10 percent each for overhead and profit for the party performing the work will be based on the value of labor material, and use of construction equipment required to accomplish the change. As the value of the change increases, a declining scale will be used in negotiating the percentage of overhead and profit. Allowable percentages on changes will not exceed the following: 10 percent overhead and 10 percent profit on first $20,000; 7½ percent overhead and 7½ percent profit on next $30,000; 5 percent overhead and 5 percent profit on balance over $50,000. Profit shall be computed by multiplying the profit percentage by the sum of the direct costs and computed overhead costs.

* * * * *

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 79-32868 Filed 10-24-79; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 29

[OST Docket No. 65; Notice No. 79-21]

Nondiscrimination on the Basis of Age in Programs and Activities Receiving or Benefitting From Federal Financial Assistance

Correction

In FR Doc. 79-32482, appearing at page 60946, in the issue for Monday, October 22, 1979, § 29.85(e) was inadvertently omitted. The present paragraph (e) should be redesignated as paragraph (f) and the omitted paragraph (e) should be added to read as follows:

§ 29.85 Hearings.

* * * * *

(e) *Procedures, evidence and record.* (1) The hearing, decision, and any administrative review thereof are conducted in conformity with Sections 554 through 557 of Title 5 of the United States Code, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving notice subsequent to those provided for in paragraph (a) of this section, taking testimony, exhibits, arguments and briefs, requests for findings, and other related matters. The responsible Departmental official and the applicant or recipient are entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer

conducting the hearing. Any person (other than a government employee considered to be on official business) who, having been invited or requested to appear and testify as a witness on the government's behalf, attends at a time and place scheduled for a hearing provided for by these regulations may be reimbursed for his/her travel and actual expenses in an amount not to exceed the amount payable under the standardized travel regulations applicable to a government employee traveling on official business.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to these regulations, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to cross examination are applied where reasonably necessary by the administrative law judge conducting the hearing. The administrative law judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record are open to examination by the parties and opportunity is given to refute facts and arguments advanced by either side. A transcript is made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions are based on the hearing record and written findings shall be made.

* * * * *

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 44, No. 208
Thursday, October 25, 1979

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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Remedial Order Procedures of the Department of Energy; Tentative Recommendations

AGENCY: Administrative Conference of the United States; Committee on Ratemaking and Economic Regulation.

ACTION: Extension of comment deadline.

SUMMARY: The Administrative Conference Committee on Ratemaking and Economic Regulation has reached agreement in principle on tentative recommendations relating to remedial order procedures of the Department of Energy. The tentative recommendations propose that the Department of Energy Organization Act be amended so as to (1) abolish review by the Federal Energy Regulatory Commission of remedial orders issued by the Office of Hearings and Appeals, (2) establish by statute a set of procedures to be followed by the Office of Hearings and Appeals in deciding remedial orders cases, and (3) abolish district court review of final remedial orders and provide for judicial review directly in the Temporary Emergency Court of Appeals. The Committee has decided to allow additional time for comments on its tentative recommendations.

COMMENT DEADLINE: November 19, 1979.

SEND COMMENTS TO: William C. Bush, Administrative Conference of the United States, 2120 L Street NW, Suite 500, Washington, DC 20037.

All comments received will be available for public inspection at the above address from 9:00 a.m. to 5:30 p.m., Monday through Friday, excluding holidays.

DOCUMENTS AVAILABLE: Copies of the consultant's draft report are available on request to the contact person. Ask for: Aman, "Institutionalizing the Energy Crisis: Some Structural and Procedural Lessons" (draft of July 18, 1979).

FOR FURTHER INFORMATION CONTACT: William C. Bush. Administrative Conference of the United States, 2120 L Street NW, Suite 500, Washington, DC 20037. Telephone (202) 254-7065.

SUPPLEMENTARY INFORMATION: On September 19, 1979, the Administrative Conference Committee on Ratemaking and Economic Regulation met to consider a draft report and proposed recommendations, submitted by Conference consultant Professor Alfred C. Aman, Jr. of Cornell Law School, on remedial order procedures of the Department of Energy.

The Committee agreed with the consultant that both the administrative and the judicial procedures for handling remedial orders include unnecessary duplication of decision making actions. The Committee agreed in principle on tentative recommendations proposing that review of remedial orders by the Federal Energy Regulatory Commission and by district courts be abolished. The Committee also agreed that the procedural standards for handling remedial orders by the Office of Hearings and Appeals should be specified by statute, and that these standards should be similar to the present requirements of section 503 of the Department of Energy Organization Act.

By Federal Register notice of October 3, 1979 (44 FR 56972) the Committee requested comments on its tentative recommendations. The Committee has decided to extend the comment deadline to November 19, 1979. Following receipt of comments, the Committee will hold a public hearing on or about November 28, 1979. Notice of the date, time, place, and procedure for this hearing will be published separately in the Federal Register.

TENTATIVE RECOMMENDATIONS:

1. **Agency for administrative review.** Review by the Federal Energy Regulatory Commission of remedial orders issued by the Secretary under section 503 of the Department of Energy Organization Act is unnecessarily duplicative of the present procedures of the Office of Hearings and Appeals, and should be abolished. Congress should amend section 503 to provide that final administrative review of the Secretary's remedial orders occur in the Office of Hearings and Appeals. In order to assure the separation of prosecutorial and judicial functions within the Department regarding remedial order actions, Congress should amend the Department of Energy Organization Act so as to guarantee the continuation, in enforcement proceedings, of the present organizational independence of the Office of Hearings and Appeals.

2. **Administrative procedures.** Although remedial order cases need not be fully subject to the adjudicatory provisions of the Administrative Procedure Act, Congress should, by statute, specify minimum procedural standards to be used by the Office of Hearings and Appeals. In particular, the procedures applicable at present to the Federal Energy Regulatory Commission under section 503(c) of the Department of Energy Organization Act should be made applicable to the Office of Hearings and Appeals.

3. **Judicial review.** At present, final remedial orders of the Department of Energy are appealable to the United States district courts and, following district court review, to the Temporary Emergency Court of Appeals. Appellate review of administrative action by the district courts is inappropriate in any case, is unnecessarily duplicative of review by the Temporary Emergency Court of Appeals, and results in prolonged delays in arriving at authoritative judicial determinations of legal issues arising in connection with remedial order cases. Congress should amend the Department of Energy Organization Act to provide that final remedial orders of the Office of Hearings and Appeals be appealable directly to the Temporary Emergency Court of Appeals (and thereafter by writ of certiorari to the Supreme Court).

RELATED ISSUES FOR COMMENT: Although the Committee has tentatively agreed to limit its recommendations to the above proposals, the Committee invites additional comments addressing the following related issues.

1. Should the presiding officer in a remedial order proceeding at the Department of Energy be an administrative law judge? If so, and if review by the Federal Energy Regulatory Commission be abolished, what should be the form of final agency action on a remedial order? For

example, should the administrative law judge's decision be reviewable by the Office of Hearings and Appeals, by the Economic Regulatory Administration, by the Secretary of Energy, or by some other entity?

2. Should remedial order proceedings be subject to the full adjudicatory procedural requirements of the Administrative Procedure Act, rather than to the somewhat different requirements of the Department of Energy Organization Act (as incorporated in tentative recommendation No. 2 above)?

3. Should judicial review of remedial orders take place in the circuit courts of appeals, rather than in the Temporary Emergency Court of Appeals? If so, what should be the rules of venue?

4. Should judicial review of final remedial orders (whether in the Temporary Emergency Court of Appeals or in the circuit courts of appeals) be subject to the provisions of section 706(2) of the Administrative Procedure Act, rather than to the more limited provisions of section 211(d)(1) of the Economic Stabilization Act of 1970?

5. Under section 504 of the Department of Energy Organization Act, decisions of the Secretary (at present, delegated to the Office of Hearings and Appeals) denying requests for adjustments are appealable to the Federal Energy Regulatory Commission and then to federal district courts and then to the Temporary Emergency Court of Appeals. Are these multiple layers of review either unnecessary to achieve decisional fairness, or unnecessarily burdensome to applicants for adjustments, so that section 504 should be amended to provide that adjustment decisions of the Office of Hearings and Appeals constitute final agency actions which are directly appealable to the Temporary Emergency Court of Appeals (or to a circuit court of appeals)? If so, what additional procedural requirements should be specified by statute so as to assure the fair and efficient handling of requests for adjustments by the Office of Hearings and Appeals and the courts? (Recommendations related to the policy-making aspects of the adjustments program will be considered by the Committee at a later time as part of an on-going project to study Department of Energy procedures. However, since the adjustment and remedial orders programs are subject to very similar basic procedures for agency action and judicial review, the Committee may wish at this time to propose recommendations in this area.)

Richard K. Berg,

Executive Secretary.

October 16, 1979.

[FR Doc. 79-32967 Filed 10-24-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan, Colville National Forest, Ferry, Pend Oreille, and Stevens Counties, Wash.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for a Forest Land and Resource Management Plan.

Planning efforts will be centered around the 1,095,857 acres of National Forest land administered by the Colville National Forest, as well as its northeastern Washington area of influence which includes Ferry, Pend Oreille, and Stevens Counties and the Spokane area. Involvement and coordination with State, local and other Federal governmental bodies representing these areas, and other self-determining bodies such as the Colville and Kalispel Indian Tribes will be a key element in the planning effort.

The basis for this planning effort is contained in Section 6 of the National Forest Management Act of 1976, which calls for incorporating the standards and guidelines of Section 6 into plans for each National Forest. The Act further states "Form one integrated plan for each unit of the National Forest System, incorporating into one document or set of documents, available to the public at convenient locations, all of the features required by this section" (Section 6(f)(1)).

The proposed action is to prepare a Forest Land and Resource Management Plan. Selection of a plan for implementation will be made from a range of alternatives developed in the environmental analysis, and displayed in the Environmental Impact Statement. These alternatives must meet the following criteria: (1) each alternative will be capable of being achieved; (2) a no action alternative will be formulated, that is the most likely condition expected to exist in the future if current management direction would continue unchanged; (3) each alternative will provide for the orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple use objectives of the alternative; (4) each identified major public issue and management concern will be addressed in one or more alternatives; (5) each alternative will represent the most cost effective combination of management practices examined that can meet the objectives established in the alternative.

Tentative issues and concerns are being identified from past public input to RARE II, unit plans and other activities in addition to internal issues and concerns developed by Forest employees and the Forest Interdisciplinary Team. These are scheduled for presentation to the public in November, 1979. Oral and written responses will be requested. Public meetings will be held at several locations in the Colville National Forest area of influence, to facilitate public participation. Meetings with local, state and other Federal agencies will be held during the issue identification phase of the plan, to further determine the scope of the plan. Public review opportunities are planned for the identification of planning criteria, formulation of alternatives and evaluation of alternatives planning process steps.

R. E. Worthington, Regional Forester, is the responsible official, and Stephen A. Kelley, Colville National Forest Planning, Programming, and Budgeting Staff Officer, will be the Interdisciplinary Team Leader for preparing the environmental analysis and impact statement.

It is anticipated that the environmental analysis will require about 3½ years. The Draft Environmental Impact Statement is expected to be available for public review by approximately December, 1982. The Final Environmental Impact Statement is scheduled for completion in December, 1983.

Comments on this Notice of Intent or on the Colville National Forest Plan should be sent to Stephen A. Kelley, Planning, Programming, and Budgeting Staff Officer, Colville National Forest, Colville, Washington, 99114.

Dated: October 18, 1979.

Frank J. Kopecky,

Acting Regional Forester.

[FR Doc. 79-32968 Filed 10-24-79; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan, Mount Hood National Forest, Multnomah, Clackamas, Hood River, Wasco, Marion, and Jefferson Counties, Oreg.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement for the Mt. Hood National Forest Land and Resource Management Plan.

The Forest Plan will be developed in accordance with the direction for land and resource planning developed pursuant to the National Forest Management Act of 1976. The Forest Plan will contain the following:

1. A brief description of the major public issues and management concerns which are pertinent to the Forest, indicating the disposition of each issue or concern.
2. A summary of the analysis of the management situation, including a brief description of existing management situations. Demand and supply conditions for resource commodities and services, production potentials, and use and development opportunities.
3. Long-range policies, goals, and objectives, and the specific objectives of the plan.
4. Proposed vicinity, timing, standards and guidelines for proposed and probable management practices, and
5. Monitoring and evaluation requirements which are pertinent at the forest level.

Tentative issues, concerns, and opportunities have been identified from past public input to Land Management Planning programs on the Mt. Hood National Forest. These will be presented to the public in October 1979. Oral and written responses will be requested. Informational meetings will be held in Gresham, Hood River and Mill City. From the input received and that provided by Forest Service officials and interested representatives of State, county and local governments, a final set of issues, concerns and opportunities will emerge which will guide the planning process.

Based on analysis of the final issues and concerns, a coordinated resource date base will be created using existing data. A range of alternatives for resource allocation and management will be developed, with the assistance of the public and other Governmental agencies, which will address the issues and management concerns.

It is anticipated that the analysis will take about two years. The Draft Environmental Impact Statement for the Mt. Hood National Forest Land and Resource Management Plan is expected to be available for public review by December 1980. The Final Environmental Impact Statement is scheduled to be completed in 1981.

Comments or questions on this Notice of Intent or the planning process should be addressed to: Myron Blank, Land Management Planning, Mt. Hood National Forest, 19559 S.E. Division, Gresham, Oregon 97030 (Phone 503/667-0511).

Dated: October 16, 1979.

Frank J. Kopecky,

Acting Regional Forester.

[FR Doc. 79-32301 Filed 10-24-79; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, Angeles National Forest, Los Angeles and San Bernardino Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the Angeles National Forest.

This forest plan is one of eighteen currently being developed in Pacific Southwest Region. The development of these several forest Plans and the regional plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a regional plan.

This forest plan will provide and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

(a) briefly describe the major public issues and management concerns,

(b) briefly describe the lands and resources of the Angeles National Forest,

(c) identify the goals and objectives of management,

(d) describe the expected types and amounts of goods, services, or uses—by decades,

(e) identify the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities,

(f) identify monitoring and evaluation criteria,

(g) refer to information used in plan development, and

(h) identify the persons who participated in the development of the plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this plan include but are not limited to:

(a) the kinds and amounts of goods, the services to be produced, and the uses to be permitted on the National Forest System lands,

(b) the public costs of providing these goods and services, and

(c) the physical, biological, economic and social effects, associated with the production of goods and services.

The forest plan will be selected from a range of alternatives which will include at least:

(a) a "no action" alternative which represents continuation of the present management direction,

(b) one or more alternatives formulated to respond to major public issues and management concerns.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) identification of the issues to be addressed,

(b) identification of those issues to be analyzed in depth, and

(c) elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review, or are not within the scope of this Forest Plan.

To accomplish this, public meetings will be held in Claremont, Azusa, Pasadena, Valencia and Palmdale.

Written comments and suggestions about these items are encouraged. To be most useful, they should be received by the Forest Supervisor before January 7, 1980. The kind of additional public participation opportunities has not yet been determined. It will vary as the planning progresses and will be responsive to issues and concerns identified during the meetings listed above.

The estimated date for distribution of the draft environmental impact statement is September 1982. Following a three-month public review period, a final environmental impact statement will be prepared and distributed in approximately June 1983.

For further information about the planning project, or the availability of the environmental impact statement, or other documents relevant to the planning process, contact: Forest Planner, Angeles National Forest, 150 S. Los Robles, Pasadena, CA 91101, (213) 577-0050.

Dated: October 18, 1979.

Thomas L. Price,

Acting Regional Forester.

[FR Doc. 79-32900 Filed 10-24-79; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, Mendocino National Forest, Glenn, Lake, Colusa, Tehama, Mendocino, and Trinity Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the Forest Plan for the Mendocino National Forest.

This Forest Plan is one of eighteen currently being developed in the Pacific Southwest Region. The development of these several Forest Plans and the Regional Plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a Regional Plan.

This Forest Plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

(a) Briefly describe the major public issues and management concerns,

(b) Briefly describe the lands and resources of the Mendocino National Forest,

(c) identify the goals and objectives of management,

(d) Describe the expected types and amounts of goods, services, or uses—by decades,

(e) Idenfity the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities,

(f) Idenfity monitoring and evaluation criteria,

(g) Refer to information used in plan development, and

(h) Identify the persons who participated in the development of the Plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this Plan include but are not limited to:

(a) The kinds and amounts of goods, the services to be produced, and the uses to be permitted on the National Forest System lands,

(b) The public costs of providing these goods and services, and

(c) The physical, biological, economic and social effects associated with the production of goods and services.

The Forest Plan will be selected from a range of alternatives which will include at least:

(a) A "no action" alternative which represents continuation of the present management direction,

(b) One or more alternatives formulated to respond to major public issues and management concerns,

(c) One or more alternatives formulated to investigate various levels of achievement of RPA targets.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Identification of those issues to be analyzed in depth, and

(c) Elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review, or are not within the scope of this Forest Plan.

To accomplish this, public meetings will be held:

November 19, 1979

Jay E. Partridge Elementary School, 290 East Avenue, Chico, CA; 7:30 p.m.-9:30 p.m.

December 3, 1979

Veterans Memorial Building, 1351 Maple Avenue, Santa Rosa, CA; 1:30 p.m.-4:00 p.m., and 7:30 p.m.-9:30 p.m.

December 3, 1979

City Council Chambers, Corning City Hall, 3rd and Solano Streets, Corning, CA; 7:30 p.m.-9:30 p.m.

December 3, 1979

Stonyford Town Hall, Stonyford, CA; 7:30 p.m.-9:30 p.m.

December 3, 1979

Nice Community Club House, Carson Way, Nice, CA; 7:30 p.m.-9:30 p.m.

December 3, 1979

Masonic Hall, Covelo, CA; 7:30 p.m.-9:30 p.m.

December 5, 1979

Civil Defense Hall, Highway 299, Weaverville, CA; 7:30 p.m.-9:30 p.m.

Written comments and suggestions about these items are encouraged. To be most useful, they should be received by the Forest Supervisor before January 7, 1980. The kind of additional public participation opportunities has not yet been determined. It will vary as the planning progresses and will be responsive to issues and concerns identified during the meetings listed above.

The estimated date for distribution of the Draft Environmental Impact Statement is September 1982. Following a three-month public review period, a final Environmental Impact Statement will be prepared and distributed in approximately May 1983.

For further information about the planning project, or the availability of the Environmental Impact Statements, or other documents relevant to the planning process, contact: Dick English, Mendocino National Forest, 420 E. Laurel Street, Willows, CA 95988, 916-934-3316.

Dated: October 18, 1979.

Thomas L. Price,

Acting Regional Forester.

[FR Doc. 79-32899 Filed 10-24-79; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, Shasta-Trinity National Forest, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the Shasta-Trinity National Forest.

This forest plan is one of eighteen currently being developed in the Pacific Southwest Region. The development of these several forest plans and the regional plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a regional plan.

This forest plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

(a) Briefly describe the major public issues and management concerns,

(b) Briefly describe the lands and resources of the Shasta-Trinity National Forest,

(c) Identify the goals and objectives of management,

(d) Describe the expected types and amounts of goods, services, or uses—by decades,

(e) Identify the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities,

(f) Identify monitoring and evaluation criteria,

(g) Refer to information used in plan development, and

(h) Identify the persons who participated in the development of the plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this plan include but are not limited to:

(a) The kinds and amounts of goods, the services to be produced, and the

uses to be permitted on the National Forest System lands,

(b) The public costs of providing these goods and services, and,

(c) The physical, biological, economic and social effects associated with the production of goods and services.

The Forest plan wil be selected from a range of alternatives which will include at least:

(a) A "no action" alternative which represents continuation of the present management direction,

(b) One or more alternatives formulated to respond to major public issues and management concerns,

(c) One or more alternatives formulated to investigate opportunities for departure from even-flow non-declining timber yield,

(d) One or more alternatives formulated to respond to the Resource Planning Act.

(e) One or more alternatives which will analyze a wilderness option for RARE II Further Planning areas.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review, or are not within the scope of this Forest plan.

(c) Identification of resource use and development opportunities.

To accomplish this, scoping workshops will be held at:

Burney, California—November 29, 1979, 7:30 to 9:30 P.M., Veteran's Hall.
Mt. Shasta, California—December 4, 1979, 7:30 to 9:30 P.M., Mt. Shasta High School.
Weaverville, California—December 5, 1979, 7:30 to 9:30 P.M., Civil Defense Hall.

Written comments and suggestions about issues, concerns and opportunities are encouraged. To be most useful, they should be received by the Forest Supervisor, 2400 Washington Avenue, Redding, CA. 96001, before January 7, 1980. The kind of additional public participation opportunities has not yet been determined. It will vary as the planning progresses and will be responsive to issues and concerns identified during the scoping workshops listed above.

The estimated date for distribution of the draft environmental impact statement is March 1981. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately October 1981.

For further information about the planning project, or the availability of the environmental impact statements, or other documents relevant to the planning process, contact: Gary Adams, Forest Planner, Shasta-Trinity National Forest, 2400 Washington Avenue, Redding, CA 96001. (916) 246-5407.

Dated: October 16, 1979.

Robert W. Cermak,

Acting Regional Forester, Pacific Southwest Region.

[FR Doc. 79-32897 Filed 10-24-79; 8:45 am]
BILLING CODE 3410-11-M

Office of the Secretary

Import Fees; Adjustment of Import Fees on Sugar

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to decrease by one cent the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended, whenever the average of the daily spot price quotations for raw sugar for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect, exceeds 16.0 cents. This notice announces such adjustment.

EFFECTIVE DATE: 12:01 a.m. (local time at point of entry) October 24, 1979. (See supplementary information.)

FOR FUTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, DC 20250, (202-447-6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, headnote 4 of Part 3 of the Appendix to the TSUS was amended to provide for quarterly adjusted fees on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less that 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect, (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent, or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. However, the fee may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus 0.52 cents per pound.

The average of the daily spot price quotations for raw sugar (item 956.15) for the 10 consecutive market day period October 8–October 19, inclusive, within the fourth calendar quarter of 1979, adjusted as provided in headnote 4(c) to a United States delivered basis, plus the fee of 0.76 cents per pound now in effect for item 956.15[15.67 + 0.76=16.43] exceeds 16 cents per pound. Accordingly, the fee of 0.76 cents per pound for item 956.15 is required to be decreased by one cent, resulting in a fee for item 956.15 of 0.00 cents per pound and a fee for items 956.05 and 957.15 of 0.52 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce any adjustment in the fees made within a calendar quarter, certify such adjusted fees to the Secretary of the Treasury and file notice thereof with the Federal Register within 3 market days of such determination. This notice is therefore being issued in order to comply with the requirements of headnote 4(c).

Effective Date

In accordance with headnote 4(c)(v) of part 3 of the Appendix to the Tariff Schedules of the United States, the adjustment in fee made herein shall not apply to the entry or withdrawal from warehouse for consumption of sugar exported (as defined in § 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before the effective date of the adjustment.

Notice

Notice is hereby given that, in accordance with the requirements of headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the fees for raw and refined sugar (TSUS items

956.05, 956.15, and 957.15) for the remainder of the fourth calendar quarter of 1979, unless subsequently adjusted pursuant to headnote 4(c), shall be as follows:

Item	Fee
956.05	0.52 cents per lb.
956.15	0.00 cents per lb.
957.15	0.52 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of headnote 4.

Signed at Washington, D.C. on October 22, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-32956 Filed 10-23-79; 9:29 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Performance Review Board; Eligibility List

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Senior Executive Service Management and Administration Performance Appraisal System:

Farnum K. Alston
Herbert S. Becker
Hugh L. Brennan
Calvin Brooks
Joseph C. Brown
Kenneth Brown
Joseph Caponio
Guy W. Chamberlin
Eleanor Clark
William Cox
Melvin S. Day
Michael Doyle
Orcutt P. Drury
Joseph W. Duncan
David L. Edgell, Sr.
Robert B. Ellert
Lucy A. Falcone
David Farber
Howard I. Forman
Sidney R. Galler
Daniel Garbern
John M. Golden
John V. Graziano
Paul L. Guidry
Lawrence O. Houstoun
Cecil M. Hunt
Isabel E. Hyde
Sidney R. Jeffers
David A. Jewell
Frederick T. Knickerbocker
Christos N. Kyriazi
Samuel A. Lawrence
A. Jane Lewis
Ernest A. Lotito
Alfred Meisner
Robert T. Miki
Martha A. Mitchell
Homer E. Moyer, Jr.
David S. Nathan
Clifford J. Parker
William H. Randolph
Lucille K. Reifman
Henry G. Riegner
Theordore Schell
Frederick A. Schenck
James Sexton, Jr.
Joseph A. Sickon
William V. Skidmore
Courtenay M. Slater
Mento A. Soponis
Anthony R. Stadeker
Allan A. Stephenson
Gael M. Sullivan
John R. Szpanka
Charles F. Treat
Jeanne R. Westphal
John D. Whisman
John C. Williams
Francis W. Wolek
Gaylord E. Worden
Robert L. Wright

JoAnn Sondey,

Executive Secretary Management and Administration Performance Appraisal System.

[FR Doc. 79-32859 Filed 10-24-79; 8:45 am]

BILLING CODE 3510-19-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Territorial Affairs

Proposed Rules for the Allocation of Watch Quotas for Calendar Year 1980 Among Producers Located in the Virgin Islands, Guam and American Samoa

AGENCY: Bureau of Trade Regulations, Industry and Trade Administration, Department of Commerce; Office of Territorial Affairs, Department of the Interior.

ACTION: Proposed annual rules.

SUMMARY: Pursuant to Section 3 of the Departments' codified Watch Quota regulations (15 CFR Part 303), annual rules for calendar year 1980 are being proposed. The proposed rules are substantially like the 1979 rules, but would raise the ceiling on wages creditable for allocation purposes and invite applications from new firms in the Virgin Islands.

DATE: Comments must be received on or before December 26, 1979.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Richard M. Seppa, who can be reached by telephone on 202-724-3526.

SUPPLEMENTARY INFORMATION: The Departments propose to raise the maximum of wages per person which shall be credited in the allocation of quota from $14,000 to $16,000. This change would continue the Departments' policy of emphasizing wages paid to locally trained assembly line workers and discouraging excessive payments to technical and managerial personnel who are not recruited locally. The dollar ceiling proposed, however, takes into account inflationary erosion of the ceiling over the past five years and increases in the territorial wage rates (Virgin Islands in particular) which have raised the annual wages of some local skilled assemblers and technicians above the 1979 ceiling.

Except as noted above, the Departments are proposing no changes from the 1979 provisions with respect to:

(1) The weights assigned to the allocation formula weights, or the allocation factors;

(2) The Virgin Islands and Guam ratios for Section 1 allocations; or

(3) The eligibility requirements for Section 3 incentive allocations.

While recent changes in the Virgin Islands industrial incentive programs have reduced the significance of income tax payments as a contributing factor to the territorial economy, carryover liabilities and variability in the timing of individual producer payments and refunds justify the retention of the income tax factor in the 1980 allocation formula. It is believed that the elimination of the income tax factor in 1980 would have the effect of penalizing those producers who made substantial payments during 1979 applicable to prior tax years. The 1979 rules provided a Guam ratio for Section 1 allocations lower than the Virgin Islands ratio due to the concentration of low-labor producers in Guam and the consequent need to reinforce the Section 3 incentives. There has been no change in the circumstances which directly supported this provision, and the Departments therefore propose to continue this feature in the 1980 rules.

In the preamble to the 1979 annual allocation rules the Departments indicated that they would carefully monitor the effect of the 1979 rules on individual companies. In the Virgin Islands, two firms which relied almost exclusively on low-labor movements in prior years have diversified their sources of parts, have engaged in more in-depth assembly on a portion of their production and have transferred certain stateside quality control operations to the territory. These changes have had the effect of increasing those firms' average wage input per unit assembled from less than $.50 in 1978 to levels which satisfy the wage criteria applicable to Section 3 allocations in the 1979 allocation rules.

The total 1979 shipments of each of these producers are expected to exceed 1978 levels when the firms concentrated their production on the low-labor units. Changes in the ownership and control of a third low-labor producer accompanied by significant changes in the firm's headnote 3(a) mode of operation have made it impossible to assess the implications of the 1979 allocation rules on this firm.

Overall shipments from the Virgin Islands through June 30 declined some 300,000 units from 1978 levels (2.2 million units to 1.9 million units). However, wages generated in the first half of 1979 rose by nearly $300,000 when compared with 1978 wages ($2 million to $2.3 million) for the same period.

Shipments of Guam headnote 3(a) producers for the first six months of 1979 are about 20% below the 1978 rate and a further decline from 1978 levels is expected for the second half of the year. While the Departments lack wage data on the Guam producers' 1979 operations, a major contributing factor for the expected decline in shipments appears to be the inability of these producers to secure from their parts supplier watch movements in the sizes most in demand in the U.S. market (6 by 8 ligne movements or smaller).

Major technological changes and shifts in consumer preferences are occurring in the U.S. market for watches and watch movements. In general, the demand for conventional watch movements of the variety produced in the headnote 3(a) industry is falling appreciably, commensurate with the growing popularity and consumer acceptance of quartz analog watches and LCD solid state watches.

For example, in 1977 duty-paid imports of conventional watches and watch movements (with balance wheel and hairspring) constituted 61% of the total watch and watch movement imports. By 1978 this percentage had dropped to 52% of the total duty-paid imports, and through July, 1979, only 44% of 1979 duty-paid imports of watches and watch movements were of the conventional variety. This trend is expected to continue in 1980 and beyond based on buyer interests evidenced recently at major trade shows. Preliminary data on 1979 insular shipments show that every price level of the 17-jewel, insular product (from the least expensive, low-labor movements to the moderate-priced European movements) have suffered from the major shift toward nonconventional watches. Although the Departments expect that the headnote 3(a) watch and watch movement shipments may decline from 15% to 20% in 1979, due to the above cited factors in the U.S. market, and general economic conditions, they have no evidence to suggest that either the territorial economies or individual companies have suffered from the incentive features adopted in the 1979 allocation rules. Moreover, the conflicting opinions expressed during the 1979 rulemaking process, namely, that the rules would permit a gradual takeover of the industry by low-labor producers and that the rules would put low-labor producers out of business, have in neither case been confirmed by events.

No qualifying applications for quota set-aside for new firms in American Samoa and Guam have been received. Contributing factors may have been the uncertainty of potential new entrants regarding the outcome of litigation involving the 1979 allocation rules and of the multilateral trade negotiations concluded relatively late in 1979. In any event, these provisions are proposed to be continued in the 1980 rules. It is proposed to raise the amount of the Guam set-aside to 250,000 units because of the expected decline in shipments this year. Also, in view of the projected shortfall in utilization of the Virgin Islands quota, a provision setting aside 300,000 units is proposed for new firms in that territory.

For the above reasons, the Departments propose calendar year 1980 watch quota rules as follows:

Section 1. (a) A portion of the 1980 Virgin Islands quota determined in accordance with subsection 2(a) below and a portion of the 1980 Guam quota determined in accordance with Subsection 2(b) below will be allocated on the basis of (1) the dollar amount of wages, up to a maximum of $16,000 per person, paid by each producer during calendar year 1979 to residents of the territory and attributable to each producer's headnote 3(a) watch and watch movement assembly operations, (2) the dollar amount of income taxes paid by each producer during calendar year 1979 attributable to its headnote 3(a) watch and watch movement assembly operations (excluding penalty payments and income tax refunds and subsidies paid by the territorial governments during calendar year 1979), and (3) the number of units of watches and watch movements assembled in the territory and entered by each producer duty-free into the customs territory of the United States during calendar year 1979. (b) In making allocations under this formula, a weight of 60 percent will be assigned to the wage factor, a weight of 20 percent will be assigned to the income tax factor, and a weight of 20 percent will be assigned to the shipment factor.

Section 2. (a) An amount representing that portion of the 1980 Virgin Islands quota equal to the ratio of general headnote 3(a) shipments of watches and watch movements from the territory during 1979 to the total 1979 Virgin Islands quota will be allocated among the producers in the Virgin Islands, in accordance with the allocation factors and weights specified in Section 1.

(b) An amount representing that portion of the 1980 Guam quota equal to 75 percent of the ratio of general headnote 3(a) shipments of watches and watch movements from the territory during 1979 to the total 1979 Guam quota will be allocated among the producers in Guam, in accordance with the allocation factors and weights specified in Section 1.

Section 3. The portions of the Virgin Islands and Guam quotas not allocated pursuant to subsections 2(a) and 2(b) respectively, except as specified in Section 4, will be allocated among firms meeting the requirements of subsections (a) and (b) of this section. Eligible firms will be allocated quota in accordance with the factors and weights specified in Section 1. Allocation of the portions of the Virgin Islands and Guam quotas under this Section will be made to firms which:

(a) Assembled all watch movements shipped during 1979 from unassembled movements having at least 26 discrete components and all watches (that is, cased movements) during 1979 from at least 29 discrete components, including at least 26 movement components and at least 3 case components; or

(b) Made wage payments during 1979 in the territory averaging not less than $.75 per watch movement and $.95 per watch assembled and shipped into the customs territory of the United States.

Section 4. Quota set aside for new firms in the Virgin Islands and Guam under subsection 5(b) shall be subtracted from the quota amount allocable under Section 3, before allocations are made pursuant to that subsection.

Section 5. (a) Applications from new firms are invited for the calendar year 1980 American Samoa quota, because the sole recipient in the territory discontinued operations in calendar year 1977, and a new entrant was not selected under the 1978 or 1979 new entrant provisions (43 FR 4274; 43 FR 10718; 43 FR 60313 (1978)). Due to the limited size of the American Samoa quota, the Departments will allocate that quota to the single firm which offers the best prospect of making a meaningful long-term contribution to the economy of the territory.

(b) Applications from new firms are invited for 250,000 units of the calendar year 1980 Guam quota, and for 300,000 units of the calendar year 1980 Virgin Islands quota.

(c) Applicants for new-entrant quotas must complete applicable sections of Form ITA-334P, copies of which may be obtained from the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Detailed instructions for completing ITA-334P will be provided by the Statutory Import Programs Staff together with copies of the application form.

(d) The Departments will consider new entrant applications only from firms which certify to the Departments

that they are able and willing to meet the minimum assembly or wage contribution criteria established in Section 3. Following the Secretaries' determination that a qualifying application has been received, an announcement will be published in the Federal Register establishing a closing date for further applications. The closing date shall be 30 days from the date of such notice.

In the event no qualifying application for quota set aside by subsection (b) above is received prior to September 1, 1980, that quota may be reallocated among eligible producers pursuant to § 303.5(b) of Title 15 of the Code of Federal Regulations.

Section 6. Reallocation of calendar year 1980 quota that becomes available will be restricted to those firms satisfying the criteria established in subsections 3(a) or 3(b) and to any new entrant firms selected pursuant to Section 5, above.

Section 7. As used in Section 3 of these rules,

(a) "Wages" means all wages up to $16,000 per person paid to residents of the territories employed in a firm's headnote 3(a) watch and watch movement assembly operations. Excluded, however, are wages paid to (i) accountants, lawyers or other professional personnel who may render special services to the firm, (ii) persons assembling nonheadnote 3(a) watches and watch movements, (iii) persons engaged in the repair of nonheadnote 3(a) watches and watch movements, and (iv) persons engaged in the strapping and packaging of watches. Wages paid to persons engaged in both headnote 3(a) and nonheadnote 3(a) assembly and repair activities shall be credited proportionately for their headnote 3(a) activities, provided the firm maintains production and payroll records adequate for the Departments' verification of the headnote 3(a) portion.

(b) "Discrete movement components" means screws, parts, components and subassemblies not assembled together with another part, component or subassembly at the time of importation into the territory. (A mainplate containing set jewels or shock devices, together with other parts, would be considered a single discrete component, as would a barrel bridge subassembly.) Excluded are dials, dial washers, dial screws, hour wheels, hands, automatic mechanisms and related parts, day-date mechanisms and calendar features, and jewels.

Section 8. (a) All firms must, as a condition for receipt of allocations or reallocations based on Subsections 3(a) or 3(b) criteria, certify to the Departments that they will not alter assembly operations during calendar year 1980 in a manner which would result in their failure to satisfy the respective criteria.

(b) If the Departments have reason to believe that a producer has not complied with or is not complying with the certification required by subsection (a) of this Section, they may issue an order requiring the producer to show cause within 30 days of receipt of the order, why the duty-free quota to which it would otherwise be entitled should not be cancelled or reduced by the Departments.

(Pub. L. 89-805, 80 Stat. 1521 (19 U.S.C. 1202) as amended; 15 CFR 303)

Issued at Washington, D.C. on October 19, 1979.

Robin B. Schwartzman,

Acting Deputy Assistant Secretary for Trade Regulation, U.S. Department of Commerce.

Ruth G. Van Cleve,

Director, Office of Territorial Affairs, U.S. Department of the Interior.

[FR Doc. 79-32935 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-10-M

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Wednesday, November 14, 1979, at 9:30 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, DC.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of improved method of submitting supporting information for export license applications and development of methods of reporting performance values.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statement to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L.

94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearance.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the Federal Register on September 14, 1978 (43 FR 41073).

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, DC 20230, phone 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: October 19, 1979.

Kent N. Knowles,

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

[FR Doc. 79-32841 Filed 10-24-79; 8:45 am]

BILLING CODE 3510-25-M

Joint Meeting: Foreign Availability Subcommittees of the Computer Systems Technical Advisory Committee and Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

Purusant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Foreign Availability Subcommittees of the Computer Systems Technical Advisory Committee and the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Tuesday, November 13, 1979, at 1:00 p.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, DC.

The Computer Systems Technical Advisory Committee and the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee were initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committees, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975. On October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee. The Foreign Availability Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established on December 21, 1978, by the Assistant Secretary for Industry and Trade pursuant to the charter of the Committee.

The Committees, where they have expertise in such matters, advise the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittees were formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The joint Subcommittee meeting agenda has five parts:

General Session

1. Opening remarks by the Subcommittee Chairmen.

2. Presentation of papers or comments by the public.

3. Discussion of the foreign availability implications of the Export Administration Act.

4. New business.

Executive Session

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittees. Written statements may be presented at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed by each of the aforementioned Subcommittees in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittees during the Executive Session of the joint meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, DC 20230, phone 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Following are the dates of approval of the Notices of Determination to close portions of the series of meetings of the Technical Advisory Committees involved in this joint meeting, and of any subcommittees thereof, the dates the full texts of the Notices of Determination were published in the Federal Register, and the Federal Register citations:

	Date approved	Date published
Computer systems technical advisory committee.	Sept. 6, 1978.	Sept. 14, 1978 (43 FR 41073).
Computer peripherals, components and related test equipment technical advisory committee.	Sept. 6, 1978.	Sept. 14, 1978 (43 FR 41071).

Dated: October 19, 1979.

Kent N. Knowles,

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

[FR Doc. 79-32842 Filed 10-24-79; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, November 13, 1979, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1), of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Licensing Procedures Subcommittee was formed to review the procedureal aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has five parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of pending items of business.

(4) Discussion of qualified general/product license.

(5) Discussion of improved method of submitting supporting information for export license applications.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: October 18, 1979.

Kent Knowles,

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

[FR Doc. 79-32840 Filed 10-24-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Scoping Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Meeting and Intent to Prepare an Environmental Impact Statement.

SUMMARY: The New England Fishery Management Council announces a Scoping Meeting to discuss the preparation of a new Fishery Management Plan for Atlantic Groundfish (cod, haddock, and yellowtail flounder). This Scoping Meeting is part of the Council's process for determining the scope of issues to be addressed in its Environmental Impact statement and for identifying the significant issues related to the development and implementation of a new Atlantic groundfish management plan. The purposes of the scoping process are discussed in 40 CFR 1501.7; the Council on Environmental Quality's regulations implementing the National Environmental Policy Act (43 FR 55978). This notice is intended to satisfy the requirement for a Notice of Intent to Prepare an Environmental Impact Statement.

DATE: November 14, 1979, from 10 a.m. to about 5 p.m.

ADDRESS: Holiday Inn, Routes 1 and 128, Peabody, Massachusetts 01960.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, One Newbury Street, Peabody Office Building, Peabody, Massachusetts 01960, Phone: (617) 535-5450.

SUPPLEMENTARY INFORMATION: At its meeting on September 6, 1979, in Bar Harbor, Maine, the New England Fishery Management Council adopted the following motion:

"That the Council implement a new groundfish plan as soon as possible to replace the present plan. The new plan shall remain in effect until the Atlantic Demersal Finfish (ADF) plan is implemented. The new plan shall include in its objectives:

1. Enhancement of spawning activities (by means of appropriate spawning closed areas).

2. Reduction of the risk of recruitment overfishing of cod, haddock, and yellowtail flounder (by means of appropriate mesh sizes).

3. Acquisition of reliable data, in support of the development of the ADF plan, on normal fishing patterns of the industry and the biological attributes of the stocks as may be determined by commercial activities.

The plan shall make provisions for all appropriate and enforceable regulations which lead to the stated objectives."

The present Fishery Management Plan for Atlantic Groundfish was prepared by the New England Fishery Management Council under the Fishery Conservation and Management Act of 1976 and approved by the Secretary of Commerce in March 1977. Since its implementation, the plan has been extended and amended numerous times. The amendments were necessary because of changes in the abundance of the cod, haddock, and yellowtail flounder stocks and the increased amount of fishing effort applied to those stocks.

Regulations implementing the present plan can be found at 50 CFR Part 651, 44 FR 55885, September 28, 1979. Further information on the present Atlantic Groundfish Fishery Mangement Plan can be obtained from the Council's Executive Director at the above address.

The new groundfish management plan is intended to replace the current plan and its implementing regulations. The Council intends to prepare a Draft Environmental Impact Statement (DEIS) on the new Groundfish Plan and will conduct public hearings on the DEIS before preparation of the Final Environmental Impact Statement and final plan. The availability of the DEIS and dates and addresses of the public hearings will be announced in the Federal Register.

The Council invites the participation of all interested Federal, State, and local agencies, fishing industry organizations, fishermen, fish processors, consumers of fishery products, environmental organizations, and any other interested persons in the development of the new plan. Public participation in the development of the DEIS for the new plan will begin with the Scoping Meeting on November 14, 1979. Alternative actions to implement the management objectives adopted on September 6, 1979, as well as methods for analyzing the environmental and economic impacts of these alternatives will be discussed at the Scoping Meeting.

Dated: October 22, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-32952 Filed 10-24-79; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Regulatory Permit Action, Prudhoe Bay, Alaska

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

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action constitutes issuance of permits to the SOHIO Petroleum Company and the Atlantic Richfield Company for the Prudhoe Bay Unit Waterflood Project loacted in the North Slope Borough, Alaska. The project is related to society's need for energy and is proposed to increase oil recovery from the Prudhoe Bay Oil Pool by selective injection of water into the subsurface reservoir. The proposed project includes:

a. Construction of a buried seawater pipeline and intake structure extending into the Beaufort Sea (Arctic Ocean) 8,500 feet beyond an existing dockhead.

b. Construction of a seawater treatment plant.

c. Construction of two injection plants.

d. Construction of roads, distribution pipelines, one injection pad, and expansion of drill pads.

2. Alternatives include no action; meeting society's energy need by other means; issuing permits with certain conditions; use of alternative freshwater sources or seawater source locations; alternative plan variations relating to roads, pipelines, structures, dredging and other construction techniques, intake/discharge structures, treatment plant process, and air pollution control techniques.

3. The scope of the draft environmental impact statement will be determined by encouraging and seeking the involvement of individuals; organized groups; the Inupiat Eskimos; expert opinion; and local, state, and Federal agencies. These and other interested parties are invited to actively participate in the scoping process by expressing ideas and concerns related to the proposed action.

Issues to be analyzed in-depth include effects on wetland values, biological resources of aquatic systems, water quality, wildlife, air quality, human dependence and use of affected resources, and the conservation of oil reserves. Possible cooperating agencies (as defined by current Federal guidelines) include the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service, and other agencies of the Department of the Interior. In addition to the environmental impact statement and the Corps of Engineers permit process, the project will require permits from EPA and various local and state bodies.

4. Various scoping meetings will be held to provide an opportunity for public involvement. Meeting times have not yet been established. Written comments regarding the scope of the Draft Environmental Impact Statement are welcomed.

5. The Draft EIS is currently estimated to be available for public review in April 1980.

ADDRESS: Questions about the proposed action and the DEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: Oct. 17, 1979.

Lee R. Nunn,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-32902 Filed 10-24-79; 8:45 am]

BILLING CODE 3710-NL-M

Office of the Secretary

Defense Science Board Task Force on ECM; Meeting

The Defense Science Board Task Force on ECM will meet in closed session 20–21 November 1979 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Task Force will discuss potential technical solutions to several current problems in electronic counter-measures.

In accordance with 5 U.S.C. App. I. section 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

H. E. Lofdahl,

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

October 22, 1979.

[FR Doc. 79-32912 Filed 10-24-79; 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 September 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms

into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767-7745.

Firm's Name, Address, and Date of Consent Order

Jone's Exxon, 4705 E. Lancaster, Ft. Worth, Tx 76103—Sept. 5, 1979

Hal Spry, d.b.a., Spray's Exxon Service, 4121 South 1st, Abilene, Tx—Aug. 22, 1979

H. P. Enterprises (Hurst, Tx), 811 Dallas St., Suite 621, Houston, TX 77002—Sept. 14, 1979

Sammie C. Simonton, d.b.a., Jewella Texaco and Foster Road Texaco, Rt. 5, Box 505, Haughton, La. 71037—Sept. 26, 1979

Issued in Dallas, Texas, this 17th day of October, 1979.

Wayne I. Tucker,

District Manager, Southwest Enforcement District.

[FR Doc. 79-32944 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, Department of Energy.

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 September. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price:

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact William D. Miller, District Manager for Enforcement, 324 East 11th Street, Kansas City, Missouri 64106, telephone number (816) 374-5936.

Issued in Kansas City, Missouri on the 18th day of October, 1979.

William D. Miller,

District Manager of Enforcement.

Firm Name, Firm Address, and Audit Date

Western Illinois Oil-Imperial, 700 Vandalia, Collinsville, Il. 62234—09-04-79

Meramec Marina, Inc., 13156 Gravois, St. Louis, Mo. 63127—09-05-79

Ron's Standard, 375 N. Hwy. 67, Florissant, Mo. 63031—09-05-79

W & K Service-Charbonier Shell, 520 Shackelford, Florissant, Mo. 63033—09-05-79

Pacific Shell, Hwy. 66 West, Pacific, Mo. 63069—09-06-79

Eureka Sunoco, 21 E. 5th Street, Eureka, Mo. 63025—09-06-79

Interstate 66 Service, I-44 Hwy. 100, E Gray Summit, Mo. 63039—09-06-79

Interstate Sunoco, Hwy. 100 & 66, Gray Summit, Mo. 63039—09-06-79

Eureka Shell, I-44 & Woods Avenue, Eureka, Mo. 63095—09-06-79

Berger Standard, I-55 & Hwy. 61, Festus, Mo. 63028—09-10-79

Charlie Smith Texaco, I-55 & Hwy. 32, Ste. Genevieve, Mo. 63670—09-10-79

Jerry's Standard Service, 206 Manchester, Ballwin, Mo. 63011—09-10-79

Jack's Service-Sunoco, 810 S. 7th Street, St. Louis, Mo. 63101—09-11-79

Carrollton Shell, 12401 Natural Bridge Road, Bridgeton, Mo. 63042—09-13-79

Suburban Service-Sunoco, 9309 Bellefontaine, St. Louis, Mo. 63137—09-14-79

Barker's Standard, 2100 S. Jefferson, St. Louis, Mo. 63104—09-14-79

Beesley Tire & Automotive, 1155 East Kearney, Springfield, Missouri 65803—09-13-79

Fisher's Standard, 5th & Elm, Washington, Mo. 63090—09-14-79

Taylor's Standard, Hwy. 55 & 84, Hayti, Mo. 63851—09-17-79

Faron Brothers Shell, 105 N. Lindbergh, St. Louis, Mo. 63141—09-17-79

Harold Sullivan Texaco, 8100 Clayton Road, Richmond Heights, Mo. 63117—09-17-79

Wayne's Distributing-Standard, RFD 2, Box 60, Waterloo, Il. 62298—09-17-79

D & J Mobile Service, 1965 Madison Avenue, Granit City, Il. 62040—09-18-79

Sunset Shell, I-270 & 157, Glen Carbon, Il. 62034—09-18-79

Bill & Joe's Shell Service, Hwy. 3, E. Alton, Il. 62024—09-19-79

Hemann Chevrolet-Standard, 501 W. Hanover, New Baden, Il. 62265—09-20-79

Haines Standard Service, I-44 and Martin Springs Dr., Rolla, Mo. 65401—09-21-79

Manchester Standard, 929 Manchester Road, Manchester, Mo. 63011—09-25-79

Beyer Standard, 1691 Woodson Road, Overland, Mo. 63114—09-26-79

Woodside Standard Service, Hwy. 157 & Forest Drive, Caseyville, Il. 62232—09-26-79

Tommy's Sunoco, Elm & Big Bend, Webster Groves, Mo. 63119—09-28-79

Ed's Standard Service, Hwy. 111 & I-270, Mitchell, Il. 62040—09-28-79

Taylor and Page Amoco, 1302 N. Taylor, St. Louis, Mo. 63113—09-28-79

Hency Oil Company-Standard, 309 E. Malone, Sikeston, Mo. 63801—09-24-79

Dempster/Greenwood Shell, 1201 W. Dempster, Park Ridge, IL—60068—9-17-79

Watts Service Center Inc., 1625 Waukegan Road, Glenview, IL. 60025—9-17-79

North & Praten Shell, 70E North Avenue, Northlake, IL. 60164—9-12-79

Ranch Manor Standard, 11040 Crawford, Oak Lawn, IL. 60453—9-12-79

Bob's Texaco, 1538 Roselle Road, Roselee, IL. 60172—9-18-79

Bud's Arco, 191 Deerpath Road, Lake Forest, IL. 60045—9-26-79

Anundson Super Clark 100, 14800 S. LaGrange Road, Orland Park, IL. 60462—9-6-79

Farris Shell, 8659 S. Jeffery Blvd., Chicago, IL. 60617—9-6-79

Gorman's Shell, 151 S. Harlem, Orland Park, IL 60462—9-13-79

Gorman's Shell, 115th Western, Chicago, IL. 60612—9-13-79

Herb's Union 76, 1618 Sheridan Road, Wilmette, IL 60091—9-10-79

Wilmette Texaco, 803 Greenbay Road, Wilmette, IL. 60091—9-19-79

Jim's Bloomingdale Clark, 118 W. Lake Street, Bloomingdale, IL. 60108—9-17-79

Zephyr Gas & Oil, 319 Everett Street, Dixon, IL. 61021—9-21-79

Cochran's Texaco, 1704 N. Cunningham, Urbana, IL. 61801—9-20-79

Darwish Shell, 15500 Plymouth, Detroit, MI 48227—9-4-79

Dewey Johnson, Six-Southfield Mobil, 1812 McNichols, Detroit, MI—9-4-79

Gerald Safiedine, Safiedine's Mobile Ser., 15510 Fenkell, Detroit, MI 48227—9-5-79

C.L. LaGrand-Roots Sunoco, 12721 Fenkell, Detroit, MI—9-5-79

Edward Johnson Mobile Station, 15300 Livernois, Detroit, MI—9-5-79
Alter Bubben, Gr. River/Southfield Shell, 17776 Gr. River, Detroit, MI 48227—9-6-79
Roke Juncevse/Roko Shell Trumbull/Warren Shell, 5001 Trumbull, Detroit, MI—9-6-79
Lynn's Oakland Auto Service-Standard, 9861 Oakland, Detroit, MI 48211—9-4-79
Harvey Schlesinger Sunoco Ser. Center, 8005 E. Jefferson, Detroit, MI 48214—9-5-79
Krausmann's Gulf Service, 16820 Kercheval, Grosse Pte., MI 48230—9-6-79
Rick Auto Service, Lake & Church Sts., Bridgeman, MI 49106—9-4-79
Jo Jo Car Wash, 16240 Telegraph, Detroit, MI 48219—9-6-79
Hadley STD Service, I-94 & Red Arrow Hwy., Bridgeman, MI 49106—9-4-79
Tackett's Service, 22850 Allen Rd., Woodhaven, Michigan 48172—9-5-79
Camilli Service, 19900 West & Allen, Woodhaven, MI 48172—9-5-79
Ahmad O. Chebib, Mobile, 3575 West Rd., Trenton, MI 48183—9-6-79
James R. Chasca King & Fort Shell, 20990 Fort, Riverview, MI 48197—9-5-79
Fort & Sibley Shell, 18799 Fort St., Riverview, MI 48192—9-6-79
Yezbick Mobil, 22500 Woodward, Ferndale, MI—9-6-79
Smith Bros. Service, 29011 Gratiot, Roseville, MI 48066—9-5-79
South Park Service, 22785 Gratiot, East Detroit, MI 48021—9-4-79
Schoenherr-9 Mile Sunoco, 23012 Schoenherr, Warren, MI 48089—9-4-79
MD Service, 23011 Hoover, Warren, MI 48089—9-4-79
Pat's Auto Service, 29100 Little Mack, Roseville, MI 48066—9-5-79
Cornish Sunoco, 27630 Little Mack, St. Clair Shores, MI—9-5-79
10 Mile & Little Mack Shell, 20725 E. 10 Mile Rd., St. Clair Shores, MI—9-5-79
10 Mile & Kelly Service, 18700 E. 10 Mile, East Detroit, MI 48021—9-6-79
Jesse Edwards-Livernois/Fenkell Shell, 15230 Livernois, Detroit, MI—9-7-79
Charles Riley-Riley's Shell, 9711 Livernois, Detroit, MI—9-7-79
Samir Bishay Lodge Sunoco, 15464 Livernois, Detroit, MI—9-11-79
Dan Weber's Texaco, 636 E. Front St., Traverse City, MI—9-11-79
Tony's Service, 616 Cayusa, Bellaire, MI 49615—9-11-79
Boyne Petro, M-32 & 131, West Elmira, MI 49730—9-11-79
Cy Marine, State Street, Walnut Lake, MI—9-11-79
Bill's Union, 14394 LaPlaissance Rd., Monroe, MI—9-7-79
Devco Automotive, 2763 28th Street, Grand Rapids, MI—9-10-79
Glenwood Standard Service, 1560 Lake Drive, Grand Rapids, MI—9-11-79
Seaway Shell, 275 W. Muskegon, Muskegon, MI—9-12-79
Van's Mobil Service, 1087 W. Laketon, Muskegon, MI—9-12-79
M & F Union-76, 3205 W. Leonard, Grand Rapids, MI—9-13-79
Kerr's Service, 1300 Alpine, Grand Rapids, MI—9-13-79
Alpine Sportsman, 4366 Alpine, N.W., Comstock Park, MI—9-13-79
Zinner's Marina-Gulf, 32895 S. River Rd., Mt. Clemens, MI 48045—9-14-79
Jerry's Marina-Standard, 32715 S. River Rd., Mt. Clemens, MI 48045—9-12-79
Morsal's Mobil-M. Feder, 32825 S. River Rd., Mt. Clemens, MI 48045—9-12-79
Shore's Service, 23709 Harper, St. Clair Shores, MI—9-11-79
Automotive Service Engineers, 28500 Harper, St. Clair Shores, MI—9-11-79
Eastland Marathon, 21000 Kelly, East Detroit, MI 48021—9-11-79
Bay Harbor Marina, 5309 E. Wilder Rd., Bay City, MI 48706—9-13-79
Liberty Oil Company, 6304 E. Jefferson, Detroit, MI 48207—9-13-79
Willie Davis-Shell Station, 9645 Jefferson, Detroit, MI 48214—9-13-79
Willie Davis-Shell Station, 12441 Jefferson St., Detroit, MI 48215—9-13-79
Joe's Standard, Hwy. 2-41, Bark River, MI 49807—9-14-79
Gerry's Mobil, Stephenson & 5B, Iron Mountain, MI 49801—9-14-79
Ted's Texaco, North U.S. 2, Iron Mountain, MI—9-14-79
Carlson Service Station, 641 River Avenue, Iron Mountain, MI—9-14-79
South Side Shell, South Stephenson, Iron Mountain, MI—9-14-79
Koski Corner's Standard, U.S. 41 & M-95, Champion, MI 49814—9-14-79
Nez Marathon, 1000 S. Front, Marquette, MI 49885—9-14-79
Jim's 41 Shell Ser., Highway 41, Ispheming, MI 49849—9-15-79
Uhl Standard, U.S. 41 & Third, Ispheming, MI 49849—9-15-79
Shell Service Center, 1219 S. Front St., Marquette, MI 49855—9-17-79
J. C. Bullock Oil Co.-Self Serve, 729 W. Washington, Marquette, MI 49855—9-17-79
Marquette Quick Mart, 339 Washington, Marquette, MI 49855—9-17-79
Fred's Service, Main Street & M-96, Chatham, MI 49816—9-17-79
Nelson Shell Service, 203 Munising Avenue, Munising, MI 49862—9-17-79
Jesse Edwards-Schoolcraft & Southfield Mobil, 17721 Schoolcraft, Detroit, MI 48227—9-17-79
John Kustra-Otis/Livernois Standard, 3278 Livernois, Detroit, MI 48204—9-17-79
Amos Walls-Walls Shell, 9600 Livernois, Detroit, MI 48204—9-17-79
A. M. A. Gulf Service 8 Hapel Service, 21435 W. 8 Mile Rd., Detroit, MI—9-18-79
Herman Bailey-Bailey's Shell, 18331 W. 8 Mile Rd., Detroit, MI 48219—9-18-79
Henry Parker Clark Super 100, 19901 Livernois, Detroit, MI 48204—9-18-79
Elaven G. Sweis Standard, 19854 Woodward, Detroit, MI 48203—9-20-79
Chung Hwan West Side Sunoco, 820 W. McNichols, Detroit, MI—9-20-79
Peter Herman 6-Burchess Sunoco, 3720 W. McNichols, Detroit, MI—9-20-79
Gordie Service, 712 Ashmund, Sault Ste. Marie, MI—9-18-79
Soo Oil Service Ctr., 100 Ashmun, Sault Ste. Marie, MI—9-18-79
Selden Service, 709 N. State, St. Ignace, MI 49781—9-18-79
M-59 & Tull Sunoco, 7660 Highland, Pontiac, MI 48054—9-10-79
23 & Shelby Shell Ser., 4840 23 Mile Rd., Shelby Twp., MI 48087—9-21-79
Johnson's Texaco, Box 207, Rock, MI 49880—9-19-79
Brown's Store, Box 315, Little Lake, MI 49833—9-19-79
Dionne General Store, Box 380, Skandia, MI 49885—9-19-79
Hill Top 76, Marlot Rd. & 270, Waters, MI 49797—9-20-79
Forward's Plaza, I-75 & Cook Road, West Branch, MI 48661—9-20-79
C & D Service, M-65 & 103 State, Twining, MI 48776—9-21-79
Dick's Mobil, 129 & Main, Pickford, MI 49774—9-21-79
Shute Oil Company, Main & Mackinac-Box 301, Rudyard, MI 49760—9-21-79
Trout Lake IGA, Box 158, Trout Lake, MI 49793—9-21-79
Clark Super 100, 24722 Southfield Rd., Southfield, MI 48075—9-26-79
Dennis Dockery 10-Lahser Mobil, 22020 W. Mile Rd., Southfield, MI 48034—9-26-79
Jacque Adud Mid 9 Gulf, 29450 West 9 Mile Rd., Farmington, MI 48024—9-26-79
Edward Borg-Borg's Standard, 21880 Potomac Dr., Southfield, MI 48076—9-26-79
Pete Reib's Shell, 22412 Middlebelt Rd., Farmington, MI—9-26-79
John Daki's Mid-Grand River Shell, 29319 Grand River, Farmington, MI—9-26-79
Ray Gay Sunoco, 26680 W. 7 Mile Rd., Redford Twp., MI 48240—9-26-79
Silvester Harper Livernois London Sunoco, 18200 Livernois, Detroit, MI—9-27-79
Partin's Shell Service Shell, 36950 Dequindre, Sterling Heights, MI—9-26-79
Risk's Shell Center, 2970 E. Long Lake Rd., Troy, MI 48098—9-26-79
Hudson's Shell Service Center, 51015 VanDyke, Utica, MI—9-27-79
Hart's Shell Service, 6 E. Auburn Rd., Troy, MI 48084—9-27-79
John Haky-Ralph Fiore Shell, 15460 9 Mile Rd., Oak Park, MI 48237—9-25-79
Clark-Gregory Zabramski, 27001 Greenfield, Southfield, MI 48076—9-25-79
Marathon-Mohamad Sadek, 16100 Greenfield, Detroit, MI 48235—9-26-79
Mobil-Mike Safiedine, 15444 W. 7 Mile Rd., Detroit, MI 48235—9-26-79
Bill Guiden Service, 15439 Schoolcraft, Detroit, MI 49227—9-25-79
Ray's Mobil, 7954 Greenfield, Dearborn, MI 48228—9-25-79
Tony's Auto Service, 7000 Greenfield, Dearborn, MI 48126—9-25-79
Arco Main, 1377 Livernois, Clawson, MI 48017—9-19-79
Wild Willie's Clark, 420 S. Saginaw, Pontiac, MI 48053—9-26-79
Don's Service, 2624 Bay, Saginaw, MI 48603—9-13-79
Kruckeberg Shell, 2415 Woodward, Bloomfield Hills, MI—9-26-79
Orchard Lake Car Care Center, 4093 Orchard Lake Rd., Orchard Lake, MI 48033—9-27-79
South Shell, 4016 Telegraph, Bloomfield Hills, MI—9-27-79
Lisk Standard, 4009 Telegraph, Bloomfield Hills, MI—9-27-79
M&R Oil Corp., Exit Route 51 & I-74, Knoxville, IL 61448—9-17-79
Seara Shell, 6346 N. Clark, Chicago, IL 60660—9-20-79
Jong's Arco, Route 53 & 20, Addison, IL 60101—9-6-79

B & C Mobil, 600 East Hennepin Ave., Minneapolis, Minnesota 55414—9-24-79
Dick's Sunoco, 42986 Mound, Sterling Heights, Mich.—9-28-79
Sunoco Service, 725 Ann Arbor Road, Plymouth, Mich.—9-27-79
Burley's Standard, 11955 Pacific, Omaha, NE 68144—9-25-79
D & M Texaco, 9930 Maple, Omaha, NE 68134—9-25-79
W. Center Skelly, 8829 W. Center Road, Omaha, NE 68124—9-26-79
Tank's Standard, 8985 L Street, Omaha, NE 68127—9-27-79
Long's Standard, 72nd & Harrison, Omaha, NE 68157—9-28-79
Ted's Standard, 4525 Center, Omaha, NE 68106—9-28-79
Grogan's Standard, 4120 Leavenworth, Omaha, NE 68105—9-28-79
Young Mobil, 4423 North 30th, Omaha, NE 68111—9-28-79
McMullen Skelly, 2103 W. Broadway, Council Bluffs, IA 51501—9-04-79
O'Malley's Auto Center, 501 E. Broadway, Council Bluffs, IA 51501—9-04-79
Morris Standard, 2427 W. Broadway, Council Bluffs, IA 51501—9-04-79
Don's Texaco, 2039 W. Broadway, Council Bluffs, IA 51501—9-04-79
Ed's Conoco, 208 E. Broadway, Council Bluffs, IA 51501—9-05-79
Tucker Amoco, 4523 Morningside Ave., Sioux City, IA 51106—9-06-79
Keegan's Texaco, 4218 Morningside Ave., Sioux City, IA 51106—9-06-79
Rich Conoco, 2040 Lakeport S., Sioux City, IA 51106—9-06-79
Walt's Standard Serv., 2701 Pierce, Sioux City, IA 51104—9-06-79
Sorensen Standard, 2620 Dakota, S. Sioux City, NE 68776—9-06-79
Meier's Plaza DX, 301 W. 28, Sioux City, IA 51104—9-06-79
Dewitt's Skelly, 4712 Morningside Ave., Sioux City, IA 51106—9-07-79
Palmer House Standard, 3400 Gordon, Sioux City, IA 51106—9-07-79
Offutt Service, 1501 Ft. Crook Rd., Bellevue, NE 68005—9-11-79
Brink Oil, 1302 3rd Ave., Plattsmouth, NE 68048—9-11-79
Nazionale's Gulf, 238 Trenton Ave., Uhrichsville, Ohio 44683—9-04-79
Pete's Sohio, 552 East 152 Street, Cleveland, Ohio 44110—9-06-79
Zelinsky's Union 76, 17202 St. Clair Ave., Cleveland, Ohio 44110—9-05-79
Manny's Gulf, 511 East 140 Street, Cleveland, Ohio 44110—9-06-79
Northwest Shell Service, 451 Coliseum Blvd., W., Fort Wayne, Indiana 46805—9-14-79
Mid-America Energy Corp., 3919 Mobile Ave., Fort Wayne, Indiana 46805—9-13-79
Maplewood Service, 6303 Stellhorn Road, Fort Wayne, Indiana 46805—9-13-79
Earl's Phillips 66, 1207 W. Lusher, Elkhart, Indiana 46514—9-11-79
R & R Sunoco, 1117 W. Lusher, Elkhart, Indiana 46514—9-11-79
Knox Service Center, 2702 S. Clinton Ave., Fort Wayne, Indiana 46803—9-12-79
Oasis Service Center, P.O. Box 765, Westville, Indiana 46391—8-30-70
Sam's Sunoco, 1200 N. Water Street, Uhrichsville, Ohio 44683—9-14-79
Wright's Sohio, 10809 Cedar Ave., Cleveland, Ohio 44105—9-10-79
Orange Nelson, Jr., 10504 Wade Park, Cleveland, Ohio 44106—9-13-79
St. Clair & Shaw Auto Wash, 12604 St. Clair, Cleveland, Ohio 44108—9-12-79
Wilson Road Shell, 845 North Wilson, Columbus, Ohio 43204—9-10-79
Lane's Sohio, 6409 Clark Ave., Cleveland, Ohio 44103—9-17-79
Dave's Sohio, 15510 Lakeshore Blvd., Cleveland, Ohio 44110—9-05-79
Fox's Auto Care Service, 12945 Lorain Ave., Cleveland, Ohio 44111—9-19-79
3 R's Sunoco, 1103 North Water St., Uhrichsville, Ohio 44683—9-17-79
Cy's Texaco, 1980 W. Market St., Akron, Ohio 44313—9-18-79
Henry J's Sohio, 3735 Fulton Rd., Cleveland, Ohio 44109—9-10-79
Nick's Sunoco, 1238 East 152 Street, Cleveland, Ohio 44110—9-18-79
C & R Sohio, 11625 Superior Ave., Cleveland, Ohio 44106—9-18-79
Nu Plaza Yacht Club, Old Henderson Rd., Evansville, Indiana 44712—8-14-79
Turnpike Shell, 905 Lorain Blvd., Elyria, Ohio 44035—9-26-79
Myles & Son Union 76, 14330 St. Clair Ave., Cleveland, Ohio 44110—9-26-79
Holiday Inn 76, 26100 Chagrin Blvd., Beachwood, Ohio 44122—9-21-79
George's Marathon, 4455 Lewis Ave., Toledo, Ohio 43612—9-26-79
Davis Shell, 5300 Superior Ave., Cleveland, Ohio 44103—9-25-79
Surf Side Shell, 36241 Lakeshore/Portage, Eastlake, Ohio 44094—9-18-79
McGath's Marathon Service, 7013 East 56 Street, Indianapolis, Indiana 46406—9-25-79
Al's Mobil Service, 3832 East 38 Street, Indianapolis, Indiana 46409—9-26-79

[FR Doc. 79-32945 Filed 10-24-79; 8:45 am]
BILLING CODE 6450-01-M

Beltway Gulf; 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 Larry Shirey, d.b.a. Beltway Gulf, 9198 Bellaire, Houston, Texas 77036. This Proposed Remedial Order charges Beltway Gulf with charging prices for motor gasoline in excess of the maximum lawful selling price.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before November 9, 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 § 105.193.

Issued in Dallas, Texas on the 18th day of October 1979.

Wayne I. Tucker,
District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-32941 Filed 10-24-79; 8:45 am]
BILLING CODE 6450-01-M

Capitol Tire Co.; 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 Vincent Rosseli, dba Capitol Tire Company, P.O. Box 324, Peralta, New Mexico 87042. This Proposed Remedial Order charges Capitol Tire Company with failure to properly post the maximum lawful selling price or certification.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before November 9, 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 § 105.193.

Issued in Dallas, Texas on the 18th day of October 1979.

Wayne I. Tucker,
District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-32943 Filed 10-24-79; 8:45 am]
BILLING CODE 6450-01-M

Thoreau Chevron; 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 Carl Lytle, dba Thoreau Chevron, P.O. Box 718, Thoreau, New Mexico 87323. This Proposed Remedial Order charges Thoreau Chevron with charging prices for motor gasoline in excess of the maximum lawful selling price and failure to properly post the maximum lawful selling price or certification.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. Within 15 days of publication of this

Notice, any aggrieved person may file a Notice of Objection with the office of Hearings and Appeals, 2000 M Street N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 105.193.

Issued in Dallas, Texas on the 18th day of October, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-32942 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

Frankel City Exxon; 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 James C. Jacobson, dba Grankel City Exxon, General Delivery, Frankel City, Texas 79714. This Proposed Remedial Order charges Frankel City Exxon with charging prices for motor gasoline in excess of the maximum lawful selling price and failure to properly post the maximum lawful selling price or certification.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before November 9, 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 § 105.193.

Issued in Dallas, Texas on the 18th day of October 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-32938 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

M. E. Goldsby Exxon; 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 M. E. Goldsby Exxon, 9201 Katy Freeway, Houston, Texas 77024. This Proposed Remedial Order charges M. E. Goldsby Exxon with charging prices for motor gasoline in excess of the maximum lawful selling price.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before November 9, 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 105.193.

Issued in Dallas, Texas on the 18th day of October, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-32940 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

McGrath Mobil Station; 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 Charles F. McGrath, dba, McGrath Mobil Station, 1111 Lamesa Highway, Big Springs, Texas 79720. This Proposed Remedial Order charges McGrath Mobile Station with charging prices for motor gasoline in excess of the maximum lawful selling price and failure to properly post the maximum lawful selling price or certification.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before November 9, 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 105.193.

Issued in Dallas, Texas on the 18th day of October, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-32937 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

George Stefanakis; 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 George Stefanakis. This Proposed Remedial Order charges Stefanakis with charging prices for motor gasoline in excess of the maximum lawful selling price.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. Within 15 days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street N.W., Washington, D.C. 20461, in accordance with 10 CFR 105.193.

Issued in Dallas, Texas on the 18th day of October 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-32943 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Dockets Nos. CS71-636, et al.]

Applications for "Small Producer" Certificate [1]

October 18, 1979.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before October 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene it timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS71-638	3/25/75[1]	Occidental Petroleum Corporations, *et al.*, 5000 Stockdale Highway, Bakersfield, California 93309.
CS79-545	9/11/79	Arkoma Gas Company, 221 Meadows Building, Dallas, Texas 75206.
CS79-546	8/27/79	Alpha Twenty-One Production Company, 2100 First National Bank Building, Midland, Texas 79701.
CS79-547	8/27/79	Alpha Twenty-One Corporation, 2100 First National Bank Building, Midland, Texas 79701.
CS79-548	8/16/79	New Petroleum Corporation, 16633 Ventura Blvd.—Suite 700, Encino, California 91436.
CS79-549	9/14/79	Lee Brothers Oil Company, 4550 Post Oak Pl. Dr.—Suite 123, Houston, Texas 77027.
CS79-550	9/17/79	W. N. Jacobs, 3752 East 83rd, Tulsa, Oklahoma 74136.
CS79-551	9/18/79	Arthur D. Leidesdorf, 2200 South Post Oak Road—Suite 700, Houston, Texas 77056.
CS79-552	9/18/79	M. B. Corbin (also known as Mary Burnett Corbin), P.O. Box 9158, Amarillo, Texas 79105.
CS79-553	9/18/79	Ann Corbin Fatheree, P.O. Box 9158, Amarillo, Texas 79105.
CS79-554	9/18/79	James Roy Corbin, P.O. Box 9158, Amarillo, Texas 79105.
CS79-555	9/18/79	Mary Jo Corbin Layne Trust, P.O. Box 9158, Amarillo, Texas 79105.
CS79-556	9/17/79	Birchall Petroleum, Inc., 5310 East 31st Street, Tulsa, Oklahoma 74135.
CS79-557	9/25/79	Amlex Oil and Gas, Inc., 573 Citizens Savings Bldg., Canton, Ohio 44702.
CS79-558	9/21/79	Joseph J. Wendling, P.O Box 207, Olpe, Kansas 66865.
CS80-1	10/1/79	Stockton Oil/Gas Co., 2416 West 26th Avenue, Stillwater, Oklahoma 74074.
CS80-2	10/1/79	Sinclair Development Corporation, P.O. Box 763, Hobbs, New Mexico 88240.
CS80-3	10/9/79	Douglas L. Cone, P.O. Box 6217, Lubbock, Texas 79413.
CS80-4	10/9/79	Earl C. Bevins, 1648 Buena Vista Drive, Huntington, W. Va. 25704.
CS80-6	10/9/79	B & G Oil & Gas Company, 830 Glendale Road, Marietta, Ohio 45750.
CS80-7	10/9/79	Davis Gas Processing, Inc.—Agent, 229 Western United Life Bldg., Midland, Texas 79701.
CS80-8	10/5/79	Toltec Oil & Gas, Inc., Suite 266, Meadows Building, Dallas, Texas 75206.
CS80-9	9/26/79	L. Edward Innerarity, Jr., 2205 Shell, Midland, Texas 79701.

[1] Amendment to reflect that due to a corporate reorganization Occidental Petroleum Corporation is transferring most of its U.S. natural gas properties to Oxy Petroleum Inc., a new, wholly owned subsidiary, effective July 1, 1974.

[FR Doc. 79-32931 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-R-79-46]

Voluntary Guideline for Solar Energy and Renewable Resources Respecting the Federal Standards Under the Public Utility Regulatory Policies Act of 1978; Proposed Guideline and Public Hearings

Correction

In FR Doc. 79-32233, appearing at page 60236 in the issue of Thursday, October 18, 1979, the following changes should be made:

1. On page 60238, second column, the sixth line of the second complete paragraph should read, "systems. In such instances, master".

2. On page 60238, third column, the eighth line of the first complete paragraph should read, "December 10, 1979, to address".

3. On page 60240, first column, the third line of the last (incomplete) paragraph should read, "PURPA objectives of efficient use of".

BILLING CODE 1505-01-M

[Docket No. ERA-R-79-43]

Gas and Electric Utilities Covered in 1980 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 and Title II of the National Energy Conservation Policy Act of 1978 and Requirement for State Regulatory Authorities to Notify the Department of Energy

Correction

In FR Doc. 79-30272, published on page 56602, on Monday, October 1, 1979, on page 56603, in the third column, between "Pennsylvania Power & Light Company" and "Philadelphia Electric Company" should be added "Pennsylvania Power Company".

BILLING CODE 1505-01-M

Federal Energy Regulatory Commission

[No. 98]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 18, 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.

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. 79-22291
2. 30-015-22552
3. 102
4. Black River Corporation
5. Miller Com #1
6. Cass Draw Wolfcamp Gas Pool
7. Eddy, NM
8. 237.6 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22292
2. 30-045-23440
3. 103
4. El Paso Natural Gas Company
5. San Juan 32-9 Unit #98
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 160.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22293
2. 30-005-00000
3. 103
4. Stevens Oil Company
5. Citgo A State No. 7
6. Twin Lakes San Andres Assoc

7. Chaves, NM
8. 14.0 million cubic feet
9. September 28, 1979
10. Transwestern Pipeline Co, Stevens Oil Company
1. 79-22294
2. 30-025-26231
3. 103
4. Phillips Petroleum Company
5. East Vacuum GB/SA TR 3308 No. 003
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 56.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

Oklahoma Corporation 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. 80-00162/00450
2. 35-153-20417-0015
3. 108
4. El Paso Natural Gas Company
5. Selman #2
6. Quinlan NW Chester
7. Woodward, OK
8. 4.0 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company
1. 80-00163/00449
2. 35-153-20371-0015
3. 108
4. El Paso Natural Gas Company
5. McFeeters #3
6. Quinlan NW Chester
7. Woodward, OK
8. 4.0 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company
1. 80-00164/00448
2. 35-153-20321-0015
3. 108
4. El Paso Natural Gas Company
5. LEHR #1
6. Quinlan NW Chester
7. Woodward, OK
8. 4.0 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company
1. 80-00165/00446
2. 35-153-20369-0015
3. 108
4. El Paso Natural Gas Company
5. McFeeters #1
6. Quinlan NW Chester
7. Woodward, OK
8. 6.0 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company
1. 80-00166/00445
2. 35-153-20368-0015
3. 108
4. El Paso Natural Gas Company
5. McFeeters #2
6. Quinlan NW Chester
7. Woodward, OK
8. 15.7 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company
1. 80-00167/00443
2. 35-153-20420-0015
3. 108
4. El Paso Natural Gas Company
5. Stout #1
6. Quinlan NW Chester
7. Woodward, OK
8. 16.0 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company
1. 80-00168/00444
2. 35-153-20367-0015
3. 108
4. El Paso Natural Gas Company
5. Brankel #1
6. Quinlan NW Chester
7. Woodward, OK
8. 9.0 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company
1. 80-00169/00542
2. 35-139-00000
3. 108
4. Getty Oil Company
5. Bergner A No. 1
6. Guymon Hugoton
7. Texas, OK
8. 3.0 million cubic feet
9. October 1, 1979
10. Cities Service Gas Company
1. 80-00170/00545
2. 35-139-00000
3. 108
4. Getty Oil Company
5. A D Lewter No. 1
6. Guymon Hugoton
7. Texas, OK
8. 16.0 million cubic feet
9. October 1, 1979
10. Cities Service Gas Company
1. 80-00171/0544
2. 35-139-00000
3. 108
4. Getty Oil Company
5. Leon Allen No. 1
6. Guymon Hugoton
7. Texas, OK
8. 15.0 million cubic feet
9. October 1, 1979
10. Cities Service Gas Company
1. 80-00172/00543
2. 35-139-00000
3. 108
4. Getty Oil Company
5. Martin B No. 2
6. South Guymon
7. Texas, OK
8. 12.0 million cubic feet
9. October 1, 1979
10. Cities Service Gas Company
1. 80-00173/00547
2. 35-139-00000
3. 108
4. Getty Oil Company
5. Goss Unit No. 2
6. South Guymon
7. Texas, OK
8. 7.0 million cubic feet
9. October 1, 1979
10. Cities Service Gas Company
1. 80-00174/00546
2. 35-139-00000
3. 108
4. Getty Oil Company
5. Lancaster Unit No.
6. South Guymon
7. Texas, OK
8. 7.0 million cubic feet
9. October 1, 1979
10. Cities Service Gas Company
1. 80-00175/00526
2. 35-007-20927
3. 108
4. Joseph I ONeill Jr
5. Breen #1
6. Greenough
7. Beaver, OK
8. 7.0 million cubic feet
9. October 1, 1979
10. Northern Natural Gas Company
1. 80-00176/00525
2. 35-007-21016
3. 108
4. Joseph I ONeill Jr
5. Phelps #1
6. Mocane-Laverne
7. Beaver, OK
8. 4.0 million cubic feet
9. October 1, 1979
10. Northern Natural Gas Company
1. 80-00177/00523
2. 35-007-20993
3. 108
4. Joseph I ONeill Jr
5. Wilmoth #1
6. Mocane-Laverne
7. Beaver, OK
8. 5.0 million cubic feet
9. October 1, 1979
10. Northern Natural Gas Company
1. 80-00178/00524
2. 35-007-21033
3. 108
4. Joseph I ONeill Jr
5. Cole #1
6. Mocane-Laverne
7. Beaver, OK
8. 10.0 million cubic feet
9. October 1, 1979
10. Northern Natural Gas Company
1. 80-00179/00492
2. 35-043-00000
3. 108
4. Anadarko Production Co
5. Stidham A No. 1
6. Taloga South
7. Dewey, OK
8. 12.0 million cubic feet
9. October 1, 1979
10. Natural Gas Pipe Line Co of America

Texas Railroad Commission, 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. 80-00147/00003
2. 42-419-30175
3. 103
4. Grace Petroleum Corporation

5. Arco #1
6. Stockman (Travis Peak)
7. Shelby, TX
8. 182.5 million cubic feet
9. October 1, 1979
10. Arkansas Louisiana Gas Company
1. 80-00148/00009
2. 42-215-30445
3. 103
4. Energy Reserves Group Inc.
5. Rio Farms B #2
6. Hargill
7. Hidalgo, TX
8. 138.0 million cubic feet
9. October 1, 1979
10. Tennessee Gas Pipeline Co.
1. 80-00149/00156
2. 42-235-00000
3. 103
4. NRM Petroleum Corporation
5. Rocker B-B #8 (RRC 07533)
6. Spraberry (Trend) area
7. Irion, TX
8. 10.0 million cubic feet
9. October 1, 1979
10. Northern Natural Gas Company
1. 80-00150/00324
2. 42-357-30785
3. 103
4. Horizon Oil & Gas Co. of Texas
5. Tarbox A 1-106 04246
6. Horizon Cleveland
7. Ochiltree, TX
8. 12.0 million cubic feet
9. October 1, 1979
10. Diamond Shamrock Corporation
1. 80-00151/00325
2. 42-357-30816
3. 103
4. Horizon Oil & Gas Co. of Texas
5. Swink 2-119 04186
6. Horizon Cleveland
7. Ochiltree, TX
8. 8.0 million cubic feet
9. October 1, 1979
10. Diamond Shamrock Corporation
1. 80-00152/00326
2. 42-357-30780
3. 103
4. Horizon Oil & Gas Co. of Texas
5. Tarbox 1-106 04237
6. Horizon Cleveland
7. Ochiltree, TX
8. 12.0 million cubic feet
9. October 1, 1979
10. Diamond Shamrock Corporation
1. 80-00153/00482
2. 42-203-01869
3. 103
4. The Maurice L Brown Company
5. Baldwin Gas Unit #1
6. Bethany-Pettit
7. Panola County, TX
8. 7.0 million cubic feet
9. October 1, 1979
10. United Gas Pipe Line Company
1. 80-00154/02208
2. 42-317-31955
3. 103
4. Adobe Oil & Gas Corporation
5. Oaks #4 61775
6. Ackerly (Dean Sand)
7. Martin, TX
8. 2.5 million cubic feet
9. October 1, 1979
10. Adobe Oil & Gas Corporation
1. 80-00155/02209
2. 42-317-31634
3. 103
4. Adobe Oil & Gas Corporation
5. Oak #3 61775
6. Ackerly (Dean Sand)
7. Martin, TX
8. 7.0 million cubic feet
9. October 1, 1979
10. Adobe Oil & Gas Corporation
1. 80-00156/02874
2. 42-167-30615
3. 103
4. Sun Oil Company (Delaware)
5. Cade-State Unit Well No. 1
6. Caplen (FB-1 2-B)
7. Galveston, TX
8. 18.0 million cubic feet
9. October 1, 1979
10. Texas Gas Pipeline Corporation
1. 80-00157/02950
2. 42-105-00000
3. 108
4. D. L. Bishop
5. Weger Unit No 1104
6. Weger (San Andres)
7. Crockett, TX
8. 0.1 million cubic feet
9. October 1, 1979
10. Big Lake Gas Corporation
1. 80-00158/03575
2. 42-413-00000
3. 108
4. Walsh and Watts Inc
5. Speck #2 36562
6. Henry-Speck (Canyon)
7. Schleicher, TX
8. 166.0 million cubic feet
9. October 1, 1979
10. Northern Natural Gas Company
1. 80-00159/03609
2. 42-071-30812
3. 103
4. Sun Oil Company (Delaware)
5. State Track 288 Well 13-U
6. Red Fish Reef SW (F-8)
7. Chambers, TX
8. 84.0 million cubic feet
9. October 1, 1979
10. United Texas Transmission Co
1. 80-00160/08010
2. 42-219-32565
3. 103
4. Amoco Production Company
5. East RKM Unit No. 55
6. Slaughter
7. Hockley, TX
8. 8.0 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company Co
1. 80-00161/08011.
2. 42-219-32559
3. 103
4. Amoco Production Company
5. East RKM Unit No. 50
6. Slaughter
7. Hockley, TX
8. 11.3 million cubic feet
9. October 1, 1979
10. El Paso Natural Gas Company Co.

Utah Division of Oil, Gas, and Mining

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. 80-00001/K 111-2(2)
2. 43-047-30272
3. 103
4. Belco Development Corporation
5. Natural Buttes Unit 5-36B 30272
6. Natural Buttes Unit
7. Uintah, UT
8. 250.0 million cubic feet
9. October 1, 1979
10. Colorado Interstate Gas Company Co.
1. 80-00002/K 111-6
2. 43-047-30267
3. 103
4. Belco Development Corporation
5. Natural Buttes Unit 3-2B 30267
6. Natural Buttes Unit
7. Uintah, UT
8. 260.0 million cubic feet
9. October 1, 1979
10. Colorado Interstate Gas Company Co.

West Virginia Department of Mines, 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. 79-22328
2. 47-041-00426
3. 108
4. Consolidated Gas Supply Corporation
5. May McWhorter 10253
6. West Virginia Other A-85772
7. Lewis WV
8. 6.0 million cubic feet
9. September 20, 1979
10. General System Purchasers
1. 79-22329
2. 47-001-00291
3. 108
4. Consolidated Gas Supply Corporation
5. Dora M Boehm 10790
6. West Virginia Other A-85772
7. Barbour WV
8. 1.0 million cubic feet
9. September 19, 1979
10. General System Purchasers
1. 80-00003
2. 47-097-00603
3. 108
4. Consolidated Gas Supply Corporation
5. Virginia M White 10262
6. West Virginia Other A-85772
7. Upshur WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00004
2. 47-033-00292-D
3. 108
4. Consolidated Gas Supply Corporation

5. Bessie P Allen 11041
6. West Virginia Other A-85772
7. Harrison WV
8. .5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00005
2. 47-021-02094
3. 108
4. Consolidated Gas Supply Corporation
5. Okey Stalmaker 11284
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00006
2. 47-045-00311
3. 108
4. Consolidated Gas Supply Corporation
5. Boone Co Coal Corp 9754
6. West Virginia Other A-85772
7. Logan WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00007
2. 47-043-00839
3. 108
4. Consolidated Gas Supply Corporation
5. Robert F Ferrell 9226
6. West Virginia Other A-85772
7. Lincoln WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00008
2. 47-043-00808
3. 108
4. Consolidated Gas Supply Corporation
5. Emma Chapman 9185
6. West Virginia Other A-85772
7. Lincoln WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00009
2. 47-041-01855
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 11446
6. West Virginia Other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00010
2. 47-041-01806
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 11339
6. West Virginia Other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00011
2. 47-041-01348
3. 108
4. Consolidated Gas Supply Corporation
5. H D Monemar 10664
6. West Virginia Other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00012
2. 47-021-00924
3. 108
4. Consolidated Gas Supply Corporation
5. Mellie Springston 9748
6. West Virginia Other A-85772
7. Gilmer WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00013
2. 47-021-01301
3. 108
4. Consolidated Gas Supply Corporation
5. Hannah L Gainer 10332
6. West Virginia Other A-85772
7. Gilmer WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00014
2. 47-019-00097
3. 108
4. Consolidated Gas Supply Corporation
5. Vanetta Land Co 9916
6. West Virginia Other A-85772
7. Fayette WV
8. 13.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00015
2. 47-013-01438
3. 108
4. Consolidated Gas Supply Corporation
5. Bennett-Marsh 9979
6. West Virginia Other A-85772
7. Calhoun WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00016
2. 47-013-01948
3. 108
4. Consolidated Gas Supply Corporation
5. Lou Ball 10385
6. West Virginia Other A-85772
7. Calhoun WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00017
2. 47-013-01992
3. 108
4. Consolidated Gas Supply Corporation
5. Plough 10462
6. West Virginia Other A-85772
7. Calhoun WV
8. 11.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00018
2. 47-017-01318
3. 108
4. Consolidated Gas Supply Corporation
5. R Barnes 10760
6. West Virginia Other A-85772
7. Doddridge WV
8. 10.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00019
2. 47-013-00980
3. 108
4. Consolidated Gas Supply Corporation
5. McClelland Barr 5931
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00020
2. 47-013-01004
3. 108
4. Consolidated Gas Supply Corporation
5. Hunter M Bennett 9297
6. West Virginia Other A-85772
7. Calhoun WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00021
2. 47-013-00050
3. 108
4. Consolidated Gas Supply Corporation
5. C A Collins 6159
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00022
2. 47-005-00932
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10373
6. West Virginia Other A-85772
7. Boone WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00023
2. 47-001-00119
3. 108
4. Consolidated Gas Supply Corporation
5. I Ward 10416
6. West Virginia Other A-85772
7. Barbour WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00024
2. 47-001-00215
3. 108
4. Consolidated Gas Supply Corporation
5. M M McDaniels 10715
6. West Virginia Other A-85772
7. Barbour WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00025
2. 47-001-00269
3. 108
4. Consolidated Gas Supply Corporation
5. L Cool 10764
6. West Virginia Other A-85772
7. Barbour WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00026
2. 47-001-00257
3. 108
4. Consolidated Gas Supply Corporation
5. Alderson-Broaddus College 10757
6. West Virginia Other A-85772
7. Barbour WV
8. 2.0 million cubic feet

9. October 9, 1979
10. General System Purchasers
1. 80-00027
2. 47-001-00289
3. 108
4. Consolidated Gas Supply Corporation
5. Herbert E Maxon 10782
6. West Virginia Other A-85772
7. Barbour WV
8. 14.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00028
2. 47-013-01830
3. 108
4. Pennzoil Company
5. S A Hayes #4
6. Sherman District
7. Calhoun WV
8. 1.7 million cubic feet
9. October 1, 1979
10. Consolidated Gas Supply Corporation
1. 80-00029
2. 47-001-00412
3. 108
4. Consolidated Gas Supply Corporation
5. Orpha Hudkins 11021
6. West Virginia Other A-85772
7. Barbour WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00030
2. 47-097-00522
3. 108
4. Consolidated Gas Supply Corporation
5. Ward-Mayo 11117
6. West Virginia other A-85772
7. Upshur WV
8. 8.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00031
2. 47-005-00587
3. 108
4. Consolidated Gas Supply Corporation
5. Dora E Hopkins 8647
6. West Virginia other A-85772
7. Boone WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00032
2. 47-005-00511
3. 108
4. Consolidated Gas Supply Corporation
5. A C Canterbury 8580
6. West Virginia other A-85772
7. Boone WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00033
2. 47-005-00536
3. 108
4. Consolidated Gas Supply Corporation
5. Noah T Bias 8609
6. West Virginia other A-85772
7. Boone WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00034
2. 47-005-00437
3. 108
4. Consolidated Gas Supply Corporation
5. Dora E Hopkins 7911
6. West Virginia other A-85772
7. Boone WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00035
2. 47-001-00003
3. 108
4. Consolidated Gas Supply Corporation
5. Annette Riley 7840
6. West Virginia other A-85772
7. Barbour WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00036
2. 47-001-00608
3. 108
4. Consolidated Gas Supply Corporation
5. A Jones-11512
6. West Virginia other A-85772
7. Barbour WV
8. 10.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00037
2. 47-001-00139
3. 108
4. Consolidated Gas Supply Corporation
5. C Ward-10484
6. West Virginia other A-85772
7. Barbour WV
8. 11.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00038
2. 47-001-00006
3. 108
4. Consolidated Gas Supply Corporation
5. IRA D Benson 8794
6. West Virginia other A-85772
7. Barbour WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00039
2. 47-033-00096
3. 108
4. Consolidated Gas Supply Corporation
5. A J Reynolds 8630
6. West Virginia other A-85772
7. Harrison WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00040
2. 47-033-00161
3. 108
4. Consolidated Gas Supply Corporation
5. R C McDonald 4474
6. West Virginia other A-85772
7. Harrison WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00041
2. 47-097-00879
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Ethel Wilson 10727
6. West Virginia other A-85772
7. Upshur WV
8. 21.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00042
2. 47-033-00624
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. J Thrash 11468
6. West Virginia other A-85772
7. Harrison WV
8. 13.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00043
2. 47-033-00613
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Lewis C Swisher 11440
6. West Virginia other A-85772
7. Harrison WV
8. 18.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00044
2. 47-033-00586
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. R Reed 11408
6. West Virginia other A-85772
7. Harrison WV
8. 10.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00045
2. 47-041-01739
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Israel Simmons 11219
6. West Virginia other A-85772
7. Lewis WV
8. 13.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00046
2. 47-041-02113-DD
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. T Ellis 3587
6. West Virginia other A-85772
7. Lewis WV
8. 11.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00047
2. 47-033-00463
3. 108
4. Consolidated Gas Supply Corporation
5. T P Reynolds 11079
6. West Virginia other A-85772
7. Harrison WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00048
2. 47-033-00433
3. 108
4. Consolidated Gas Supply Corporation
5. T Smith-10860
6. West Virginia other A-85772
7. Harrison WV
8. 11.0 million cubic feet
9. October 1, 1979
10. General System Purchasers
1. 80-00049

2. 47-033-00244
3. 108
4. Consolidated Gas Supply Corporation
5. Jackson Arnold 10345
6. West Virginia other A-85772
7. Harrison WV
8. 17.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00050
2. 47-041-00057
3. 108
4. Consolidated Gas Supply Corporation
5. J B Lovett 8610
6. West Virginia other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00051
2. 47-097-00709
3. 108
4. Consolidated Gas Supply Corporation
5. B W & F M Teter 10408
6. West Virginia other A-85772
7. Upshur WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00052
2. 47-041-01768
3. 108
4. Consolidated Gas Supply Corporation
5. F Howell-11292
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00053
2. 47-041-00141
3. 108
4. Consolidated Gas Supply Corporation
5. Leland L Gould 9170
6. West Virginia other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00054
2. 47-041-00636
3. 108
4. Consolidated Gas Supply Corporation
5. O M Hardman 10299
6. West Virginia other A-85772
7. Lewis WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00055
2. 47-041-01051
3. 108
4. Consolidated Gas Supply Corporation
5. Earl Smith 10430
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00056
2. 47-041-01111
3. 108
4. Consolidated Gas Supply Corporation
5. D C Martin 10438
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00057
2. 47-085-00959
3. 108
4. Consolidated Gas Supply Corporation
5. J A Haddox 5604
6. West Virginia other A-85772
7. Ritchie WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00058
2. 47-085-00032
3. 108
4. Consolidated Gas Supply Corporation
5. Martin Nash 1696
6. West Virginia other A-85772
7. Ritchie WV
8. 1.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00059
2. 47-045-00603
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp 10043
6. West Virginia other A-85772
7. Logan WV
8. 9.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00060
2. 47-041-00728
3. 108
4. Consolidated Gas Supply Corporation
5. 8122 J Post
6. West Virginia other A-85772
7. Lewis, WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00061
2. 47-041-00014
3. 108
4. Consolidated Gas Supply Corporation
5. Israel Simmons 8301
6. West Virginia other A-85772
7. Lewis, WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00062
2. 47-035-00800
3. 108
4. Consolidated Gas Supply Corporation
5. H H Stone 9645
6. West Virginia other A-85772
7. Jackson, WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00063
2. 47-097-00537
3. 108
4. Consolidated Gas Supply Corporation
5. J C Reed 10140
6. West Virginia other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00064
2. 47-097-00506
3. 108
4. Consolidated Gas Supply Corporation
5. C H Talbott 10037
6. West Virginia other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00065
2. 47-097-00306
3. 108
4. Consolidated Gas Supply Corporation
5. Alice Bailey 9048
6. West Virginia other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00066
2. 47-097-00068
3. 108
4. Consolidated Gas Supply Corporation
5. Hazen Phillips 7813
6. West Virginia other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00067
2. 47-085-03139
3. 108
4. Consolidated Gas Supply Corporation
5. Alex Prunty 10845
6. West Virginia other A-85772
7. Ritchie, WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00068
2. 47-085-00818
3. 108
4. Consolidated Gas Supply Corporation
5. Elijah Smith 3830
6. West Virginia other A-85772
7. Ritchie, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00069
2. 47-085-00023
3. 108
4. Consolidated Gas Supply Corporation
5. First National Bank 6587
6. West Virginia other A-85772
7. Ritchie, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00070
2. 47-045-00059
3. 108
4. Consolidated Gas Supply Corporation
5. J A Albright 7842
6. West Virginia other A-85772
7. Logan, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00071
2. 47-033-00031
3. 108
4. Consolidated Gas Supply Corporation
5. A S Harbert 1557
6. West Virginia other A-85772

7. Harrison, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00072
2. 47-021-01977
3. 108
4. Consolidated Gas Supply Corporation
5. 11038 L Bennett
6. West Virginia other A-85772
7. Gilmer, WV
8. 10.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00073
2. 47-097-00609
3. 108
4. Consolidated Gas Supply Corporation
5. Everett J Hall 10285
6. West Virginia other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00074
2. 47-013-00615
3. 108
4. Consolidated Gas Supply Corporation
5. Sarah Morris 8565
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00075
2. 47-013-00616
3. 108
4. Consolidated Gas Supply Corporation
5. McClellano Barr 8566
6. West Virginia other A-85772
7. Calhoun, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00076
2. 47-035-00747
3. 108
4. Consolidated Gas Supply Corporation
5. Sallie J Rhodes 9459
6. West Virginia other A-85772
7. Jackson, WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00077
2. 47-033-00896-DD
3. 108
4. Consolidated Gas Supply Corporation
5. Samuel Adams 8032
6. West Virginia other A-85772
7. Harrison, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00078
2. 47-033-00780-DD
3. 108
4. Consolidated Gas Supply Corporation
5. J T Williams 8091
6. West Virginia other A-85772
7. Harrison, WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00079
2. 47-033-00543
3. 108
4. Consolidated Gas Supply Corporation
5. H E Dawson 5216
6. West Virginia other A-85772
7. Harrison, WV
8. 14.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00080
2. 47-041-01877
3. 108
4. Consolidated Gas Supply Corporation
5. Nicholas P Alkire 11521
6. West Virginia other A-85772
7. Lewis, WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00081
2. 47-041-01861
3. 108
4. Consolidated Gas Supply Corporation
5. A P White 11465
6. West Virginia other A-85772
7. Lewis, WV
8. 18.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00082
2. 47-013-00934
3. 108
4. Consolidated Gas Supply Corporation
5. Alice Bennett 9100
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00083
2. 47-013-00983
3. 108
4. Consolidated Gas Supply Corporation
5. M T Motz 9222
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00084
2. 47-013-00706
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8626
6. West Virginia other A-85772
7. Calhoun, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00085
2. 47-013-00748
3. 108
4. Consolidated Gas Supply Corporation
5. G W Hardman 8642
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00086
2. 47-013-00585
3. 108
4. Consolidated Gas Supply Corporation
5. Loe Gainer 8538
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00087
2. 47-013-00663
3. 108
4. Consolidated Gas Supply Corporation
5. J B Huffman 8592
6. West Virginia other A-85772
7. Calhoun, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00088
2. 47-013-00358
3. 108
4. Consolidated Gas Supply Corporation
5. R M Marshall 7748
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00089
2. 47-021-00904
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9705
6. West Virginia other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00090
2. 47-021-00899
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9708
6. West Virginia other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00091
2. 47-021-00738
3. 108
4. Consolidated Gas Supply Corporation
5. 9104-G Riddle
6. West Virginia other A-85772
7. Gilmer, WV
8. 14.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00092
2. 47-021-00663
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8906
6. West Virginia other A-85772
7. Gilmer, WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00093
2. 47-021-00636
3. 108
4. Consolidated Gas Supply Corporation
5. Porter Maxwell 8849
6. West Virginia other A-85772
7. Gilmer, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00094

2. 47-021-00517
3. 108
4. Consolidated Gas Supply Corporation
5. Fred Gainer 8576
6. West Virginia other A-85772
7. Gilmer, WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00095
2. 47-001-00163
3. 108
4. Consolidated Gas Supply Corporation
5. Anna Murphy 10612
6. West Virginia other A-85772
7. Barbour, WV
8. 8.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00096
2. 47-021-00486
3. 108
4. Consolidated Gas Supply Corporation
5. Stump & Boggs 8543
6. West Virginia other A-85772
7. Gilmer, WV
8. 9.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00097
2. 47-019-00081
3. 108
4. Consolidated Gas Supply Corporation
5. C Brown 9661
6. West Virginia other A-85772
7. Fayette, WV
8. 13.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00098
2. 47-001-00173
3. 108
4. Consolidated Gas Supply Corporation
5. Chesser-Nutter 10647
6. West Virginia other A-85772
7. Barbour, WV
8. 14.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00099
2. 47-001-00059
3. 108
4. Consolidated Gas Supply Corporation
5. Cora M Pock 9172
6. West Virginia other A-85772
7. Barbour, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00100
2. 47-001-00161
3. 108
4. Consolidated Gas Supply Corporation
5. H S Haller 10608
6. West Virginia other A-85772
7. Barbour, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00101
2. 47-007-01008
3. 108
4. Consolidated Gas Supply Corporation
5. L N Brown 11449
6. West Virginia other A-85772
7. Braxton, WV
8. 9.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00102
2. 47-005-00734
3. 108
4. Consolidated Gas Supply Corporation
5. M F Moore 9045
6. West Virginia other A-85772
7. Boone, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00103
2. 47-001-00048
3. 108
4. Consolidated Gas Supply Corporation
5. Dewitt C Hudkins 9067
6. West Virginia other A-85772
7. Barbour, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00104
2. 47-001-00016
3. 108
4. Consolidated Gas Supply Corporation
5. J R Dickinson 8399
6. West Virginia other A-85772
7. Barbour, WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00105
2. 47-001-00024
3. 108
4. Consolidated Gas Supply Corporation
5. French Trimble 8957
6. West Virginia other A-85772
7. Barbour, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00106
2. 47-013-01938
3. 108
4. Consolidated Gas Supply Corporation
5. Brannon-Parsons 10378
6. West Virginia other A-85772
7. Calhoun, WV
8. 8.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00107
2. 47-017-02484
3. 108
4. Consolidated Gas Supply Corporation
5. Grant Roberts 11325
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00108
2. 47-013-01462
3. 108
4. Consolidated Gas Supply Corporation
5. C L Stalnaker 9996
6. West Virginia other A-85772
7. Calhoun, WV
8. 7.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00109
2. 47-013-01189
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9827
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00110
2. 47-013-01485
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10010
6. West Virginia other A-85772
7. Calhoun, WV
8. 7.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00111
2. 47-013-00804
3. 108
4. Consolidated Gas Supply Corporation
5. Mary E Harris 8895
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00112
2. 47-013-00551
3. 108
4. Consolidated Gas Supply Corporation
5. Allen Hardman 8513
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00113
2. 47-005-01003
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10900
6. West Virginia other A-85772
7. Boone, WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00114
2. 47-007-00934
3. 108
4. Consolidated Gas Supply Corporation
5. I N Brown 11245
6. West Virginia other A-85772
7. Braxton, WV
8. 13.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00115
2. 47-005-00755
3. 108
4. Consolidated Gas Supply Corporation
5. C T Miteshew 9086
6. West Virginia other A-85772
7. Boone, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00116
2. 47-005-00910
3. 108
4. Consolidated Gas Supply Corporation
5. Albert H Cole 10270
6. West Virginia other A-85772

7. Boone, WV
8. 20.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00117
2. 47-005-00967
3. 108
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10640
6. West Virginia other A-85772
7. Boone, WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00118
2. 47-001-00365
3. 108
4. Consolidated Gas Supply Corporation
5. Stemple & Hudkins 10943
6. West Virginia other A-85772
7. Barbour, WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00119
2. 47-005-00419
3. 108
4. Consolidated Gas Supply Corporation
5. H Nunnenkamp 7726
6. West Virginia other A-85772
7. Boone, WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00120
2. 47-001-00356
3. 108
4. Consolidated Gas Supply Corporation
5. Burton A Roy 10920
6. West Virginia Other A-85772
7. Barbour, WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00121
2. 47-001-00206
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Herman M Reed 10710
6. West Virginia Other A-85772
7. Barbour, WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00122
2. 47-001-00363
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Nutter-Poling 10930
6. West Virginia Other A-85772
7. Barbour, WV
8. 16.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00123
2. 47-001-00451
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. F. L. Phillips 11170
6. West Virginia Other A-85772
7. Barbour, WV
8. 1.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00124
2. 47-017-01477
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Charles G. Schutte 10904
6. West Virginia Other A-85772
7. Doodridge, WV
8. 13.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00125
2. 47-041-00020
3. 108
4. Consolidated Gas Supply Corporation
5. John A. Sutton 7773
6. West Virginia Other A-85772
7. Lewis, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00126
2. 47-097-00568
3. 108
4. Consolidated Gas Supply Corporation
5. Pecks Run Coal Co. 10191
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00127
2. 47-097-00500
3. 108
4. Consolidated Gas Supply Corporation
5. S. E. Marple 10035
6. West Virginia Other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00128
2. 47-097-00332
3. 108
4. Consolidated Gas Supply Corporation
5. J. C. Reed 9151
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00129
2. 47-097-00313
3. 108
4. Consolidated Gas Supply Corporation
5. Alice Bailey 9071
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00130
2. 47-045-00806
3. 108
4. Consolidated Gas Supply Corporation
5. Dingess Run Coal Co. 10044
6. West Virginia Other A-85772
7. Logan, WV
8. 7.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00131
2. 47-045-00294
3. 108
4. Consolidated Gas Supply Corporation
5. Boone County Coal Corp. 9720
6. West Virginia Other A-85772
7. Logan, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00132
2. 47-041-01803
3. 108
4. Consolidated Gas Supply Corporation
5. J. P. Hull 11358
6. West Virginia Other A-85772
7. Lewis, WV
8. 9.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00133
2. 47-041-01653-DD
3. 108
4. Consolidated Gas Supply Corporation
5. A. W. Woodford 8500
6. West Virginia Other A-85772
7. Lewis, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00134
2. 47-041-01224
3. 108
4. Consolidated Gas Supply Corporation
5. Eldon J. McCue 10512
6. West Virginia Other A-85772
7. Lewis, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00135
2. 47-035-00676
3. 108
4. Consolidated Gas Supply Corporation
5. B. F. Cox 9390
6. West Virginia Other A-85772
7. Jackson, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00136
2. 47-017-01501
3. 108
4. Consolidated Gas Supply Corporation
5. J. L. Freeman 10939
6. West Virginia Other A-85772
7. Doddridge, WV
8. 12.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00137
2. 47-041-01274
3. 108
4. Consolidated Gas Supply Corporation
5. Creed S. Simmons 10535
6. West Virginia Other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00138
2. 47-041-00831
3. 108
4. Consolidated Gas Supply Corporation
5. A. W. Gum 103337
6. West Virginia Other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00139

2. 47-041-00376
3. 108
4. Consolidated Gas Supply Corporation
5. Catherine A. See 10206
6. West Virginia Other A-85772
7. Lewis, WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00140
2. 47-097-01287
3. 108
4. Consolidated Gas Supply Corporation
5. Virginia Mae Meier 11216
6. West Virginia Other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00141
2. 47-097-00889
3. 108
4. Consolidated Gas Supply Corporation
5. John Grill 10735
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00142
2. 47-097-00890
3. 108
4. Consolidated Gas Supply Corporation
5. French Shomo 10636
6. West Virginia Other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00143
2. 47-097-00602
3. 108
4. Consolidated Gas Supply Corporation
5. R. Teeter 10267
6. West Virginia Other A-85772
7. Upshur, WV
8. 10.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00144
2. 47-097-00587
3. 108
4. Consolidated Gas Supply Corporation
5. H. N. Hull 10233
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00145
2. 47-097-00586
3. 108
4. Consolidated Gas Supply Corporation
5. Wade Radabaugh 10208
6. West Virginia Other A-85772
7. Upshur, WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00146
2. 47-097-00844
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Nell Radabaugh 10635
6. West Virginia Other A-85772
7. Upshur, WV
8. .0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00180
2. 47-021-00787
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9307
6. West Virginia Other A-85772
7. Gilmer, WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00181
2. 47-021-00077
3. 108
4. Consolidated Gas Supply Corporation
5. Mary A. Stump 8827
6. West Virginia Other A-85772
7. Gilmer, WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00182
2. 47-021-00950
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett Hrs 9784
6. West Virginia Other A-85772
7. Gilmer, WV
8. 1.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00183
2. 47-021-00955
3. 108
4. Consolidated Gas Supply Corporation
5. Ella R Despard 9809
6. West Virginia Other A-85772
7. Gilmer WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00184
2. 47-021-01332
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10348
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00185
2. 47-035-00778
3. 108
4. Consolidated Gas Supply Corporation
5. Maggie Baier 9480
6. West Virginia Other A-85772
7. Jackson WV
8. .4 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00186
2. 47-021-00961
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9830
6. West Virginia Other A-85772
7. Gilmer WV
8. 1.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00187
2. 47-017-01736-DD
3. 108 denied
4. Consolidated Gas Supply Corporation
5. J R Dennison 3469
6. West Virginia Other A-85772
7. Dodridge WV
8. .4 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00188
2. 47-041-01426-DD
3. 108 denied
4. Consolidated Gas Supply Corporation
5. D H Bennett 10055
6. West Virginia Other A-85772
7. Lewis WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-00189
2. 47-033-00101-D
3. 108 denied
4. Consolidated Gas Supply Corporation
5. J A Gawthrop 7925
6. West Virginia Other A-85772
7. Harrison WV
8. 1.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000190
2. 47-033-00462
3. 108 denied
4. Consolidated Gas Supply Corporation
5. John W Eib 10946
6. West Virginia Other A-85772
7. Harrison WV
8. .7 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000191
2. 47-077-00077
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Virginia Severe 10173
6. West Virginia Other A-85772
7. Preston WV
8. 1.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000192
2. 47-041-01332
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Lydia Starcher 10652
6. West Virginia Other A-85772
7. Lewis WV
8. 6.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000193
2. 47-033-0054
3. 108 denied
4. Consolidated Gas Supply Corporation
5. A W Rhodes 11293
6. West Virginia Other A-85772
7. Harrison WV
8. 21.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000194
2. 47-033-00525
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Caroline Dubois 11188
6. West Virginia Other A-85772

7. Harrison WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000195
2. 47-035-00984
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Tennie Bever 10183
6. West Virginia Other A-85772
7. Jackson WV
8. 5.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000196
2. 47-013-00557
3. 108
4. Consolidated Gas Supply Corporation
5. Pruda E Smith 8518
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000197
2. 47-013-00435
3. 108
4. Consolidated Gas Supply Corporation
5. W L Sellers 7786
6. West Virginia Other A-85772
7. Calhoun WV
8. 10.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000198
2. 47-013-00379
3. 108
4. Consolidated Gas Supply Corporation
5. Richard White 7767
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000199
2. 47-017-01594
3. 108
4. Consolidated Gas Supply Corporation
5. F M Gray 11285
6. West Virginia Other A-85772
7. Dodridge WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000200
2. 47-021-00625
3. 108
4. Consolidated Gas Supply Corporation
5. Flossie Snodgrass 8837
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000201
2. 47-021-00693
3. 108
4. Consolidated Gas Supply Corporation
5. Hunter Bennett 8964
6. West Virginia Other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. October 1, 1979
10. General System Purchasers

1. 80-0000202
2. 47-021-00706-D
3. 108
4. Consolidated Gas Supply Corporation
5. A B Ayers 3130
6. West Virginia Other A-85772
7. Gilmer WV
8. 1.5 million cubic feet
9. October 1, 1979
10. General System Purchasers

U.S. 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. 79-22333/G9-847
2. 17-708-40299-0000-0
3. 102
4. Shell Oil Company
5. A-13
6. South Marsh Island
7. 149
8. 1063.0 million cubic feet
9. September 28, 1979
10. Florida Gas Transmission Company United Gas Pipeline Co Southern Natural Gas Co

1. 79-22334/G9-576
2. 17-705-40196-01D2-0
3. 102
4. Felmont Oil Corporation
5. OCS-0172 Well No. 10-D
6. Vermilion
7. 86
8. 1600.0 million cubic feet
9. September 28, 1979
10. Transcontinental Gas Pipe Line Corp

U.S. Geological Survey, Albuquerque, N. Mex.

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. 79-22330/NM-2473-79
2. 30-045-21684-0000-0
3. 108
4. Universal Resources Corporation
5. Grigsby Federal #4-8
6. Basin Dakota
7. San Juan NM
8. 2.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22332/NM 1827-79
2. 30-045-08864-0000-0
3. 108
4. Ladd Petroleum Corporation
5. Farmington #1-4
6. Basin Dakota
7. San Juan NM
8. 14.0 million cubic feet
9. September 28, 1979
10. Southern Union Gathering Co

U.S. Geological Survey, Casper, Wyo.

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. 79-22295/CC652-9
2. 05-103-08055-0000-0
3. 103
4. Twin Arrow Inc
5. C & K 1-13X
6. Cathedral
7. Rio Blanco
8. .0 million cubic feet
9. September 28, 1979
10. IGC Production Company

1. 79-22297/CC902-9
2. 05-103-08017-0000-0
3. 102
4. Fuel Resources Development Co
5. No 21-1 Federal
6. Cathedral
7. Rio Blanco Co
8. 28.0 million cubic feet
9. September 28, 1979
10. Western Slope Gas Co

1. 79-22298/CC657-9
2. 05-103-08090-0000-0
3. 108
4. Twin Arrow Inc
5. Continental 4-8
6. Cathedral
7. Rio Blanco Co
8. 10.0 million cubic feet
9. September 28, 1979
10. IGC Production Company

1. 79-22299/CC648-9
2. 05-103-07923-0000-0
3. 108
4. Twin Arrow Inc
5. Universal 2-19
6. Cathedral
7. Rio Blanco Co
8. 8.7 million cubic feet
9. September 28, 1979
10. IGC Production Company

1. 79-22311/CC771-9
2. 05-103-07904-0000-0
3. 108
4. Continental Oil Company
5. Dragon Trail Unit #10
6. Douglas Creek NESE 3-T3S-R102W
7. Rio Blanco Co
8. 16.4 million cubic feet
9. September 28, 1979
10. Western Slope Gas Company (4900)

1. 79-22313/CC770-9
2. 05-103-08015-0000-0
3. 102
4. Continental Oil Company
5. Missouri Creek 27 #1
6. Texas Mountain NW 27-T3S-R103W
7. Rio Blanco Co
8. .0 million cubic feet
9. September 28, 1979
10.

1. 79-22321/CC656-9
2. 05-103-07882-0000-0

3. 108
4. Twin Arrow Inc.
5. C & K 1-12
6. Cathedral
7. Rio Blanco Co
8. 18.2 million cubic feet
9. September 28, 1979
10. IGC Prodction Company

1. 79-22327/CC823-9
2. 05-103-08044-0000-0
3. 108
4. Tipperary Oil and Gas Corp
5. USA 3-31-B
6. Cathedral
7. Rio Blanco Co
8. 13.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22309/M660-9
2. 25-071-21088-0000-0
3. 108
4. Midlands Gas Corporation
5. 2512 Federal 626-25 #1
6. Bowdoin
7. Phillips MT
8. 11.0 million cubic feet
9. September 28, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-22300/UC730-9
2. 43-047-30313-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 234
6. Red Wash
7. Uintah UT
8. 36.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22301/UC7216-9
2. 43-047-30388-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 247
6. Red Wash
7. Uintah UT
8. 18.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22303/UC725-9
2. 43-047-30389-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 248
6. Red Wash
7. Uintah UT
8. 100.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22308/UC658-9
2. 43-019-15482-0000-0
3. 108
4. Burton W Hancock
5. Federal Government No 1
6. West Bar-X
7. Grand County UT
8. 20.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22310/UC731-9
2. 43-047-30340-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 236
6. Red Wash
7. Uintah UT
8. 180.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22315/UC745-9
2. 43-047-30348-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 244
6. Red Wash
7. Uintah UT
8. 220.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22316/UC750-9
2. 43-047-30342-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 238
6. Red Wash
7. Uintah UT
8. 18.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22317/UC735-9
2. 43-047-30310-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 231
6. Red Wash
7. Uintah UT
8. 47.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22318/UC734-9
2. 43-047-30257-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 227
6. Red Wash
7. Uintah UT
8. 100.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22319/UC733-9
2. 43-047-30312-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 233
6. Red Wash
7. Uintah UT
8. 50.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22320/UC744-9
2. 43-047-30344-0000-0
3. 103
4. Chevron USA, Inc.
5. Red Wash Unit 240
6. Red Wash
7. Uintah, UT
8. 18.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp.

1. 79-22322/UC732-9
2. 43-047-30347-0000-0
3. 103
4. Chevron USA, Inc.
5. Red Wash Unit 243
6. Red Wash
7. Uintah, UT
8. 183.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp.

1. 79-22324/UC743-9
2. 43-047-30258-0000-0
3. 103
4. Chevron USA, Inc.
5. Red Wash Unit 228
6. Red Wash
7. Uintah, UT
8. 18.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp.

1. 79-22325/UC742-9
2. 43-047-30309-0000-0
3. 103
4. Chevron USA, Inc.
5. Red Wash Unit 230
6. Red Wash
7. Uintah, UT
8. 18.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp.

1. 79-22326/UC741-9
2. 43-047-30311-0000-0
3. 103
4. Chevron USA, Inc.
5. Red Wash Unit 232
6. Red Wash
7. Uintah, UT
8. 55.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp.

1. 79-22331/UC105-9
2. 43-019-30411-0000-0
3. 102 denied
4. Bowers Oil & Gas Exploration Inc.
5. Bowers Federal #1-6
6. Cedar Mountain
7. Grand, UT
8. .0 million cubic feet
9. September 28, 1979
10.

1. 79-22296/W662-9
2. 49-013-00000-0000-0
3. 103
4. Hadson Ohio Oil Company
5. Tribal-Trigg #1-7
6. East Riverton Field
7. Fremont, WY
8. 274.0 million cubic feet
9. September 28, 1979
10. Montana-Dakota Utilities Co.

1. 79-22302/W695-9
2. 49-037-21194-0000-0
3. 102
4. Smokey Oil Company Inc.
5. Bluewater Federal 4-32
6. Wildcat
7. Sweetwater, WY
8. 128.0 million cubic feet
9. September 28, 1979
10. Colorado Interstate Gas Company

1. 79-22304/W661-9
2. 49-023-20123-0000-0
3. 108
4. Rainbow Resources Inc.
5. Federal 1-14
6. Craven Creek
7. Lincoln, WY
8. 20.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corporation

1. 79-22305/W948-9
2. 49-037-21155-0000-0
3. 103
4. Elf Aquitaine Inc.
5. Ntichie Gulch Mesa # 13-34
6. Nitchie Gulch

7. Sweetwater, WY
8. 73.0 million cubic feet
9. September 28, 1979
10. Stauffer Chemical Company of Wyoming

1. 79-22306/W672-9
2. 49-007-20021—0000-0
3. 108
4. El Paso Products Company
5. Monell Unit No. 84
6. Patrick Draw
7. Sweetwater, WY
8. 2.0 million cubic feet
9. September 28, 1979
10. Colorado Interstate Gas

1. 79-22307/W671-9
2. 49-007-20120—0000-0
3. 108
4. El Paso Products Company
5. Monell Unit No. 173
6. Patrick Draw
7. Sweetwater, WY
8. .7 million cubic feet
9. September 28, 1979
10. Colorado Interstate Gas

1. 79-22312/W890-9
2. 49-035-04365-0000-0
3. 108
4. Belco Petroleum Corporation
5. CBU 4 04365
6. Big Piney-Labarge
7. Sublette, WY
8. 14.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corporation

1. 79-22314/W852-9
2. 49-035-07918-0000-0
3. 108
4. Belco Petroleum Corporation
5. LIU 3-24 0798
6. Big Piney
7. Sublette, WY
8. 14.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corporation

1. 79-22323/W764-9
2. 49-009-21384-0000-0
3. 103
4. Champlin Petroleum Company
5. #3 Federal 43-14
6. Dry Fork Area
7. Converse, WY
8. 19.0 million cubic feet
9. September 28, 1979
10. McCulloch Interstate Gas Corp.

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, NE., 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. 79-32925 Filed 10-24-79; 8:45 am]
BILLING CODE 6450-01-M

[No. 97]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 18, 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.

Arkansas Oil and Gas Commission

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. 79-22069
2. 03-027-10684
3. 103
4. Mike A Davis
5. Hollensworth-1
6. Spotsville
7. Columbia AR
8. 270.0 million cubic feet
9. September 27, 1979
10.

1. 79-22070
2. 03-027-10523
3. 103
4. W C Partee
5. B Dickson #1
6. Mt Vernon Field
7. Columbia AR
8. 6.5 million cubic feet
9. September 27, 1979
10. J-W Operating Company

1. 79-22071
2. 03-027-10510
3. 103
4. Cardell-Tlapek Company
5. Fincher-Clark #1
6. Mt Vernon Field
7. Columbia AR
8. 9.9 million cubic feet
9. September 27, 1979
10. J-W Operating Company

1. 79-22072
2. 03-027-10510
3. 103
4. Cardell-Tlapek Company
5. Fincher-Clark #1
6. Mt Vernon Field
7. Columbia AR
8. 9.9 million cubic feet
9. September 27, 1979
10. J-W Operating Company

1. 79-22073
2. 03-027-10558
3. 103
4. Cardell-Tlapek Company
5. W E Dickson Est #1
6. Mt Vernon Field
7. Columbia AR
8. 31.8 million cubic feet
9. September 27, 1979
10. J-W Operating Company

1. 79-22074
2. 03-027-10516
3. 103
4. Cardell-Tlapek Company
5. Dickson #1
6. Mt Vernon Field
7. Columbia AR
8. .0 million cubic feet
9. September 27, 1979
10. J-W Operating Company

1. 79-22075
2. 03-073-10358
3. 103
4. Cardell-Tlapek Company
5. Bodcaw Bank #1
6. Mt Vernon Field
7. Columbia AR
8. 14.0 million cubic feet
9. September 27, 1979
10. J-W Operating Company

1. 79-22076
2. 03-027-10539
3. 103
4. Cardell-Tlapek Company
5. Browning-Danielson #1
6. Mt Vernon Field
7. Columbia AR
8. 7.2 million cubic feet
9. September 27, 1979
10. J-W Operating Company

1. 79-22077
2. 03-027-10502
3. 103
4. Cardell-Tlapek Company
5. Eddy-Horton #1
6. Mt Vernon Field
7. Columbia AR
8. 26.5 million cubic feet
9. September 27, 1979
10. J-W Operating Company

Lousiana Office of Conservation

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. 79-22126/79-2365
2. 17-119-20216
3. 102
4. Cities Service Company
5. SMK C RA SU A Matthews C #1
6. North Shongaloo-Red Rock
7. Webster LA
8. 160.0 million cubic feet
9. September 28, 1979
10.

1. 79-22127/79-2364
2. 17-117-20216

3. 102
4. Cities Service Company
5. SMK C RC SU K Matthews C #1D
6. North Shongaloo-Red Rock
7 Webster LA
8. 360.0 million cubic feet
9. September 28, 1979
10.

Michigan Department of Natural Resources

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. 79-22117
2. 21-045-32458
3. 102
4. Consumers Power Company
5. CPCO Lawrence-Tomlin 1-15
6. Hamlin 15
7 Eaton County MI
8. 255.0 million cubic feet
9. September 27, 1979
10. Consumers Power Company

Montana Board of Oil and Gas Conservation

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. 79-22121/8-79-245
2. 25-083-21174
3. 103
4. Shell Oil Company
5. Bn 33X-25
6. Mondak West
7. Richland, MT
8. 5.5 million cubic feet
9. September 27, 1979
10. Montana Dakota Utilities Company

1. 79-22122/8-79-246
2. 25-083-21175
3. 103
4. Shell Oil Company
5. Carleton 13X-5
6. Mondak West
7 Richland, MT
8. 60.5 million cubic feet
9. September 27, 1979
10. Montana Dakota Utilities Company

1. 79-22123/8-79-244
2. 25-083-21201
3. 103
4. Shell Oil Company
5. Moore 23-24
6. Mondak West
7. Richland, MT
8. 60.0 million cubic feet
9. September 27, 1979
10. Montana Dakota Utilities Company

1. 79-22124/8-79-250
2. 25-005-21967
3. 103
4. Tricentrol United States Inc
5. Moore #13-3-T27N-R18E
6. Sawtooth Mountain
7. Baline, MT
8. 70.0 million cubic feet
9. September 27, 1979
10. Northern Natural Gas Company

1. 79-22125/8-79-247
2. 25-041-21060
3. 108
4. Tricentrol United States Inc
5. Erhard 27-6-T32N-R15E MPM
6. Tiger Ridge Field Bullhook Unit
7. Hill, MT
8. 18.0 million cubic feet
9. September 27, 1979
10. Northern Natural Gas Company

New Mexico Department of Energy and Minerals Oil Conservation Division

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

1. 79-22078
2. 30-015-22700
3. 102
4. Delta Drilling Company
5. South Culebra Bluff #3
6. Wildcat
7. Eddy County, NM
8. .0 million cubic feet
9. September 27, 1979
10. El Paso Natural Gas Company

1. 79-22079
2. 30-045-23471
3. 103
4. Tenneco Oil Company
5. State Com K #12
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 110.0 million cubic feet
9. September 27, 1979
10. El Paso Natural Gas Company

1. 79-22080
2. 30-025-26232
3. 103
4. Phillips Petroleum Company
5. E. Vacuum GB/SA TR 3333 #004
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 1.5 million cubic feet
9. September 27, 1979
10. El Paso Natural Gas Company

1. 79-22081
2. 30-039-21988
3. 103
4. Palmer Oil & Gas Company
5. Davis No. 1
6. Blanco Mesa Verde Ext
7. Rio Arriba, NM
8. 140.0 million cubic feet
9. September 27, 1979
10. Northwest Pipeline Corporation

1. 79-22082
2. 30-045-23196-0000-1
3. 103
4. Palmer Oil & Gas Company
5. Montoya #25-1 (Dakota)
6. Basin Dakota
7. San Juan, NM
8. 78.0 million cubic feet
9. September 27, 1979
10. Southwest Gas Corporation

1. 79-22083
2. 30-045-23196-0000-2
3. 103
4. Palmer Oil & Gas Company
5. Montoya #25-1 (Mesaverde)
6. Blanco Mesaverde
7. San Juan, NM
8. 91.0 million cubic feet
9. September 27, 1979
10. Southwest Gas Corporation

1. 79-22254
2. 30-025-26110
3. 103
4. Amoco Production Company
5. State C TR 11 #8
6. Hardy Blinebry
7. Lea, NM
8. 75.0 million cubic feet
9. September 28, 1979
10. Getty Oil Company

1. 79-22255
2. 30-045-21147
3. 1083
4. Amoco Production Company
5. Candelaria Gas Com #1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 21.5 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22256
2. 30-039-00000
3. 108
4. Caulkins Oil Company
5. Breech F. 25
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 13.9 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22257
2. 30-015-00000
3. 103
4. Maddox Energy Corporation
5. Malaga Com No 1
6. Malaga Atoka
7. Eddy, NM
8. 5.5 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

New York Department of Environmental Conservation, Bureau of Mineral Resources

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. 79-22118/740
2. 31-013-13792
3. 103
4. Oilmark & Co Inc
5. Feinen Bros #2
6. Lakeshore
7. Chautauqua, NY

8. 210.0 million cubic feet
9. September 27, 1979
10. National Fuel Gas

1. 79-22119/738
2. 31-013-12331
3. 103
4. Oilmark & Co Inc
5. Roman #1
6. Lakeshore
7. Chautauqua, NY
8. 200.0 million cubic feet
9. September 27, 1979
10. National Fuel Gas

1. 79-22120/739
2. 31-013-13793
3. 103
4. Oilmark & Co Inc
5. Kryzstofik #1
6. Lakeshore
7. Chautauqua, NY
8. 200.0 million cubic feet
9. September 27, 1979
10. National Fuel Gas

West Virginia Department of Mines, 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. 79-22084
2. 47-085-02788
3. 108
4. Pennzoil Company
5. Sarah J Lemon #16
6. Murphy District
7. Ritchie WV
8. 9.3 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22085
2. 47-085-00901
3. 108
4. Pennzoil Company
5. S A Goff No 4
6. Union
7. Ritchie WV
8. 6.0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22086
2. 47-085-03892
3. 108
4. Pennzoil Company
5. C L Zickafoose #3
6. Murphy District
7. Ritchie WV
8. .8 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22087
2. 47-087-00062
3. 108
4. Pennzoil Company
5. W S Craig #15
6. Spencer
7. Roane WV
8. .6 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22088
2. 47-085-01098
3. 108
4. Pennzoil Company
5. S A Goff No 1
6. Union
7. Ritchie WV
8. 3.8 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22089
2. 47-085-01097
3. 108
4. Pennzoil Company
5. C F Beall #4
6. Murphy District
7. Ritchie WV
8. 1.3 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22090
2. 47-085-03961
3. 108
4. Pennzoil Company
5. C L Zickafoose #2
6. Murphy District
7. Ritchie WV
8. .8 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22091
2. 47-087-01124
3. 108
4. Pennzoil Company
5. Mary Pool #W-1
6. Spencer
7. Roane WV
8. .4 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22092
2. 47-087-01109
3. 108
4. Pennzoil Company
5. L S Goff #W-18
6. Spencer
7. Roane WV
8. .6 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22093
2. 47-087-01125
3. 108
4. Pennzoil Company
5. Mary Pool W-2
6. Spencer
7. Roane WV
8. .4 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-220094
2. 47-087-02453
3. 108
4. Pennzoil Company
5. W S Craig #11
6. Spencer
7. Roane WV
8. .6 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22095
2. 47-087-02453
3. 108
4. Pennzoil Company
5. W S Craig #11
6. Spencer
7. Roane WV
8. .6 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22096
2. 47-087-02452
3. 108
4. Pennzoil Company
5. W S Craig #9
6. Spencer
7. Roane WV
8. .6 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22097
2. 47-087-02451
3. 108 denied
4. Pennzoil Company
5. W S Craig #3
6. Spencer
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22098
2. 47-087-02454
3. 108 denied
4. Pennzoil Company
5. W S Craig #13
6. Spencer
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22099
2. 47-087.02743
3. 108 denied
4. Pennzoil Company
5. David Simmons #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22100
2. 47-087-02714
3. 108 denied
4. Pennzoil Company
5. Elkhanah Smith #1
6. Smithfield District
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22101
2. 47-087-02706
3. 108 denied
4. Pennzoil Company
5. A P Sinnett #4
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22102
2. 47-087-02581
3. 108 denied
4. Pennzoil Company
5. S B Kincaid #8
6. Smithfield
7. Roane WV
8. .0 million cubic feet

9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22103
2. 47-087-02580
3. 108 denied
4. Pennzoil Company
5. S B Kincaid #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22104
2. 47-087-02579
3. 108 denied
4. Pennzoil Company
5. S B Kincaid #4
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22105
2. 47-087-02577
3. 108 denied
4. Pennzoil Company
5. S B Kincaid #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22106
2. 47-087-02537
3. 108 denied
4. Pennzoil Company
5. E S Fisher #14
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22107
2. 47-087-02435
3. 108 denied
4. Pennzoil Company
5. E S Fisher #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22108
2. 47-087-02533
3. 108 denied
4. Pennzoil Company
5. E S Fisher #1
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22109
2. 47-087-02744
3. 108 denied
4. Pennzoil Company
5. David Simmons #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22110
2. 47-087-02083
3. 108 denied
4. Pennzoil Company
5. C B Chambers #6
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22111
2. 47-087-02437
3. 108 denied
4. Pennzoil Company
5. Chambers Hrs #16
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22112
2. 47-087-02436
3. 108 denied
4. Pennzoil Company
5. Chambers Hrs #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22113
2. 47-087-02508
3. 108 denied
4. Pennzoil Company
5. A W Edgell #1
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22114
2. 47-087-02438
3. 108 denied
4. Pennzoil Company
5. Chambers Hrs #17
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22115
2. 47-087-02526
3. 108 denied
4. Pennzoil Company
5. C B Ferrell #5
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22116
2. 47-087-02524
3. 108 denied
4. Pennzoil Company
5. C B Ferrell #1
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 27, 1979
10. Consolidated Gas Supply Corp

1. 79-22128
2. 47-087-00018
3. 108 denied
4. Pennzoil Company
5. Chambers Hrs #6
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22129
2. 47-087-00017
3. 108 denied
4. Pennzoil Company
5. Chambers Hrs #15
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22130
2. 47-087-00070
3. 108 denied
4. Pennzoil Company
5. David Simmons #17
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22131
2. 47-087-00078
3. 108 denied
4. Pennzoil Company
5. David Simmons #14
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22132
2. 47-087-00077
3. 108 denied
4. Pennzoil Company
5. Chambers Hrs #3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22133
2. 47-087-00074
3. 108 denied
4. Pennzoil Company
5. Chambers Hrs #12
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22134
2. 47-087-00091
3. 108 denied
4. Pennzoil Company
5. A P Sinnett #2
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22135
2. 47-087-00101
3. 108 denied
4. Pennzoil Company
5. A P Sinnett #6
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22136

2. 47-087-00110
3. 108 denied
4. Pennzoil Company
5. E S Fisher #3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22137
2. 47-087-00041
3. 108
4. Pennzoil Company
5. S B Kincaid #1
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22138
2. 47-087-00039
3. 108
4. Pennzoil Company
5. Lucy J Webb #8
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22139
2. 47-087-00033
3. 108
4. Pennzoil Company
5. J G Greathouse #1
6. Spencer
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22140
2. 47-087-00027
3. 108
4. Pennzoil Company
5. Asbury Lewis #2
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22141
2. 47-087-00021
3. 108
4. Pennzoil Company
5. C C Short #2
6. Spencer
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22142
2. 47-087-00003
3. 108
4. Pennzoil Company
5. Lucy J Webb #9
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22143
2. 47-087-00010
3. 108 denied
4. Pennzoil Company
5. David Simmons #24
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22144
2. 47-087-00969
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-1
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22145
2. 47-087-00965
3. 108
4. Pennzoil Company
5. S J Chambers #3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22146
2. 47-087-00970
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-2
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22147
2. 47-087-00971
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22148
2. 47-087-00978
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-4
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22149
2. 47-087-00913
3. 108
4. Pennzoil Company
5. Chambers Hrs #21
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22150
2. 47-087-00963
3. 108
4. Pennzoil Company
5. Wm Kaufman #7
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22151
2. 47-087-00894
3. 108
4. Pennzoil Company
5. Wm Kaufman #5
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22152
2. 47-087-01068
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-20
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22153
2. 47-087-01075
3. 108
4. Pennzoil Company
5. Chambers Hrs #22
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22154
2. 47-087-01076
3. 108
4. Pennzoil Company
5. Chambers Hrs #23
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22155
2. 47-087-01872
3. 108
4. Pennzoil Company
5. J A Harris #16
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22156
2. 47-087-01744
3. 108
4. Pennzoil Company
5. Lucy J Webb #10
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22157
2. 47-087-01094
3. 108
4. Pennzoil Company
5. S J Chambers #4
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22158
2. 47-087-01095
3. 108
4. Pennzoil Company
5. Asbury Lewis #6
6. Smithfield

7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22159
2. 47-087-01096
3. 108
4. Pennzoil Company
5. Asbury Lewis #7
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22160
2. 47-087-00909
3. 108
4. Pennzoil Company
5. Wm Kaufman #6
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22161
2. 47-087-00881
3. 108
4. Pennzoil Company
5. Asbury Lewis #4
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22162
2. 47-087-00204
3. 108
4. Pennzoil Company
5. E S Fisher #15
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22163
2. 47-087-00119
3. 108
4. Pennzoil Company
5. C B Ferrell #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22164
2. 47-087-00889
3. 108 denied
4. Pennzoil Company
5. David Simmons #26
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22165
2. 47-087-00198
3. 108 denied
4. Pennzoil Company
5. A P Sinnett #3
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22166
2. 47-087-00197
3. 108 denied
4. Pennzoil Company
5. E S Fisher #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22167
2. 47-087-00109
3. 108 denied
4. Pennzoil Company
5. A P Sinnett #1
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22168
2. 47-087-00108
3. 108
4. Pennzoil Company
5. S B Kincaid #6
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 29, 1979
10. Consolidated Gas Supply Corp

1. 79-22169
2. 47-087-00092
3. 108
4. Pennzoil Company
5. Lucy J Webb #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22170
2. 47-087-00114
3. 108
4. Pennzoil Company
5. Jackson Long #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22171
2. 47-087-00093
3. 108
4. Pennzoil Company
5. C B Chambers #1
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22172
2. 47-087-00103
3. 108
4. Pennzoil Company
5. Cynthia Douglas #4
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22173
2. 47-087-00106
3. 108
4. Pennzoil Company
5. P A Bays #6
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22174
2. 47-087-00850
3. 108
4. Pennzoil Company
5. C B Chambers #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22175
2. 47-087-01055
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-18
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22176
2. 47-087-00993
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-11
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22177
2. 47-087-00992
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-10
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22178
2. 47-087-00991
3. 108
4. Pennzoil Company
5. Wm Kaufman #9
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22179
2. 47-087-01026
3. 108
4. Pennzoil Company
5. Asbury Lewis #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22180
2. 47-087-00988
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-8
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22181

2. 47-087-00987
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-6
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22182
2. 47-087-00984
3. 108
4. Pennzoil Company
5. Wm Kaufman #W-5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22183
2. 47-087-00004
3. 108
4. Pennzoil Company
5. Cynthia Douglas #3
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp

1. 79-22184
2. 47-087-00089
3. 108
4. Pennzoil Company
5. Smith-Chambers #1
6. Smithfield District
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22185
2. 47-087-00071
3. 108
4. Pennzoil Company
5. A. W. Edgell #3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22186
2. 47-039-01174
3. 108
4. Ray Resources Div of FDOC
5. H. G. Young #1 (159)
6. Big Sandy
7. Kanawha, WV
8. .0 million cubic feet
9. September 28, 1979
10. Pennzoil United

1. 79-22187
2. 47-087-00011
3. 108
4. Pennzoil Company
5. J. A. Harris #6
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22188
2. 47-087-00019
3. 108
4. Pennzoil Company
5. J. A. Harris #14
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22189
2. 47-087-00220
3. 108
4. Pennzoil Company
5. E. S. Fisher #8
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22190
2. 47-087-00046
3. 108
4. Pennzoil Company
5. J. H. Bays #1
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22191
2. 47-087-00045
3. 108
4. Pennzoil Company
5. Carr Nichols #1
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22192
2. 47-087-00049
3. 108
4. Pennzoil Company
5. O. V. McKnown #2
6. Spencer
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22193
2. 47-087-00050
3. 108
4. Pennzoil Company
5. C. C. Short #4
6. Spencer
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22194
2. 47-087-00051
3. 108
4. Pennzoil Company
5. J. G. Greathouse #4
6. Spencer
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22195
2. 47-087-00052
3. 108
4. Pennzoil Company
5. J. H. Starr #5
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22196
2. 47-087-00063
3. 108
4. Pennzoil Company
5. C. H. McGraw #3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22197
2. 47-087-01077
3. 108 denied
4. Pennzoil Company
5. David Simmons #28
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22198
2. 47-087-01120
3. 108 denied
4. Pennzoil Company
5. S. J. Chambers 5#
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22199
2. 47-087-01056
3. 108
4. Pennzoil Company
5. Wm. Kaufman #W-19
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22200
2. 47-087-01004
3. 108
4. Pennzoil Company
5. Wm. Kaufman #W-15
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22201
2. 47-087-00996
3. 108
4. Pennzoil Company
5. Wm. Kaufman #W-14
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22202
2. 47-087-00994
3. 108
4. Pennzoil Company
5. Wm. Kaufman #W-12
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22203
2. 47-087-01053
3. 108
4. Pennzoil Company
5. Wm. Kaufman #W-17
6. Smithfield

7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22204
2. 47-087-01032
3. 108
4. Pennzoil Company
5. Wm. Kaufman #W-16
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

1. 79-22205
2. 47-087-01087
3. 108 denied
4. Pennzoil Company
5. David Simmons #29
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

U.S. 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. 79-22253/G 8-13
2. 42-711-40215-01S1-0
3. 102 denied
4. CNG producing company
5. A-10
6. West Cameron
7. 633
8. 3793.0 million cubic feet
9. September 28, 1979
10. Consolidated Gas Supply Corp.

U.S. 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. 79-22206/COA-2680-79
2. 05-067-05351-0000-0
3. 108
4. National Coop Refinery Assoc
5. Southern UTE (504) #1-21
6. Ignacio-Blanco
7. LaPlata CO
8. 14.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Co

1. 79-22235/COA-2679-79
2. 05-067-05352-0000-0
3. 108
4. National Coop Refinery Association
5. Southern UTE (504) 2-21X
6. Ignacio-Blanco
7. La Plata CO
8. 3.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22252/COA-2678-79
2. 05-067-05571-0000-0
3. 108
4. National Coop Refinery Assoc
5. Southern UTE (503) #1-35
6. Ignacio-Blanco
7. LaPlata CO
8. 12.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Co

1. 79-22207/NM 2682-79-79
2. 30-015-22085-0000-0
3. 103
4. HNG Oil Company
5. Grynberg Fed Com 11 #1
6. White City Penn
7. Eddy NM
8. 388.0 million cubic feet
9. September 28, 1979
10. Natural Gas Pipeline Co of America

1. 79-22208/NM-2683-79
2. 30-039-21723-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No. 44-A
6. Blanco Mesaverde P-4-30N-7W
7. Rio Arriba NM
8. 300.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22209/NM-2684-79
2. 30-039-21725-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No. 101-A
6. Blanco Mesaverde J-10-30N-7W
7. Rio Arriba County NM
8. 250.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22210/NM-2685-79
2. 30-039-21736-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No. 102-A
6. Blanco Mesaverde F-3-30N-7W
7. Rio Arriba NM
8. 250.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22211/NM-2686-79
2. 30-039-21695-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No. 17-A
6. Blanco Mesaverde 9-30N-7W
7. Rio Arriba NM
8. 300.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22212/NM-2687-79
2. 30-039-21697-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No. 24-A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 250.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22213/NM-2689-79
2. 30-045-22031-0000-0
3. 103
4. Union Oil Company of Calif
5. Navajo #4X-L19
6. Basin Dakota
7. San Juan NM
8. 240.0 million cubic feet
9. September 28, 1979
10. Northwest Pipeline Corp

1. 79-22214/NM 2714-79
2. 30-045-23019-0000-0
3. 103
4. Dietrich Exploration Company Inc
5. Federal 27-6
6. Waw pictured cliffs
7. San Juan NM
8. 65.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22215/NM-2716-79
2. 30-045-23012-0000-0
3. 103
4. Dietrich Exploration Company Inc
5. Federal 27-7
6. Waw pictured cliffs
7. San Juan County NM
8. 66.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22216/NM-2546-79
2. 30-005-60491-0000-0
3. 103
4. Comanche Oil & Gas Company
5. Federal 14 No. 1—NM 16099
6. Sams Ranch Area
7. Chaves NM
8. 65.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22217/NM-2645-79
2. 30-145-22477-0000-0
3. 103
4. Dome Petroleum Corp
5. Frew Federal #2
6. Nipp pictured cliffs
7. San Juan NM
8. 23.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas, Natural Gas Pipeline Co of Amer

1. 79-22218/NM-2646-79
2. 30-045-22476-0000-0
3. 103
4. Dome Petroleum Corp
5. Frew Federal #5
6. Nipp pictured cliffs
7. San Juan NM
8. 37.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas, Natural Gas Pipeline Co of Amer

1. 79-22219/NM-2647-79
2. 30-045-22478-0000-0
3. 103
4. Dome Petroleum Corp
5. Frew Federal #3
6. Nipp pictured cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas, Natural Gas Pipeline Co of Amer

1. 79-22220/NM-2648-79-1
2. 30-025-25666-0000-0

3. 103
4. Martindale Petroleum Corporation
5. Deck Federal #2
6. Drinkard
7. Lea NM
8. 92.3 million cubic feet
9. September 28, 1979
10. Getty Oil Company
1. 79-22221/NM-2648-79-2
2. 30-025-25665-0000-0
3. 103
4. Martindale Petroleum Corporation
5. Deck Federal #1
6. Drinkard
7. Lea NM
8. 39.6 million cubic feet
9. September 28, 1979
10. Getty Oil Company
1. 79-22222/NM-2648-79-3
2. 30-025-25505-0000-0
3. 103
4. Martindale Petroleum Corporation
5. Pancana Federal #2
6. Drinkard
7. Lea NM
8. 15.4 million cubic feet
9. September 28, 1979
10. Getty Oil Company
1. 79-22223/NM 2649-79
2. 30-039-00000-0000-0
3. 108
4. Adobe Oil & Gas Corp
5. Scott Federal A-1
6. South Blanco PC
7. Rio Arriba NM
8. 12.9 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22224/NM 2650-79
2. 30-039-00000-0000-0
3. 108
4. Adobe Oil & Gas Corp
5. Scott Federal B-1
6. South Blanco PC
7. Rio Arriba NM
8. 12.3 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22225/NM 2651-79
2. 30-039-00000-0000-0
3. 108
4. Adobe Oil & Gas Corp
5. Scott Federal C-1
6. South Blanco PC
7. Rio Arriba NM
8. 17.7 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22226/NM 2652-79
2. 30-039-00000-0000-0
3. 108
4. Adobe Oil & Gas Corp
5. Scott Federal D-1
6. South Blanco PC
7. Rio Arriba NM
8. 16.5 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22227/NM-2653-79-A
2. 30-039-21515-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla E No. 12
6. Tapacito PC Blanco MV
7. Rio Arriba NM
8. 90.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22228/NM-2654-79
2. 30-039-21547-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla E No. 14
6. Tapacito pictured cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22229/NM-2655-79-79
2. 30-039-21773-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla E No. 15
6. Basin Dakota
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22230/NM-2657-79
2. 30-039-21509-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla K No. 19
6. South Blanco pictured cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22231/NM-2658-79
2. 30-039-21520-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla G No. 2-R
6. Tapacito pictured cliffs
7. Rio Arriba, NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22232/NM 2659-79
2. 30-039-21519-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla B No. 10
6. Tapacito pictured cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22233/NM-2660-79
2. 30-039-21779-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla G No 10-A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22234/NM-2661-79
2. 30-039-21778-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla G No 4-A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22236/NM-2662-79
2. 30-039-21780-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla J No 15
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22237/NM-2663-79
2. 30-039-21771-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla D No 11-A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22239/NM-2665-79
2. 30-039-21772-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla A No 21
6. Tapacito Pictured Cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22240/NM-2666-79-A
2. 30-039-21514-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla H No 9
6. Tapacito PC & Blanco MV
7. Rio Arriba NM
8. 90.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22241/NM-2667-79
2. 30-039-21776-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla A No 20
6. Tapacito Pictured Cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22242/NM-2668-79-A
2. 30-039-21516-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla B No 8
6. Tapacito PC & Blanco MV
7. Rio Arriba NM
8. 90.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22243/NM-2669-79
2. 30-039-21517-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla B No 9
6. Blanco Mesaverde
7. Rio Arriba NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico
1. 79-22244/NM-2670-79
2. 30-039-21696-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit 27-A
6. Blanco Mesaverde

7. Rio Arriba NM
8. 500.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22245/NM-2671-79-A
2. 30-039-21722-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit 16-A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 300.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22246/NM-2672-79
2. 30-039-21696-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit 18-A
6. Blanco Mesaverde E-9-30N-7W
7. Rio Arriba NM
8. 300.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22247/NM-2673-79
2. 30-045-23090-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit 43-A
6. Blanco Mesaverde C-11-31N-7W
7. San Juan NM
8. 250.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22248/NM-2674-79
2. 30-045-22891-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit 103-A
6. Blanco Mesaverde E-24-30N-8W
7. San Juan NM
8. 175.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22249/NM-2675-79
2. 30-045-23089-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No 64
6. Blanco Mesaverde M-10-31N-7W
7. San Juan NM
8. 300.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22250/NM-2676-79
2. 30-045-22887-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit 23-A
6. Blanco Mesaverde
7. San Juan NM
8. 250.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22251/NM-2677-79
2. 30-045-22292-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit 66-A
6. Blanco Mesaverde
7. San Juan NM
8. 350.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22258/NM-2754-79
2. 30-039-06800-0000-0
3. 108
4. Caulkins Oil Company
5. Breech F 25
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 13.9 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22259/NM-2746-79
2. 30-039-00000-0000-0
3. 108
4. Caulkins Oil Company
5. Breech A 182
6. Blanco Mesa Verde
7. Rio Arriba NM
8. 15.1 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22260/NM-2745-79
2. 30-039-06577-0000-0
3. 108
4. Caulkins Oil Company
5. Breech A 183
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 9.5 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22261/NM-2750-79
2. 30-039-06586-0000-0
3. 108
4. Caulkins Oil Company
5. Breech C 189
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 10.9 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22262/NM-2749-79
2. 30-039-06563-0000-0
3. 108
4. Caulkins Oil Company
5. Breech A 173
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 18.5 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22263/NM-2743-79
2. 30-039-06590-0000-0
3. 108
4. Caulkins Oil Company
5. Breech A 157
6. Undesignated Gallup
7. Rio Arriba NM
8. 4.4 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22264/NM-2741-79
2. 30-039-60060-0000-0
3. 108
4. Caulkins Oil Company
5. Breech A 133
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 6.9 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22265/NM-2733-79
2. 30-045-06832-0000-0
3. 108
4. Depco Inc
5. Hancock No 9
6. West Kutz (Picture Cliffs)
7. San Juan NM
8. 9.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22266/NM-2731-79
2. 30-045-06833-0000-0
3. 108
4. Depco Inc
5. Hancock No 3
6. West Kutz (Picture Cliffs)
7. San Juan NM
8. 10.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22267/NM-2730-79
2. 30-039-06688-0000-0
3. 108
4. Depco Inc
5. Mkl No 17
6. South Blanco (Mesa Verde)
7. Rio Arriba NM
8. 1.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22268/NM-2729-79
2. 30-045-06740-0000-0
3. 108
4. Depco Inc
5. Mudge A No 10
6. West Kutz (Picture Cliffs)
7. San Juan NM
8. 1.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22269/NM-2728-79
2. 30-039-06759-0000-0
3. 108
4. Depco Inc
5. Miles Federal 1-5
6. South Blanco (Dakota)
7. Rio Arriba NM
8. 9.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22270/NM-2726-79
2. 30-025-24974-0000-0
3. 108
4. Phillips Petroleum Company
5. Lusk Deep U-A13 Com
6. Lusk Morrow
7. Lea NM
8. 5.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22271/NM-2725-79
2. 30-015-22209-0000-0
3. 103
4. Phillips Petroleum Company
5. Shug-A No 1
6. Shugart (Y-SR-Q-G)
7. Eddy, NM
8. 5.4 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22272/NM-2724-79
2. 30-015-22221-0000-0
3. 103
4. Phillips Petroleum Company
5. Shug-A No 2
6. Shugart (Y-SR-Q-G)
7. Eddy, NM
8. 3.1 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22273/NM-2723-79

2. 30-025-06164-0000-0
3. 108
4. Phillips Petroleum Company
5. Mexico No 2
6. Eunice Monument Grayburg-San Andres
7. Lea, NM
8. 11.9 million cubic feet
9. September 28, 1979
10. Warren Petroleum Company

1. 79-22274/NM-2721-79
2. 30-025-02458-0000-0
3. 108
4. Phillips Petroleum Company
5. Cruces No 2
6. Lynch Yates Seven Rivers
7. Lea, NM
8. 1.9 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22275/NM-2727-79
2. 30-045-06650-0000-0
3. 108
4. Depco Inc
5. Mudge A No 3
6. West Kutz (Picture Cliffs)
7. San Juan, NM
8. 1.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

1. 79-22276/NM-2718-79
2. 30-045-23013-0000-0
3. 103
4. Dietrich Exploration Company Inc
5. Federal #34-1
6. Waw Pictured Cliffs
7. San Juan County, NM
8. 47.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22277/NM-2581-79
2. 30-039-21441-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV KD No 3
6. Chacon Dakota
7. Rio Arriba, NM
8. 143.4 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22278/NM-2580-79
2. 30-039-21705-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV PC 102
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 43.3 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22279/NM-2579-79
2. 30-039-21710-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV PC 101
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 27.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22280/NM-2578-79
2. 30-039-21660-0000-0
3. 103
4. Odessa Natural Corporation
5. Arco Little Federal No 29-2
6. Chacon Dakota
7. Rio Arriba, NM
8. 198.9 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22281/NM-2577-79
2. 30-043-20300-0000-0
3. 103
4. Odessa Natural Corporation
5. Chacon Jicarilla D-10
6. Chacon Dakota
7. Sandoval County, NM
8. 233.6 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22282/NM-2576-79
2. 30-039-21535-0000-0
3. 103
4. Odessa Natural Corporation
5. Little Federal No 29-1
6. Chacon Dakota
7. Rio Arriba, NM
8. 219.0 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22283/NM-2575-79
2. 30-043-20236-0000-0
3. 103
4. Odessa Natural Corporation
5. Chacon Jicarilla No D-7
6. Chacon Dakota
7. Sandoval, NM
8. 90.2 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22284/NM-2574-79
2. 30-039-21458-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV KD No 5
6. Chacon Dakota
7. Rio Arriba, NM
8. 98.6 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22285/NM-2573-79
2. 30-034-21706-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV PC 108
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 58.9 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22286/NM-2572-79
2. 30-039-21457-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV KD No 4
6. Chacon Dakota
7. Rio Arriba, NM
8. 363.9 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22287/NM-2571-79
2. 30-043-20312-0000-0
3. 103
4. Odessa Natural Corporation
5. Chacon Jicarilla D-12
6. Chacon Dakota
7. Sandoval, NM
8. 116.8 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22288/NM-2570-79
2. 30-039-21443-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV KD No 2
6. Chacon Dakota
7. Rio Arriba, NM
8. 268.6 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22289/NM-2569-79
2. 30-039-21536-0000-0
3. 103
4. Odessa Natural Corporation
5. Arco Little Federal No 32-1
6. Chacon Dakota
7. Rio Arriba, NM
8. 302.6 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22290/NM-2564-79
2. 30-039-00000-0000-0
3. 103
4. Odessa Natural Corporation
5. Jicarilla JV PC 104
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 102.6 million cubic feet
9. September 28, 1979
10. El Paso Natural Gas Company

1. 79-22238/NM-2664-79
2. 30-039-21546-0000-0
3. 103
4. Supron Energy Corporation
5. Jicarilla C No 5
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 70.0 million cubic feet
9. September 28, 1979
10. Gas Company of New Mexico

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 NE., 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. 79-32922 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 95]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 15, 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.

West Virginia Department of Mines, 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. 79-21452
2. 47-039-02653
3. 108
4. Ray Resources Div of Flying Diamond
5. Reamer & Brown #463
6. Big Sandy Dist
7. Kanawha WV
8. 8.0 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21453
2. 47-039-02657
3. 108
4. Ray Resources Div of Flying Diamond
5. Sam Littlepage #454
6. Big Sandy Dist
7. Kanawha WV
8. 12.1 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21454
2. 47-039-02659
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #455
6. Elk
7. Kanawha WV
8. 7.3 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21455
2. 47-039-02677
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #444
6. Big Sandy
7. Kanawha WV
8. 8.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21456
2. 47-039-02686
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #494
6. Elk
7. Kanawha WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21457
2. 47-039-02684
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #456
6. Elk Dist
7. Kanawha WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21458
2. 47-039-02678
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #447
6. Big Sandy
7. Kanawha WV
8. 8.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21459
2. 47-039-02545
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #370
6. Elk Dist
7. Kanawha WV
8. 3.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21460
2. 47-039-02579
3. 108
4. Ray Resources Div of Flying Diamond
5. C C Lewis #406
6. Big Sandy
7. Kanawha WV
8. 12.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21461
2. 47-039-02577
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #407
6. Big Sandy Dist
7. Kanawha WV
8. 8.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21462
2. 47-039-02561
3. 108
4. Ray Resources Div of Flying Diamond
5. James Brown #382
6. Big Sandy Dist
7. Kanawha WV
8. 10.4 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21463
2. 47-039-02550
3. 108
4. Ray Resources Div of Flying Diamond
5. Sam Littlepage #379
6. Big Sandy Dist
7. Kanawha WV
8. 7.3 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21464
2. 47-105-00743
3. 103
4. Ray Resources Div of Flying Diamond
5. Ray McVey #794
6. Reedy
7. Wirt WV
8. 3.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21465
2. 47-105-00751
3. 103
4. Ray Resources Div of Flying Diamond
5. McConaughey-Roberts #808
6. Burning Springs
7. Wirt WV
8. 15.0 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21466
2. 47-105-00750
3. 103
4. Ray Resources Div of Flying Diamond
5. Harry Belt Unit #814
6. Burning Springs
7. Wirt WV
8. 4.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21467
2. 47-039-01233
3. 108
4. Ray Resources Div of Flying Diamond
5. Falling Rock #157-(117)
6. Big Sandy
7. Kanawha WV
8. 3.5 million cubic feet
9. September 21, 1979
10. Penzoil United Inc

1. 79-21468
2. 47-015-00982
3. 108
4. Ray Resources Div of Flying Diamond
5. Frank Mathenry #465
6. Otter Dist
7. Clay WV
8. 1.1 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21469
2. 47-015-00846
3. 108
4. Ray Resources Div of Flying Diamond
5. Nettie Starcher #1 (154)
6. Otter
7. Clay WV
8. 3.9 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21470
2. 47-015-00908
3. 108
4. Ray Resources Div of Flying Diamond
5. Dice Boggs #311
6. Otter Dist
7. Clay WV
8. .2 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21471
2. 47-015-00912
3. 108
4. Ray Resources Div of Flying Diamond
5. B C Eakle #321
6. Otter Dist
7. Clay WV

8. .2 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21472
2. 47-015-00973
3. 108
4. Ray Resources Div of Flying Diamond
5. C A Boggs #432
6. Otter Dist
7. Clay WV
8. 4.2 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21473
2. 47-039-02548
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #371
6. Elk Dist
7. Kanawha WV
8. 3.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21474
2. 47-039-02651
3. 108
4. Ray Resources Div of Flying Diamond
5. Reamer & Brown #461
6. Big Sandy Dist
7. Kanawha WV
8. 8.0 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21475
2. 47-021-00306
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 7809
6. West Virginia Other A-85772
7. Gilmer WV
8. 7.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21476
2. 47-017-01099
3. 108
4. Consolidated Gas Supply Corporation
5. W L Davis 10541
6. West Virginia Other A-85772
7. Doddridge WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21477
2. 47-017-00226
3. 108
4. Consolidated Gas Supply Corporation
5. W B Maxwell 10079
6. West Virginia other A-85772
7. Doddridge, WV
8. 8.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21478
2. 47-017-00033
3. 108
4. Consolidated Gas Supply Corporation
5. Perry Tate 1043
6. West Virginia other A-85772
7. Doddridge, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21479
2. 47-013-01526
3. 108
4. Consolidated Gas Supply Corporation
5. Joseph Knotts 10021
6. West Virginia other A-85772
7. Calhoun, WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21480
2. 47-013-01118
3. 108
4. Consolidated Gas Supply Corporation
5. Howard Stump 9663
6. West Virginia other A-85772
7. Calhoun, WV
8. 2.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21481
2. 47-013-00962
3. 108
4. Consolidated Gas Supply Corporation
5. Clay McDonald 9169
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21482
2. 47-013-00931
3. 108
4. Consolidated Gas Supply Corporation
5. C L Strother 9105
6. West Virginia other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21483
2. 47-013-00877
3. 108
4. Consolidated Gas Supply Corporation
5. R W White 9013
6. West Virginia other A-85772
7. Calhoun, WV
8. 7.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21484
2. 47-013-00760
3. 108
4. Consolidated Gas Supply Corporation
5. G W Hardman 8662
6. West Virginia other A-85772
7. Calhoun, WV
8. 4.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21485
2. 47-013-00014
3. 108
4. Consolidated Gas Supply Corporation
5. Sylvester Stump 5610
6. West Virginia other A-85772
7. Calhoun, WV
8. 8.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21486
2. 47-005-00460
3. 108
4. Consolidated Gas Supply Corporation
5. F B Nelson 8507
6. West Virginia other A-85772
7. Boone, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21487
2. 47-001-00169
3. 108
4. Consolidated Gas Supply Corporation
5. C B Tenney 10634
6. West Virginia other A-85772
7. Barbour, WV
8. 6.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21488
2. 47-001-00138
3. 108
4. Consolidated Gas Supply Corporation
5. I S Ward 10483
6. West Virginia other A-85772
7. Barbour, WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21489
2. 47-001-00068
3. 108
4. Consolidated Gas Supply Corporation
5. Stanley Stewart 9298
6. West Virginia other A-85772
7. Barbour, WV
8. 7.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21490
2. 47-033-00021
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Davis Heirs 11051
6. West Virginia other A-85772
7. Harrison, WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21491
2. 47-005-00918
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Albert H Cole 10314
6. West Virginia other A-85772
7. Boone, WV
8. 2.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21492
2. 47-001-00150
3. 108 denied
4. Consolidated Gas Supply Corporation
5. Virginia B Poling 10410
6. West Virginia other A-85772
7. Barbour, WV
8. 1.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21493
2. 47-107-00666
3. 108
4. Ray Resources Div of Flying Diamond
5. Wilbur Pringle #479
6. Walker Dist
7. Wood, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21494

2. 47-105-00703
3. 108
4. Ray Resources Div of Flying Diamond
5. A S Rowand #724
6. Ready
7. Wirt, WV
8. 3.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21495
2. 47-105-00710
3. 108
4. Ray Resources Div of Flying Diamond
5. A S Rowand #745
6. Reedy
7. Wirt, WV
8. 7.2 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21496
2. 47-105-00753
3. 108
4. Ray Resources Div of Flying Diamond
5. McConaughey-Roberts #817
6. Burning Springs
7. Wirt, WV
8. 15.0 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21497
2. 47-105-00759
3. 108
4. Ray Resources Div of Flying Diamond
5. Summers-Lee #816
6. Burning Springs
7. Wirt, WV
8. 5.3 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21498
2. 47-107-00673
3. 108
4. Ray Resources Div of Flying Diamond
5. Wilbur Pringle #482
6. Walker Dist
7. Wood, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21499
2. 47-105-00702
3. 108
4. Ray Resources Div of Flying Diamond
5. Billy Full #723
6. Reedy
7. Wirt, WV
8. 1.1 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21500
2. 47-105-00673
3. 108
4. Ray Resources Div of Flying Diamond
5. Hall-Roberts #546
6. Burning Springs
7. Wirt, WV
8. 15.0 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21501
2. 47-039-02730
3. 108
4. Ray Resources Div of Flying Diamond
5. Elizabeth Mickley
6. Elk Dist
7. Kanawha, WV
8. 1.3 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21502
2. 47-039-02745
3. 108
4. Ray Resources Div of Flying Diamond
5. Sam Littlepage #536
6. Big Sandy
7. Kanawha, WV
8. 1.7 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21503
2. 47-043-01550
3. 108
4. Ray Resources Div of Flying Diamond
5. James Nunn #477
6. Duval Dist
7. Lincoln, WV
8. 5.8 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21504
2. 47-021-00623
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8838
6. West Virginia other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21505
2. 47-033-00142
3. 108
4. Consolidated Gas Supply Corporation
5. M W Smith 8016
6. West Virginia other A-85772
7. Harrison, WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21506
2. 47-033-00317
3. 108
4. Consolidated Gas Supply Corporation
5. Porter Maxwell 10530
6. West Virginia other A-85772
7. Harrison, WV
8. 4.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21507
2. 47-033-00511
3. 108
4. Consolidated Gas Supply Corporation
5. John Dolan 7940
6. West Virginia other A-85772
7. Harrison WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21508
2. 47-017-01653
3. 108
4. Consolidated Gas Supply Corporation
5. W B Maxwell 11394
6. West Virginia other A-85772
7. Doddridge WV
8. 8.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21509
2. 47-021-00434
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8509
6. West Virginia other A-85772
7. Gilmer WV
8. 1.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21510
2. 47-021-00490
3. 108
4. Consolidated Gas Supply Corporation
5. W G Bennett 8542
6. West Virginia other A-85772
7. Gilmer WV
8. 1.5 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21511
2. 47-021-00491
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 8553
6. West Virginia other A-85772
7. Gilmer WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21512
2. 47-021-00544
3. 108
4. Consolidated Gas Supply Corporation
5. F R Beall 8617
6. West Virginia other A-85772
7. Gilmer WV
8. 4.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21513
2. 47-013-00584
3. 108
4. Consolidated Gas Supply Corporation
5. Lottie McEndree 8536
6. West Virginia other A-85772
7. Calhoun WV
8. 4.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21514
2. 47-033-00077
3. 108
4. Consolidated Gas Supply Corporation
5. Tilman Boggess 3224
6. West Virginia other A-85772
7. Harrison WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21515
2. 47-021-01984
3. 108
4. Consolidated Gas Supply Corporation
5. William C Bush 6871
6. West Virginia other A-85772
7. Gilmer WV
8. 1.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21516
2. 47-021-00960
3. 108
4. Consolidated Gas Supply Corporation
5. Groves-McKinley 9812
6. West Virginia other A-85772

7. Gilmer WV
8. 13.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21517
2. 47-021-01246
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10305
6. West Virginia other A-85772
7. Gilmer WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21518
2. 47-021-00863
3. 108
4. Consolidated Gas Supply Corporation
5. W G Bennett 9641
6. West Virginia other A-85772
7. Gilmer WV
8. 6.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21519
2. 47-021-00750
3. 108
4. Consolidated Gas Supply Corporation
5. I F Dobbins 9149
6. West Virginia other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21520
2. 47-021-00659
3. 108
4. Consolidated Gas Supply Corporation
5. A B Meadows 6676
6. West Virginia other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21521
2. 47-021-00599
3. 108
4. Consolidated Gas Supply Corporation
5. F Snodgrass 8800
6. West Virginia other A-85772
7. Gilmer WV
8. 7.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21522
2. 47-067-00024
3. 108
4. Cities Service Company
5. Dickinson B #3
6. Gauley
7. Nicholas WV
8. 17.5 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21523
2. 47-067-00023
3. 108
4. Cities Service Company
5. Dickinson B #2
6. Gauley
7. Nicholas WV
8. 7.6 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21524
2. 47-019-00084
3. 108
4. Cities Service Company
5. Elliot A #1
6. Gauley
7. Fayette WV
8. 11.1 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21525
2. 47-019-00073
3. 108
4. Cities Service Company
5. Gauley Mountain Coal Co A #17
6. Gauley
7. Fayette WV
8. 8.6 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21526
2. 47-067-00030
3. 108
4. Cities Service Company
5. Dickinson B #8
6. Gauley
7. Nicholas WV
8. 6.0 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21527
2. 47-067-00028
3. 108
4. Cities Service Company
5. Dickinson B #7
6. Gauley
7. Nicholas WV
8. 10.7 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21528
2. 47-067-00027
3. 108
4. Cities Service Company
5. Dickinson B-6
6. Gauley
7. Nicholas WV
8. 7.1 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21529
2. 47-067-00026
3. 108
4. Cities Service Company
5. Dickinson B #5
6. Gauley
7. Nicholas WV
8. 12.0 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21530
2. 47-067-00057
3. 108
4. Cities Service Company
5. Bennett A #2
6. Gauley
7. Nicholas WV
8. 13.7 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-79-21531
2. 47-067-00056
3. 108
4. Cities Service Company
5. Flynn Coal & Lumb A #2
6. Gauley
7. Nicholas WV
8. 5.3 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21532
2. 47-067-00047
3. 108
4. Cities Service Company
5. Bennett A #1
6. Gauley
7. Nicholas WV
8. 12.7 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21533
2. 47-067-00033
3. 108
4. Cities Service Company
5. Dickinson B #11
6. Gauley
7. Nicholas WV
8. 13.1 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21534
2. 47-067-00078
3. 108
4. Cities Service Company
5. Dickinson B #13
6. Gauley
7. Nicholas WV
8. 13.6 million cubic feet
9. September 21, 1979
10. Equitable Gas Company

1. 79-21535
2. 47-047-00769
3. 103
4. Ray Resources Div of Flying Diamond
5. G P Smith #807
6. Adkin Dist
7. McDowell WV
8. 26.2 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21536
2. 47-047-00781
3. 103
4. Ray Resources Div of Flying Diamond
5. Poco Land #812
6. Elkhorn Dist
7. McDowell WV
8. 19.4 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21537
2. 47-047-00780
3. 103
4. Ray Resources Div of Flying Diamond
5. Poca Land #810
6. Adkin Dist
7. McDowell, WV
8. 35.4 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21538
2. 47-047-00784
3. 103
4. Ray Resources Div of Flying Diamond
5. Poca Land #811
6. Adkin Dist
7. McDowell, WV
8. 17.7 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21539

2. 47-047-00786
3. 103
4. Ray Resources Div of Flying Diamond
5. Poca Land #819
6. Elkhorn Dist
7. McDowell, WV
8. 12.6 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21540
2. 47-105-00747
3. 103
4. Ray Resources Div of Flying Diamond
5. Harry Belt Unit #684
6. Bruning Springs
7. Wirt, WV
8. 4.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21541
2. 47-105-00752
3. 102
4. Ray Resources Div of Flying Diamond
5. Hunter #813
6. Tucker
7. Wirt, WV
8. 180.0 million cubic feet
9. September 21, 1979
10. Columbia Gas Tran

1. 79-21542
2. 47-035-01419
3. 103
4. Ray Resources Div of Flying Diamond
5. Hutchison Hrs #796
6. Ravenswood
7 Jackson, WV
8. 1.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Tran

1. 79-21543
2. 47-047-00787
3. 103
4. Ray Resources Div of Flying Diamond
5. Poca Land #818
6. Elkhorn Dist
7. McDowell, WV
8. 47.5 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21544
2. 47-047-00761
3. 103
4. Ray Resources Div of Flying Diamond
5. Poca Land #802
6. Elkhorn Dist
7. McDowell, WV
8. 50.0 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21545
2. 47-047-00768
3. 103
4. Ray Resources Div of Flying Diamond
5. Poca Land #805
6. Adkin Dist
7. McDowell, WV
8. 36.5 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21546
2. 47-047-00767
3. 103
4. Ray Resources Div of Flying Diamond
5. G P Smith #806
6. Adkin Dist
7. McDowell, WV
8. 15.0 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply

1. 79-21547
2. 47-043-01586
3. 108 Denied
4. Ray Resources Div of Flying Diamond
5. D J Craddock #485
6. Washington Dist
7. Lincoln, WV
8. .6 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21548
2. 47-039-02729
3. 108
4. Ray Resources Div of Flying Diamond
5. Blue CK Coal #562
6. Elk Dist
7. Kanawha, WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21549
2. 47-043-01611
3. 108
4. Ray Resources Div of Flying Diamond
5. James Berry #523
6. Duval Dist
7. Lincoln, WV
8. .2 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21550
2. 47-039-02710
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #522
6. Elk Dist
7. Kanawha, WV
8. 2.4 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21551
2. 47-039-02713
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #521
6. Elk Dist
7. Kanawha, WV
8. 1.9 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21552
2. 47-039-02716
3. 108
4. Ray Resources Div of Flying Diamond
5. Lousia Updiscraft #535
6. Elk Dist
7. Kanawha, WV
8. 1.0 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21553
2. 47-039-02714
3. 108
4. Ray Resources Div of Flying Diamond
5. Louisa Updegraft #529
6. Big Sandy
7. Kanawha, WV
8. .9 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21554
2. 47-039-02724
3. 108
4. Ray Resources Div of Flying Diamond
5. Lovell Carnes #555
6. Elk Dist
7 Kanawha, WV
8. 2.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21555
2. 47-039-02702
3. 108
4. Ray Resources Div of Flying Diamond
5. Reamer & Brown #517
6. Big Sandy Dist
7. Kanawha, WV
8. 1.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21556
2. 47-039-02701
3. 108
4. Ray Resources Div of Flying Diamond
5. Reamer & Brown #516
6. Big Sandy Dist
7. Kanawha, WV
8. 1.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21557
2. 47-041-00796
3. 108
4. Consolidated Gas Supply Corp
5. G-L White 10337
6. West Virginia other A-85772
7. Lewis, WV
8. 6.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21558
2. 47-041-01108
3. 108
4. Consolidated Gas Supply Corp
5. Brannon Hardman 10434
6. West Virginia other A-85772
7. Lewis, WV
8. 4.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21559
2. 47-033-00578
3. 108 Denied
4. Consolidated Gas Supply Corp
5. Minerva F Yerkey 1146
6. West Virginia other A-85772
7. Harrison, WV
8. 14.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21560
2. 47-033-00655
3. 108
4. Consolidated Gas Supply Corp
5. L F Hickman 8094
6. West Virginia other A-85772
7. Harrison, WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21561
2. 47-033-00696
3. 108
4. Consolidated Gas Supply Corp
5. Enoch Post 8065
6. West Virginia other A-85772

7. Harrison, WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21562
2. 47-033-00745
3. 108
4. Consolidated Gas Supply Corp
5. G W Washburn 8117
6. West Virginia other A-85772
7. Harrison, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21563
2. 47-033-00707
3. 108
4. Consolidated Gas Supply Corp
5. G P McConkey 8143
6. West Virginia other A-85772
7. Harrison, WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21564
2. 47-033-00745
3. 108
4. Consolidated Gas Supply Corp
5. G W Washburn 8117
6. West Virginia other A-85772
7. Harrison, WV
8. 3.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21565
2. 47-021-00686
3. 108
4. Consolidated Gas Supply Corp
5. C M Bennett 8956
6. West Virginia other A-85772
7. Gilmer, WV
8. 8.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21566
2. 47-021-01111
3. 108
4. Consolidated Gas Supply Corp
5. W G Bennett 10205
6. West Virginia other A-85772
7. Gilmer, WV
8. 6.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21567
2. 47-021-01999
3. 108
4. Consolidated Gas Supply Corp
5. C O Rafferty 11113
6. West Virginia other A-85772
7. Gilmer WV
8. 6.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21568
2. 47-033-00139
3. 108 denied
4. Consolidated Gas Supply Corp
5. J J Strother 6149
6. West Virginia other A-85772
7. Harrison WV
8. 5.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21569
2. 47-033-00219
3. 108 denied
4. Consolidated Gas Supply Corp
5. Henrietta Ward 8105
6. West Virginia other A-85772
7. Harrison WV
8. 18.0 million cubic feet
9. September 21, 1979
10. General System Purchasers

1. 79-21570
2. 47-005-00249
3. 108
4. Cities Service Company
5. Wood A #7
6. Seth
7. Boone WV
8. 5.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21571
2. 47-005-00222
3. 108
4. Cities Service Company
5. Wood A #5
6. Seth
7. Boone WV
8. 2.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21572
2. 47-005-00409
3. 108
4. Cities Service Company
5. Wood A #3
6. Seth
7. Boone WV
8. 3.5 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21573
2. 47-005-00410
3. 108
4. Cities Service Company
5. Wood A #4
6. Seth
7. Boone WV
8. 3.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21574
2. 47-017-00079
3. 108
4. Cities Service Company
5. Maxwell A #41
6. Smithburg
7. Doddridge WV
8. 3.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21575
2. 47-017-00070
3. 108
4. Cities Service Company
5. Bland B #1
6. Smithburg
7. Doddridge WV
8. 8.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21576
2. 47-017-00069
3. 108
4. Cities Service Company
5. Maxwell A #33
6. Smithburg
7. Doddridge WV
8. .7 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21577
2. 47-017-00044
3. 108
4. Cities Service Company
5. Maxwell B #19
6. Smithburg
7. Doddridge WV
8. 17.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21578
2. 47-017-00036
3. 108
4. Cities Service Company
5. Maxwell A #61
6. Smithburg
7. Doddridge WV
8. 8.2 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21579
2. 47-005-00373
3. 108
4. Cities Service Company
5. Wood A #1
6. Seth
7. Boone WV
8. 2.7 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21580
2. 47-017-00720
3. 108
4. Cities Service Company
5. Maxwell C #15
6. Smithburg
7. Doddridge WV
8. 13.7 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21581
2. 47-017-00321
3. 108
4. Cities Service Company
5. Maxwell C #14
6. Smithburg
7. Doddridge WV
8. 3.2 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21582
2. 47-017-00088
3. 108
4. Cities Service Company
5. Maxwell A #55
6. Smithburg
7. Doddridge WV
8. 2.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21583
2. 47-017-00085
3. 108
4. Cities Service Company
5. Maxwell A #43
6. Smithburg
7. Doddridge WV
8. 1.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21584

2. 47-017-00080
3. 108
4. Cities Service Company
5. Maxwell A #42
6. Smithburg
7. Doddridge WV
8. 4.2 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co

1. 79-21585
2. 47-039-02700
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #508
6. Elk Dist
7. Kanawha WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21586
2. 47-105-00672
3. 108
4. Ray Resources Div of Flying Diamond
5. West Aco-Wilson
6. Burning Springs
7. Wirt WV
8. 1.3 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21587
2. 47-043-01631
3. 108
4. Ray Resources Div of Flying Diamond
5. Opal Gilley #554
6. Washington Dist
7. Lincoln WV
8. .3 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21588
2. 47-039-02699
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #507
6. Elk Dist
7 Kanawha WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21589
2. 47-039-02691
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #500
6. Elk Dist
7 Kanawha WV.
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21590
2. 47-039-02693
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #501
6. Elk Dist
7. Kanawha WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21591
2. 47-039-02694
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #503
6. Elk Dist
7. Kanawha WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21592
2. 47-039-02698
3. 108
4. Ray Resources Div of Flying Diamond
5. Union Carbide #512
6. Elk Dist
7 Kanawha WV
8. 14.5 million cubic feet
9. September 21, 1979
10. Columbia Gas Trans

1. 79-21593
2. 47-039-02725
3. 108
4. Ray Resources Div of Flying Diamond
5. Lester Cecil #557
6. Jefferson Dist
7. Kanawha WV
8. .3 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21594
2. 47-043-01680
3. 108
4. Ray Resources Div of Flying Diamond
5. J V Alford #708
6. Duval Dist
7. Lincoln WV
8. 2.0 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21595
2. 47-043-01663
3. 108
4. Ray Resources Div of Flying Diamond
5. J V Alford
6. Duval Dist
7. Lincoln WV
8. 2.0 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21596
2. 47-043-01653
3. 108
4. Ray Resources Div of Flying Diamond
5. James Berry #558
6. Duval Dist
7. Lincoln WV
8. .2 million cubic feet
9. September 21, 1979
10. Industrial Gas

1. 79-21597
2. 47-109-00627
3. 108
4. Cities Service Company
5. Cub Creek Coal Co. A-5
6. Bradshaw
7. Wyoming WV
8. 3.6 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21598
2. 47-109-00626
3. 108
4. Cities Service Company
5. Cub Creek Coal Co. A-4
6. Bradshaw
7. Wyoming WV
8. 9.2 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21599
2. 47-109-00618
3. 108
4. Cities Service Company
5. Cub Creek Coal Co. A-3
6. Bradshaw
7. Wyoming WV
8. 13.4 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21600
2. 47-109-00617
3. 108
4. Cities Service Company
5. Cub Creek Coal Co. A-2
6. Bradshaw
7. Wyoming WV
8. 15.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21601
2. 47-109-00638
3. 108
4. Cities Service Company
5. Cub Creek Coal Co. A-6
6. Bradshaw
7. Wyoming WV
8. 8.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21602
2. 47-109-00637
3. 108
4. Cities Service Company
5. Ramsay Coal Co. A-3
6. Bradshaw
7. Wyoming WV
8. 7.8 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21603
2. 47-109-00635
3. 108
4. Cities Service Company
5. Bailey A-2
6. Bradshaw
7. Wyoming WV
8. 17.4 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21604
2. 47-109-00629
3. 108
4. Cities Service Company
5. Ramsay Coal Co. A-2
6. Bradshaw
7. Wyoming WV
8. 13.9 million cubic feet
9. September 21, 1979
10. Columbia Gas Transmission Corp

1. 79-21605
2. 47-039-00201
3. 108
4. Cities Service Company
5. Copenhaver Heirs A #4
6. Colbon 6
7. Kanawha WV
8. 5.1 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21606
2. 47-039-00202
3. 108
4. Cities Service Company
5. Copenhaver Heirs A #3
6. Colbon 6

7. Kanawha WV
8. 4.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21617
2. 47-017-01231
3. 108
4. Cities Service Company
5. Maxwell B #24
6. Smithburg
7. Doddridge WV
8. 7.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21618
2. 47-017-01127
3. 108
4. Cities Service Company
5. Maxwell C #18
6. Smithburg
7. Doddridge WV
8. 4.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21619
2. 47-017-01159
3. 108
4. Cities Service Company
5. Maxwell B #23
6. Smithburg
7. Doddridge WV
8. 7.2 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21620
2. 47-017-01105
3. 108
4. Cities Service Company
5. Maxwell D #24
6. Smithburg
7. Doddridge WV
8. 14.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21621
2. 47-017-01011
3. 108
4. Cities Service Company
5. Maxwell C #17
6. Smithburg
7. Doddridge WV
8. 7.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21622
2. 47-017-00988
3. 108
4. Cities Service Company
5. Maxwell D #21
6. Smithburg
7. Doddridge WV
8. 12.1 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21623
2. 47-017-00940
3. 108
4. Cities Service Company
5. Maxwell B #22
6. Smithburg
7. Doddridge WV
8. 10.7 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21624
2. 47-017-00829
3. 108
4. Cities Service Company
5. Maxwell B #21
6. Smithburg
7. Doddridge WV
8. 11.9 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21625
2. 47-017-00721
3. 108
4. Cities Service Company
5. Maxwell C #16
6. Smithburg
7. Doddridge WV
8. 8.0 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21626
2. 47-039-00334
3. 108
4. Cities Service Company
5. Wolfe A #1
6. Colbon 6
7. Kanawha WV
8. 6.1 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21607
2. 47-039-00273
3. 108
4. Cities Service Company
5. Minsker A #1
6. Colbon 6
7. Kanawha WV
8. 3.5 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21608
2. 47-017-02124
3. 108
4. Cities Service Company
5. Longacre A #2
6. Smithburg
7. Doddridge WV
8. 6.6 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21609
2. 47-017-02156
3. 108
4. Cities Service Company
5. Maxwell D #11
6. Smithburg
7. Doddridge WV
8. 4.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21610
2. 47-035-00058
3. 108
4. Cities Service Company
5. Putnam Co A #1
6. Colbon 6
7. Jackson WV
8. 4.5 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21611
2. 47-035-00147
3. 108
4. Cities Service Company
5. Putnam Co A #8
6. Colbon 6
7. Jackson WV
8. 11.3 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21612
2. 47-017-01793
3. 108
4. Cities Service Company
5. Sherwood A-3
6. Smithburg
7. Doddridge WV
8. 8.4 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21613
2. 47-017-02120
3. 108
4. Cities Service Company
5. Bland B #3
6. Smithburg
7. Doddridge WV
8. 4.9 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21614
2. 47-017-01234
3. 108
4. Cities Service Company
5. Chapman A #4
6. Smithburg
7. Doddridge WV
8. 11.8 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21615
2. 47-017-01398
3. 108
4. Cities Service Company
5. Maxwell B #25
6. Smithburg
7. Doddridge WV
8. 3.6 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21616
2. 47-017-01230
3. 108
4. Cities Service Company
5. Maxwell C #20
6. Smithburg
7. Doddridge WV
8. 4.4 million cubic feet
9. September 21, 1979
10. Consolidated Gas Supply Co.

1. 79-21627
2. 47-039-00348
3. 108
4. Cities Service Co.
5. Jones B #1
6. Colbon 6
7. Kanawha, WV
8. 6.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21628
2. 47-039-00384
3. 108
4. Cities Service Co.
5. Young Heirs A #1
6. Colbon 6
7. Kanawha, WV
8. 5.1 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21629

2. 47-017-00845
3. 108 Denied
4. Cities Service Co.
5. Sherwood A-4
6. Smithburg
7. Doddridge, WV
8. 8.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21630
2. 47-017-00949
3. 108 Denied
4. Cities Service Co.
5. Maxwell D #20
6. Smithburg
7. Doddridge, WV
8. 16.8 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21631
2. 47-017-01104
3. 108 Denied
4. Cities Service Co.
5. Maxwell D #4
6. Smithburg
7. Doddridge, WV
8. 20.1 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21632
2. 47-017-01062
3. 108 Denied
4. Cities Service Co.
5. Maxwell D #22
6. Smithburg
7. Doddridge, WV
8. 14.2 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21633
2. 47-035-00132
3. 108 Denied
4. Cities Service Co.
5. Fisher A #1
6. Colbon 6
7. Kanawha, WV
8. 11.9 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21634
2. 47-039-02408
3. 108 Denied
4. Cities Service Co.
5. Hanna D-1
6. Kaput
7. Kanawha, WV
8. 14.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21635
2. 47-013-00002
3. 108
4. Pennzoil Co.
5. J B Bennett #2
6. Sherman District
7. Calhoun, WV
8. 1.5 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21636
2. 47-021-03340
3. 108 Denied
4. Pennzoil Co.
5. Pinkard Brannon #6
6. Troy
7. Gilmer, WV
8. .0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21637
2. 47-013-00042
3. 108
4. Pennzoil Co
5. L G Garrett #2
6. Lee
7. Calhoun, WV
8. 2.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21638
2. 47-013-00036
3. 108
4. Pennzoil Co.
5. Creed Yoak #1
6. Lee
7. Calhoun, WV
8. 2.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21639
2. 47-013-00017
3. 108
4. Pennzoil Co.
5. W T Rafferty #9
6. Sherman District
7. Calhoun, WV
8. 1.5 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21640
2. 47-013-00006
3. 108
4. Pennzoil Co.
5. W T Rafferty #4
6. Sherman District
7. Calhoun, WV
8. 1.5 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21641
2. 47-013-00005
3. 108
4. Pennzoil Co.
5. W T Rafferty #3
6. Sherman District
7. Calhoun, WV
8. 1.5 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21642
2. 47-039-00302
3. 108
4. Cities Service Co.
5. Hughart A #1
6. Colbon 6
7. Kanawha, WV
8. 6.3 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21643
2. 47-039-00537
3. 108
4. Cities Service Co.
5. Vickers A#12
6. Colbon 6
7. Kanawha, WV
8. 4.4 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21644
2. 47-039-00555
3. 108
4. Cities Service Co.
5. Hanna A #1
6. Colbon 6
7. Kanawha, WV
8. 9.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21645
2. 47-039-00773
3. 108
4. Cities Service Co.
5. Robinson A#1
6. Colbon 6
7. Kanawha, WV
8. 7.3 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21646
2. 47-039-00785
3. 108
4. Cities Service Co.
5. Jones H #1
6. Colbon 6
7. Kanawha, WV
8. 7.3 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21647
2. 47-039-00406
3. 108
4. Cities Service Co.
5. Fogarty A #1
6. Colbon 6
7. Kanawha, WV
8. 4.8 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21648
2. 47-039-00475
3. 108
4. Cities Service Co.
5. Cavender A #1
6. Colbon 6
7. Kanawha, WV
8. 4.8 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21649
2. 47-039-00532
3. 108
4. Cities Service Co.
5. Johnson Gibson A #1
6. Colbon 6
7. Kanawha, WV
8. 10.9 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21650
2. 47-013-01860
3. 108
4. Pennzoil Co.
5. Hagan-Barr #2
6. Sherman District
7. Calhoun, WV
8. 1.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21651
2. 47-013-01812
3. 108
4. Pennzoil Co.
5. A & N Hardman #3
6. Lee & Sherman Districts

7. Calhoun, WV
8. .8 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21652
2. 47-013-01922
3. 108
4. Pennzoil Co.
5. Hagan-Barr #1
6. Sherman District
7. Calhoun, WV
8. 1.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21653
2. 47-013-01768
3. 108
4. Pennzoil Co.
5. M W Shaffer #2
6. Lee
7. Calhoun, WV
8. 1.8 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21654
2. 47-013-01607
3. 108
4. Pennzoil Co.
5. Laura V Ash #6 (PZL)
6. Sherman District
7. Calhoun, WV
8. 2.3 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Co.

1. 79-21655
2. 47-067-00095
3. 108
4. Cities Service Co.
5. Federal Coal Co A #1
6. Gauley
7. Nicholas, WV
8. 10.6 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21656
2. 47-067-00077
3. 108
4. Cities Service Co.
5. Summers B#1
6. Gauley
7. Nicholas, WV
8. 7.2 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21657
2. 47-067-00070
3. 108
4. Cities Service Company
5. Gross A No. 1
6. Gauley
7. Nicholas, WV
8. 8.4 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21658
2. 47-067-00066
3. 108
4. Cities Service Company
5. Flynn Coal & Lumber A No. 3
6. Gauley
7. Nicholas, WV
8. 10.4 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21659
2. 47-067-00092
3. 108
4. Cities Service Company
5. Payne A No. 3
6. Gauley
7. Nicholas, WV
8. 9.9 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21660
2. 47-067-00085
3. 108
4. Cities Service Company
5. Frank A-1
6. Gauley
7. Nicholas, WV
8. 2.5 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21661
2. 47-021-03179
3. 108 Denied
4. Pennzoil Company
5. A L Rymer No. 7
6. Troy
7. Gilmer, WV
8. .0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21662
2. 47-021-03182
3. 108 Denied
4. Pennzoil Company
5. W W Rymer No. 4
6. Troy
7. Gilmer, WV
8. .0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21663
2. 47-021-01755
3. 108
4. Pennzoil Company
5. Helmick-Moore No. 1
6. Glenville
7. Gilmer, WV
8. .0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21664
2. 47-013-00538
3. 108
4. Pennzoil Company
5. L G Garrett No. 3
6. Lee
7. Calhoun, WV
8. 2.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21665
2. 47-013-00055
3. 108
4. Pennzoil Company
5. W T Rafferty No. 7
6. Sherman District
7. Calhoun, WV
8. 1.5 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21666
2. 47-021-03341
3. 108 Deined
4. Pennzoil Company
5. Pinkard Brannon No. 9
6. Troy
7. Gilmer, WV
8. .0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21667
2. 47-067-00083
3. 108
4. Cities Service Company
5. Payne A No. 2
6. Gauley
7. Nicholas, WV
8. 2.6 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21668
2. 47-067-00081
3. 108
4. Cities Service Company
5. Payne A No. 1
6. Gauley
7. Nicholas, WV
8. 4.5 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21669
2. 47-047-00518
3. 108
4. Cities Service Company
5. Carter Land Co A No. 5
6. Bradshaw
7. McDowell, WV
8. 15.6 million cubic feet
9. September 24, 1979
10. Columbia Gas Transmission Corp

1. 79-21670
2. 47-067-00242
3. 108
4. Cities Service Company
5. Dickinson B-22
6. Gauley
7. Nicholas, WV
8. 11.3 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21671
2. 47-067-00241
3. 108
4. Cities Service Company
5. Dickinson B-21
6. Gauley
7. Nicholas, WV
8. 9.4 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21672
2. 47-067-00236
3. 108
4. Cities Service Company
5. Dickinson B-18
6. Gauley
7. Nicholas, WV
8. 4.2 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21673
2. 47-067-00235
3. 108
4. Cities Service Company
5. Dickinson B-17
6. Gauley
7. Nicholas, WV
8. 10.7 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21674

2. 47-067-00222
3. 108
4. Cities Service Company
5. Dickinson B No. 15
6. Gauley
7. Nicholas, WV
8. 10.1 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21675
2. 47-067-00107
3. 108
4. Cities Service Company
5. Johnson B No. 2
6. Gauley
7. Nicholas, WV
8. 10.2 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21676
2. 47-067-00032
3. 108 Denied
4. Cities Service Company
5. Dickinson B No. 10
6. Gauley
7. Nicholas, WV
8. 20.7 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21677
2. 47-067-00067
3. 108 Denied
4. Cities Service Company
5. Flynn Coal & Lumb A No. 4
6. Gauley
7. Nicholas, WV
8. 17.1 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21678
2. 47-067-00125
3. 108
4. Cities Service Company
5. Federal Coal Co A No. 5
6. Gauley
7. Nicholas, WV
8. 5.6 million cubic feet
9. September 24, 1979
10. Equitable Gas Company

1. 79-21679
2. 47-013-01557
3. 108
4. Pennzoil Company
5. Laura V Ash No. 5 (PZL)
6. Sherman District
7. Calhoun, WV
8. 2.3 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21680
2. 47-013-01537
3. 108
4. Pennzoil Company
5. Creed Yoak No. 3
6. Lee
7. Calhoun, WV
8. 2.0 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21681
2. 47-013-00826
3. 108
4. Pennzoil Company
5. A & N Hardman No. 2
6. Lee & Sherman Districts
7. Calhoun, WV
8. .8 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21682
2. 47-013-00794
3. 108
4. Pennzoil Company
5. A & N Hardman No. 1
6. Lee & Sherman Districts
7. Calhoun, WV
8. .8 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

1. 79-21683
2. 47-013-00540
3. 108
4. Pennzoil Company
5. Henry Grogg No. 1
6. Sheridan District
7. Calhoun, WV
8. 4.5 million cubic feet
9. September 24, 1979
10. Consolidated Gas Supply Corp

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 Capital Street, NE., 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. 79-32930 Filed 10-24-79; 8:45]
BILLING CODE 6450-01-M

[Docket No. TC80-1 and RP72-6

El Paso Natural Gas Co.; Amendment to Tariff Filing Pursuant to Order No. 29 of the Commission's Regulations

October 18, 1979.

Take notice that on October 9, 1979, El Paso Natural Gas Company (El Paso) tendered for filing with the Federal Energy Regulatory Commission (Commission) certain revised schedules to be substituted for those filed on October 1, 1979, as part of the tariff sheets submitted in compliance with certain Commission orders. Those tariff sheets were filed pursuant to §§ 281.201 to 21.215 (Order No. 29) of the Commission's regulations and Ordering Paragraph (E) of the Federal Power Commission's order issued July 29, 1977, at Docket No. RP72-6.

El Paso states that, as a result of a computational error in the said schedules, certain data respecting Southern California Gas Company (SoCal) are not correct. These schedules quantify the impact of adjustments to end use profiles attributable to the orders referred to above. The adjustment to SoCal's Priority 5 category should have reflected a reduction as a result of upward adjustments to Priorities 1 and 2 attributable to the 49 days growth allowed under the Commission's order, issued July 29, 1977, at Docket No. RP72-6.

For classification purposes, El Paso states that it is submitting a revised Schedule 1 under Tab 1, a revised Schedule 2A under Tab 2, and revised Schedules under Tab 5. Copies of this filing are on file with the Commission and are available for public inspection.

Any person desiring to be heard or to make a protest with reference to said tariff should, on or before October 26, 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). Protests filed with this Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-32923 Filed 10-24-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-575]

Georgia Power Co.; Order Accepting for Filing and Suspending Proposed Interchange Contract Rates, Waiving Notice Requirement and Establishing Procedures

October 5, 1979.

On August 7, 1979, Georgia Power Company (Georgia Power) tendered for filing a proposed change in its interchange contract with Savannah Electric and Power Company (Savannah) for the exchange of emergency, short term and economy services.[1] Georgia Power also requested a waiver of the Commission's notice provisions to permit the interchange

[1] See Attachment A for designations.

contract to become effective as of August 1, 1979.

Emergency interchange service is to be furnished for periods not to exceed 72 hours. The energy will be deemed to have been delivered from the supplying party's highest-cost unit operating at the time of the sale. Georgia Power's proposed emergency energy charge for service during 1979 will be 3 mills/kWh plus fuel cost, compensation for transmission losses and variable production O&M costs. Savannah's proposed energy charge for 1979 is 2.6 mills/kWh plus fuel cost, compensation for transmission losses and variable production O&M costs.

Short term interchange service is defined as surplus, non-firm capacity and energy provided for periods not to exceed 90 days. The capacity charge is computed monthly to recover estimated fossil production and transmission O&M expense, A&C expense, depreciation, payroll and property taxes, income taxes and returns of 10.96% for Savannah and 9.87% for Georgia. The energy charge will be the sum of replacement fuel cost, variable production O&M costs and compensation for transmission losses. If purchased from a third party, a wheeling charge is to be added ($0.20/kW/week for Georgia and $0.29/kW/week for Savannah). During 1979 the rate formula results in a weekly capacity charge for short-term service from Georgia Power varying from $1.11/kW/week to $1.15/kW/week, and varying from $1.46/kW/week to $1.52/kW/week [2] for short-term power from Savannah.

Economy energy is to be exchanged on a split-the-savings basis.

Public notice of the filing was issued on August 14, 1979, with protests and petitions to intervene due on or before August 31, 1979. No timely responses were received. On September 4, 1979, Savannah filed a certificate of concurrence.

Our review of Georgia Power's filing with respect to the rates for energy interchange service, short term interchange service and economy interchange service under the proposed interchange contract between Georgia Power and Savannah indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Therefore, we shall accept these proposed rates for filing and suspend them for one day, to become effective August 2, 1979, subject to refund, pending the outcome of a hearing and decision. Georgia Power and Savannah are directed to file the supporting testimony and exhibits required by § 35.13 of the Commission's Regulations, within thirty days of the issuance of this order.

The Commission orders:

(A) The Commission hereby waives the notice requirements of § 35.3 of the Regulations.

(B) Georgia Power's proposed rates for emergency, short term, and economy interchange services under its interchange contract with Savannah are hereby accepted for filing and suspended for one day, to become effective as of August 2, 1979, subject to refund.

(C) 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 Organization Act and by the Federal Power Act, and pursuant to the Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by Georgia Power in this docket.

(D) Georgia Power and Savannah are hereby directed to file supporting testimony and exhibits required by Section 35.13 of the Regulations within 30 days of the issuance of this order.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes within 90 days after compliance with Ordering Paragraph (D) by Georgia Power and Savannah.

(F) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held within ten (10) days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate and sever, and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[2] Charges are computed monthly.

Attachment A

Georgia Power Co.

Filed: August 6, 1979.

Other Party: Savannah Electric & Power Company.

Dated: August 1, 1979.

Effective: August 2, 1979, subject to refund.

Designation, Description

1. Rate Schedule FERC No. 798 (Supersedes R. S. FPC No. 790 as supplemental), Interchange Agreement.
2. Supplement No. 1 to Rate Schedule FERC No. 798, Emergency Service.
3. Supplement No. 2 to Rate Schedule FERC No. 798, Short Term Capacity Service.
4. Supplement No. 3 to Rate Schedule FERC No. 798, Economy Service.
5. Supplement No. 1 to Supplement No. 2 to Rate Schedule FERC No. 798, Proposed Rates for Short Term Service.

Savannah Electric & Power Company

(Concurs with Georgia R. S. FERC No. 798 as noted above)

1. Rate Schedule FERC No. 4 (Supersedes R. S. FPC No. 3 as supplemental), Certificate of Concurrence.

[FR Doc. 79-32924 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-6]

Texas Eastern Transmission Corp.; Motion for Interim Relief

October 18, 1979.

Take Notice that on October 11, 1979, Texas Eastern Transmission Corporation (Texas Eastern) filed a motion pursuant to § 1.41(m) of the Commission's rules of practice and procedure requesting interim relief relieving it of its obligations under Order No. 529, *et seq.* to file revised tariff sheets on November 1, 1979, pending a ruling by the Commission on its proposed settlement and request for adjustment filed by Texas Eastern in Docket No. TC79-139.

On September 10, 1979, Texas Eastern filed with the Commission a proposed settlement which, if approved, would resolve for the near term all issues arising from Order No. 29 *et seq.* In addition, Texas Eastern requested that pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 and § 1.41 of the Commission's rules of practice and procedure, the Commission grant an adjustment to § 281.204 of the Commission's regulations under the Natural Gas Policy Act and waive the requirements of Order No. 29, *et seq.* to the extent necessary to effect the proposed settlement.

On September 28, 1979, the Commission noticed Texas Eastern's filing and indicated that it would process the proposed settlement under the procedures prescribed in § 1.18 of

the Commission's rules of practice and procedure, as revised by Order No. 32 issued June 13, 1979 in Docket No. RM79-16. Comments on the proposed settlement are therefore due on October 20, 1979, with reply comments due on October 30, 1979.

On October 1, 1979, Texas Eastern exercised its right to elect under § 281.204(a)(2) of the Commission's regulations to file the tariff sheets contemplated by Order No. 29, *et seq.* on November 1, 1979, to be effective December 1, 1979, and to keep § 12.7 of the General Terms and Conditions of its current tariff in effect until December 1, 1979. Texas Eastern will soon file a revised tariff sheet reflecting the extension to December 1, 1979, of its current relief provisions for high-priority and essential agricultural uses.

Texas Eastern is now required by Order No. 29, *et seq.* to file draft tariff sheets on November 1, 1979. However, it seems likely that since reply comments on the proposed settlement are not due until October 30, 1979, the Commission will be unable to act on the proposed settlement and Texas Eastern's request for waiver of the filing requirements under Order No. 29, *et seq.* until after November 1, 1979.

Therefore, Texas Eastern requests interim relief from the November 1, 1979, filing date, pending a ruling on the proposed settlement and request for adjustment.

Any person desiring to comment with respect to said motion should file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before October 26, 1979

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32926 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-6]

Texas Eastern Transmission Corp.; Request for Adjustment

October 18, 1979.

Take notice that on October 11, 1979, Texas Eastern Transmission Corporation (Tetco) filed in Docket No. SA80-6 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 and § 1.41 of the Federal Energy Regulatory Commission's (Commission) rules of practice and procedure (18 CFR 1.41), requesting an order extending by one month the time in which Tetco must comply with § 281.204 of the Commission's Regulations. Tetco also seeks to avoid filing draft tariff sheets until such time as it rules on the propriety of the Settlement proposed herein.

Section 281.204 of said regulations requires interstate pipelines to file no later than October 1, 1979, tariff sheets containing a curtailment plan and incorporating therein as index of the high-priority and essential agricultural use entitlements of each of their customers. Tetco states that although it is diligently seeking to comply with the Commission Regulation, it requires until December, 1979, to effect the proposed settlement before complying with the applicable provisions of § 281.204.

On October 1, 1979, Tetco states that is exercised its right to elect under § 281.204(a)(2) of the Commission's regulations to file the tariff sheets it felt necessary under Order Nos. 29, *et seq.* on November 1, 1979, to be effective December 1, 1979, and to keep § 12.7 of the General Terms and Conditions of its current tariff in effect until December 1, 1979. Tetco states that it will soon file a revised tariff sheet reflecting the extension to December 1, 1979 of its current relief provisions for high-priority and essential agricultural uses.

As noted above, following its use of the election procedure, Tetco believes that it is now required by Order Nos. 29, *et seq.* to file draft tariff sheets on November 1, 1979. However, if reply comments on the proposed settlement are not due until October 30, 1979, Tetco believes Commission wil be unable to act on the proposed settlement and Tetco's request for waiver of the filing requirements under Order Nos. 29, *et seq.* until after November 1, 1979.

Any person desiring to participate in this adjustment proceeding shall file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene in accordance with the provisions of § 1.41 of the Commission's rules of practice and procedure (18 CFR 1.41). All petitions to intervene must be filed on or before November 9, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32927 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-9578 (Phase I)]

Texas Power & Light Co.; Order Affirming and Modifying Initial Decision, and Denying Petition for Rehearing

October 12, 1979.

The Commission[1] has before it exceptions to an initial decision[2] which decides questions of law relating to the issue of whether rates for certain electric power sales by the Texas Power and Light Company (Texas Power)[3] are subject to the jurisdiction of the Commission.[4]

In this decision we affirm and modify four of the six rulings of the presiding administrative law judge (judge) in the initial decision. We decline to pass on the final two rulings. We also deny a petition for rehearing[5] action on which had been deferred[6] pending resolution of the factual issues presented in the initial decision.

I. Background

The Texas-Louisiana Electric Cooperative, Inc. (Tex-La) filed on December 22, 1976, a petition to institute an investigation whether wholesale rates for electric power sales by Texas Power are subject to the jurisdiction of the Commission. In its petition, Tex-La alleged that:

(A) Tex-La purchases power from Texas Power;

(B) Texas Power obtains power from Denison Dam, a hydroelectric project operated by the Corps of Engineers;

(C) Denison Dam is located in Oklahoma and Texas;

(D) The power Texas Power receives from Denison Dam is transmitted across state lines; or,

(E) The power Texas Power receives from Denison Dam is commingled with power generated in Oklahoma.

Texas Power's answer asserted that: The Commission has "recognized generally" the non-jurisdictional status of Texas Power, particularly in relation to the purchase of power from Denison

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[1] This proceeding was commenced before the Federal Power Commission (FPC). By the joint regulation of October 1, 1977 (10 CFR 100.1), it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] Decision on Phase I issues, dated February 1, 1979.

[3] Texas Power renders electric service to a population of approximately 2,264,000 in north central and east Texas. Its assets are approximately $2 billion.

[4] Following issuance of this opinion and order, the presiding judge will commence evidentiary hearings to resolve all remaining issues.

[5] Petition for rehearing of the Commission's order of October 31, 1977. The petition for rehearing was filed November 30, 1977.

[6] Commission Order, issued November 15, 1978.

Dam, in a series of orders over many years.[7]

Subsequent filings in the record[8] indicate that there are two generators at Denison Dam, and that the location of the generators, that is, whether one or both are in the state of Texas or Oklahoma, is in dispute.[9]

By order dated October 31, 1977, the Commission instituted an investigation, set the matter for hearing, and granted two petitions to intervene.[10] At a prehearing conference,[11] agreement was reached that if certain legal questions were answered, the evidentiary hearings might be expedited. Subsequently the Commission ordered[12] that upon briefing of the questions of law by the parties, the judge certify the questions to the Commission with his recommended initial decision.

II. Initial Decision

The initial decision contained a brief introductory statement of facts, as follows:

Tex-La Electric Cooperative, Inc. (Tex-La) purchases electricity for the use of its 14 member cooperative from Texas Power & Light Company (TP&L). TP&L, in turn, purchases electric power generated at the Denison Dam pursuant to an April 4, 1947 contract with the Southwestern Power Administration (SPA), an organizational unit of the Department of Energy. The Dam is owned and operated by the SPA. It spans the Red River, an interstate boundary between Texas and Oklahoma, and forms the eastern end of Lake Texoma. At present, TP&L's sales to Tex-La are subject to the jurisdiction of the Texas Public Utility Commission.

The Denison Dam was authorized by the Flood Control Act of 1938, ch. 795, 52 Stat. 1219. Downstream from the Dam, the Corps of Engineers constructed hydroelectric power facilities including two generating units owned and operated by the SPA. The contract between SPA and TP&L expressly provides that their systems will be operated in such a manner that power and energy will not flow from TP&L's system to points outside Texas or from points outside Texas into TP&L's system. [Footnotes omitted.]

The legal issues and rulings made by the initial decision were as follows:

1. *Where does interstate commerce, if any, commence with respect to the electrical energy sold by Texas Power & Light Company to Tex-La Electric Cooperative?*

Ruling: The generator, on completion of the generation process, is the source of any flow of electrical energy in interstate commerce. In this case, the points at which any interstate flow would commence are the generating units, not the dam structure itself.

2. *To what extent, if any, does the sale become subject to FERC jurisdiction because it "affects" interstate commerce without a showing that there has been interstate movement of the energy that is subject to the sale?*

Ruling: A showing that a sale affects interstate commerce is insufficient for jurisdiction to attach under Section 201 of the Federal Power Act; there must be proof of interstate movement of energy.

3. *Assuming a "Federal Enclave" exists, under what statutory authority can the FERC assume jurisdiction over the sale in question?*

Ruling: The FERC has no statutory basis for assertion of jurisdiction over TP&L sales to Tex-La solely on the grounds that the electrical energy is generated and/or transmitted from a "federal enclave."[1] Jurisdiction over the sale or transmission of electrical energy from TP&L to Tex-La exists only if there is a showing that power moved from one state to any point outside the state; for purposes of that showing, a "federal enclave" is not to be given the same status as a state.

4. *Whether the division or alteration of the Red River between Texas and Oklahoma by the Corps of Engineers during the construction of the Denison Dam changes, as a matter of law, the boundary line between Texas and Oklahoma?*

Ruling: A diversion or alteration of the Red River, as a matter of law, could have changed the Texas-Oklahoma boundary even though caused by the construction of the Denison Dam. Whether there has been a boundary change depends on resolution of the factual question as to whether the diversion or alteration was gradual and imperceptible.

5. *Whether electrical energy from a single Denison Dam generator which is transmitted simultaneously to Texas and Oklahoma is, as a matter of law, electrical energy generated in interstate commerce?*

6. *Whether electrical energy from the north and south units at Denison Dam which is being transmitted simultaneously to Texas and Oklahoma is, as a matter of law, electrical energy generated in interstate commerce?*

Ruling: Electrical energy from Denison Dam generator(s), which is transmitted simultaneously to Texas and Oklahoma, does not as a matter of law, constitute electrical energy generated in interstate commerce.

Jurisdiction will attach, however, on the basis of interstate transmission if there is a showing that electrical energy to the Texas and Oklahoma systems flowed into a bus between the two systems and then left the bus for an out-of-state destination as part of a channel of constant flow.

In addition, the judge made a ruling concerning the Flood Control Act of 1944. Tex-La maintained in its briefs on questions of law that the act should be the basis for voiding a provision of the contract between Texas Power and the Southwest Power Administration. The contract provision[13] forbade the Southwest Power Administration from making any interconnections which would allow power from outside Texas to flow into the Texas Power system, or the reverse. The judge concluded that "consideration of matters arising out of Section 5 of the Flood Control Act of 1944 has been vested by statute in the Secretary of Energy,"[14] and that he was without authority to rule on the claim.

III. Discussion

A. Rulings No. 1–3

Texas Power, Tex-La, the Commission staff (staff), and intervenors Central and South West Companies (Central)[15] filed exceptions.

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[7] Citing: *Texas Power & Light Co.*, 4 F.P.C. 615 (1944); *U.S. Dept. of Interior, Southwestern Power Administration*, 39 F.P.C. 928 (1968); *Central Power & Light Co.* Docket No. E-9558, order dated July 21, 1976, order denying rehearing, dated September 17, 1976.

[8] See Initial Comments of Tex-La, filed March 4, 1977, and Answer of Texas Power, filed March 29, 1977.

[9] The Denison Dam lies on the Red River, whose south bank is the border between Texas and Oklahoma. Only one of the cases cited by Texas Power as recognizing its non-jurisdictional status (see footnote 7, *supra*) mentioned Denison Dam, *i.e.*, the Commission's 1968 decision. Implicit in that decision is the *assumption* that at least the south generator of Denison Dam is in Texas. However, the question whether both Denison Dam generators may be in Oklahoma has not been raised before as grounds for assertion of Commission jurisdiction over Texas Power.

[10] One petition was filed by the Central and South West Companies. The other petition was filed by the Cities of Altus, *et al.*

[11] On July 31, 1978.

[12] Order dated November 15, 1978.

[1] While it is outside the scope of this Initial Decision to determine whether Denison Dam is a "federal enclave," it should be noted that the Constitution provides that a federal enclave will exist when Congress exercises federal sovereignty over land obtained from a state for purposes of erecting "Forts, Magazines, Arsenals, dock-yards, and other needful Buildings." U.S. CONST. art. 1, § 8, c. 17.

[13] Section 32 of April 4, 1947, contract.

[14] This function was later delegated first to the Administrator of the Economic Regulatory Administration, and then to the Assistant Secretary of Resource Applications in the Department of Energy. (Secretary of Energy delegation orders No. 0204-4, of October 1, 1977, and No. 0204-33 of December 21, 1978, respectively.)

[15] Central and South West Corporation is a registered holding company which controls West Texas Utilities Company, Central Power & Light Company, Public Service Company of Oklahoma, and Southwestern Electric Power Company. The estimated population served is 3.5 million, roughly

Footnotes continued on next page

Tex-La and Central except to the first three rulings. However, the exceptions to these rulings do not raise issues which were not adequately discussed and disposed of in the initial decision. We therefore affirm and adopt the rulings of the judge as to these issues.

B. Ruling No. 4

No party excepts to the conclusion of the judge as to the fourth question, i.e., that resolution of the boundary issue depends on determination of a factual question. However, the staff and Central[16] suggest that the judge's statement of the question should be modified.

The initial decision states that the factual question to be resolved is whether the diversion of alteration of the Red River during construction of the Denison Dam "was gradual and imperceptible."

As the staff points out[17], the Supreme Court set forth the applicable guidelines for a determination of the boundary at the Red River, as follows[18]:

> The boundary as it was in 1821, when the treaty became effective, is the boundary of today, subject to the right application of the doctrines of erosion and accretion and of avulsion to any intervening changes of those doctrines this Court recently said:
>
> "It is settled beyond the possibility of dispute that where running streams are the boundaries between States, the same rule applies as between private proprietors, namely, that when the bed and channel are changed by the natural and gradual processes known as erosion and accretion, the boundary follows the varying course of the stream; while if the stream from any cause, natural or artificial, suddenly leaves its old bed and forms a new one, by the process known as an avulsion, the resulting change of channel works no change of boundary, which remains in the middle of the old channel." *Arkansas* v. *Tennessee*, 246 U.S. 158, 1973.

Thus, the proper statement of the second sentence of the ruling of the initial decision as to the fourth question of law is as follows: "Whether there has been a boundary change depends on resolution of the factual question as to whether the diversion or alteration was as a result of erosion and accretion, or as a result of an avulsion." We affirm and adopt the ruling as modified.

Texas Power did not dispute the judge's conclusion that whether the boundary changed was a factual question. However, Texas Power did file an exception as to this issue. Texas Power claims that "the facts already available show" that the diversion in the river was an avulsion. Texas Power implies that a hearing is therefore unnecessary.

What the facts show is a question to be decided on the basis of the ensuing evidentiary hearing in this docket. The Texas Power exception is therefore denied.

C. Rulings No. 5 and 6

Questions 5 and 6 raise difficult issues. All parties excepted to some portion of the judge's ruling or discussion as to these questions.[19] The judge's discussion centers on complex issues concerning application of the Supreme Court's Florida Power & Light decision [20] to the facts in this case. *The Florida Power & Light* case dealt with Commission jurisdiction over transmission of electric energy in interstate commerce pursuant to section 201 of the Federal Power Act, as amended.[21]

Upon review of this portion of the initial decision, we conclude that consideration of these issues prior to determinations of fact requires ruling on several hypothetical alternatives, and is not appropriate. For example, the answers to both questions may vary, depending on whether either or both of the Denison Dam generators are in Oklahoma or Texas. Responding to question 6 also may vary depending on whether or how the two generators are interconnected. There are neither findings not stipulations as to these factual questions.

The appropriate procedure, at this point, is for the judge to proceed with evidentiary hearings, and then to deal with the specific legal questions which are raised in the context of his determinations of fact. We therefore decline to pass on the rulings in the initial decision as to questions 5 and 6.

D. Flood Control Act

Central filed a cursory exception to the judge's conclusion that the Commission is without authority to rule on issues arising under the provisions of the Flood Control Act of 1944. However, Central provided no substantiation for its contention. The judge's conclusion is properly substantiated, and we therefore reject Central's exception to it.[22]

IV. Petition for Rehearing

Tex-La filed a petition for rehearing of the Commission's order which initiated these proceedings.[23] The petition contended that the Commission's order erred in concluding that an engineering and scientific test is the proper means of determining Commission jurisdiction under section 201 of the Federal Power Act. The chief argument made in support of its contention was that under section 201 a showing that a sale of electric energy affects interstate commerce is sufficient to establish jurisdiction.

The judge's ruling and discussion of question 2 disposes of this argument.[24]

We find nothing in Tex-La's remaining arguments for rehearing which warrants modification of our order of October 31, 1977. We will therefore deny Tex-La's petition for rehearing.

The Commission Orders: (A) The initial decision of February 1, 1979, in this docket is affirmed, except as modified in this order, and all exceptions thereto not granted by this order are denied.

(B) The Secretary shall cause this order to be published in the Federal Register to give all interested persons notice that the location of the boundary between Texas and Oklahoma in the vicinity of Denison Dam has been brought into issue, and to give any persons interested in the outcome of that issue an opportunity to participate in the proceeding as intervenors.

(C) The Texas-Louisiana Electric Cooperative, Inc., Motion for Rehearing, in this docket, filed November 30, 1977, is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32928 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

Footnotes continued from last page half of which is in Texas, while the remainder is in Oklahoma, Arkansas and Louisiana. The Texas population is mostly in the west central and southern portions of the state, with some in east Texas. Total assets are approximately $2.6 billion.

[16] See Central's Brief Opposing Exceptions, p. 5.

[17] Staff Initial Brief, p. 12.

[18] *Oklahoma* v. *Texas*, 260 U.S. 606, 636 (1923).

[19] The discussion extended beyond explanation of the rational for the ruling as to questions 5 and 6, and in effect dealt with two additional issues. The first of these was whether, once service commences which could be considered jurisdictional, passage of time affects subsequent assertion of regulatory authority. The other issue concerned whether an interstate flow of electric energy was required to be part of a "channel of constant flow" in order for jurisdiction to attach.

[20] *F.P.C.* v. *Florida Power & Light Co.*, 404 U.S. 453 (1972).

[21] 16 U.S.C. § 824.

[22] The judge, in passing, recommended that the Commission refer this matter to the Department of Energy for such action as might be deemed appropriate. The parties are free to raise the issue before the Assistant Secretary of Resource Applications in the Department of Energy (see footnote 14 supra) if they desire, and are the appropriate agents for such an initiative.

[23] See footnote 5, supra.

[24] Action on the petition for rehearing was deferred specifically because this argument was under consideration by the judge in the phase I proceeding herein.

[Docket No. SA80-4]

United Gas Pipe Line Co.; Application for Adjustment

October 18, 1979.

Take notice that on October 9, 1979, United Gas Pipe Line Company (United) filed in Docket No. SA80-4 an application for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's rules of practice and procedure (18 CFR 1.41), requesting that the deadlines applicable to United under § 281.204 of the Commission's regulations under the NGPA be extended until such time as the Commission has considered and taken action on United's proposed curtailment settlement plan filed on August 31, 1979, in United's curtailment proceeding in Docket Nos. RP71-29 and RP71-120 (Phase II). United also requests interim relief pursuant to § 1.41(m) of the Commission's rules of practice and procedure (18 CFR 1.41(m)) deferring the same dates pending final determination of this application.

Section 281.204 of the Commission's regulations requires the filing of tariff sheets regarding curtailment plans, the filing of indices of entitlements regarding high-priority and essential agricultural users and the establishment of a Data Verification Committee. United states that it is currently operating under a curtailment plan which it was directed to use by the United States Court of Appeals for the Fifth Circuit, *Southern Natural Gas Co. v. FPC*, 543 F.2d 530 (5th Cir. 1976). United states that on August 31, 1979, it filed with the Commission a proposed curtailment plan which is supported by the majority of its customers and is designed, inter alia, to protect high-priority and essential agricultural users consistent with Section 401 of the NGPA. United also states that if the requested relief is granted, high-priority users and essential agricultural users would be fully protected by the curtailment tariff currently in effect on United's system during the Commission's consideration of the proposed settlement and that no opponents of the proposed settlement would be disadvantaged by the requested relief.

United states that meeting the time limits set in § 281.204 would work a substantial hardship on United and an inequity on United and its customers. United alleges that it has not yet received the materials from a number of its customers necessary for compilation of the filings required under such regulation, that the analysis of the submissions received to date is extremely difficult and time-consuming and that the construction of an index of entitlements based on the data which have been received would seriously interfere with, or make entirely impossible, United's compliance with the schedule set for consideration of the proposed settlement.

Any person desiring to participate in this adjustment proceeding shall file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene in accordance with the provisions of § 1.41 of the Commission's rules of practice and procedure (18 CFR 1.41). All petitions to intervene must be filed on or before November 9, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32929 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

Notices of Objection To Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of September 17 Through September 21, 1979

Notice is hereby given that during the week of September 17 through September 21, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before November 14, 1979, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before November 26, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C., October 19, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Dunlap, E., Jr., Ardmore, Okla.; DRO-0383, crude oil

On September 18, 1979, E. Dunlap, Jr., (Dunlap) P.O. Box 1888, Ardmore, Oklahoma 73401, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District of Enforcement issued to Dunlap on August 21, 1979. In the Proposed Remedial Order, the Southwest District of Enforcement found that during the time period from September 1, 1973 through December 31, 1975 Dunlap committed pricing violations in the State of Oklahoma in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Dunlap's violations resulted in overcharges to its customers of $57,000.

Getty Oil Co., Los Angeles, Calif.; DRO-0382, crude oil

On September 17, 1979, Getty Oil Company, (Getty) 3810 Wilshire Boulevard, Los Angeles, California 90010, filed a Notice of Objection to a Proposed Remedial Order which the DOE Pacific District Office of Special Counsel issued to Getty on July 23, 1979. In the Proposed Remedial Order, the Office of Special Counsel found that after March 31, 1979 Getty illegally terminated a May 4, 1971 supplier/purchaser relationship with Phillips Petroleum Company (Phillips) which in turn supplied Tosco Corporation. According to the Proposed Remedial Order, Getty must recommence supplying crude oil to Phillips pursuant to the terms of their supplier/purchaser relationship.

Getty Oil Co., Los Angeles, Calif.; DRO-0382, crude oil

On September 17, 1979, Tosco Corporation (Tosco), 10100 Santa Monica Boulevard, Los Angeles, California 90067, filed a Notice of Objection to a Proposed Remedial Order which the DOE Pacific District Office of Special Counsel isued to Getty Oil Company (Getty) on July 23, 1979. In that Proposed Remedial Order, the Office of Special Counsel found that after March 31, 1979 Getty illegally terminated a May 4, 1971 supplier/purchaser relationship with Phillips Petroleum Company (Phillips) which in turn supplied Tosco. According to the Proposed Remedial Order, Getty must recommence supplying crude oil to Phillips pursuant to the terms of their supplier/purchaser relationship.

Poweram Oil Co., Inc., Waco, Tex.; DRO-0388, motor gasoline

On September 19, 1979, Poweram Oil Company, Inc., P.O. Box 7508, Waco, Texas 76710 filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Southwest District Office of Enforcement issued to the firm on August 31, 1979. In the IROIC the Southwest District found that during May 8, 1979 to August 31, 1979, Poweram Oil Company, Inc. has failed to maintain its historic credit terms with respect to Jay-Cee's Food Stores in violation of 10 CFR 210.62.

[FR Doc. 79-32834 Filed 10-24-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1346-2]

Approval of Alabama's NPDES Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the State of Alabama's application to participate in the National Pollutant Discharge Elimination System (NPDES) program.

SUMMARY: On October 19, 1979, the Administrator of the Environmental Protection Agency (EPA) approved the State of Alabama's request to administer the National Pollutant Discharge Elimination System (NPDES) program within the State.

FOR FURTHER INFORMATION CONTACT: Joel Blumstein, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, 202-426-9434.

SUPPLEMENTARY INFORMATION: The Clean Water Act (33 U.S.C. 1251, et seq.) established the National Pollutant Discharge Elimination System (NPDES) under which permits are issued for the discharge of pollutants from point sources into the waters of the United States. Initially, the Environmental Protection Agency (EPA) issues these permits. States may be authorized to administer the NPDES program for discharges into navigable waters within their jurisdiction if the Administrator of EPA determines that the State program satisfies the requirements of section 402(b) of the Clean Water Act. With the passage of the 1977 amendments to the Clean Water Act, State NPDES programs must include a pretreatment program and the authority to regulate Federal facilities.

On July 23, 1979, Governor James of Alabama formally requested that the Administrator of EPA approve the State's NPDES program. A public hearing was held in Montgomery, Alabama on September 12, 1979 to solicit comments on the proposed authorization of the Alabama program. No objections were voiced at this hearing and the Agency has not received any adverse written comments.

Today's Federal Register notice is to announce the approval of the State of Alabama's NPDES program, including its pretreatment program and Federal facilities authority.

Also included in this notice is a list of approved NPDES States indicating which have been granted Federal facilities and pretreatment authority.

	Approved State NPDES permit program	Approved to regulate Federal facilities.	Approved pre-treatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		
Delaware	04/01/74		
Georgia	06/28/74		
Hawaii	11/28/74	06/01/79	
Illinois [1]	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	08/10/78	
Kansas	06/28/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	
Montana	06/10/74		
Nebraska	06/12/74		
Nevada	09/19/75	08/31/78	
New York	10/28/75		
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	
Pennsylvania	06/30/78	06/30/78	
South Carolina	06/10/75		
Tennessee	12/28/77		
Vermont	03/11/74		
Virgin Islands	06/30/78		
Virginia	03/31/75		
Washington [2]	11/14/73		
Wisconsin	02/04/74		

[1] On January 26, 1979, the United States Court of Appeals for the Seventh Circuit invalidated the Agency's approval of the Illinois NPDES program in *Citizens for a Better Environment* v. *Environmental Protection Agency* (No. 78-1042; Petition for rehearing denied May 16, 1979). However, on May 30, 1979, the Court stayed the enforcement of its order until February 23, 1980, in order to provide EPA an opportunity to revise its regulations governing public participation in enforcement. In the interim, the State of Illinois is operating an approved program.

[2] On August 15, 1979, EPA approved a modification to Washington's NPDES program to allow the State Energy Facility Site Evaluation Council to issue and enforce permits.

For further information on the *Citizens for a Better Environment* case and the Agency's response thereto, see the public participation in enforcement regulations that were recently promulgated in the Federal Register (44 FR 49275, August 22, 1979).

Dated: October 19, 1979.

Barbara Blum,

Acting Administrator.

[FR Doc. 79-32877 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1346-5]

Management Advisory Group to the Municipal Construction Division; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Municipal Construction Division will be held at Hospitality House, 2000 Jefferson Davis Highway, Arlington, Virginia, on November 6-7, 1979. The Meeting will begin at 9:00 a.m. on November 6.

The purpose of the meeting is to discuss and review the following: National Municipal Policy and Strategy, Advanced Waste Treatment, Alternative and Innovative Technology, New Directions for the Construction Grants Program and Presentations of the Views and Recommendations of Participant Groups on the Program.

The meeting will be open to the public. The Committee Chairperson, if it is deemed appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. For further information, please contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 20460, telephone (202) 426-8986.

This meeting is announced in less than the 15 days required for notice of a meeting due to the need to discuss the new National Municipal Policy and Strategy as soon as possible.

James N. Smith,

Acting Assistance Administrator for Water and Waste Management.

October 23, 1979.

[FR Doc. 79-33084 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1346-3]

Motor Vehicle Pollution Control; Waiver of Carbon Monoxide Emission Standards; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing to consider applications for waiver of 1981 and 1982 model year light-duty vehicle emission standard for carbon monoxide (CO).

SUMMARY: On September 28, 1979, Toyota Motor Company Ltd. (Toyota) reapplied under section 202(b)(5) of the Clean Air Act, as amended, to EPA's Administrator for a waiver of the effective date of the 1981 and 1982 CO emission standard for one of its engine families. In his Consolidated Decision published September 13, 1979, the Administrator denied Toyota's original request for a waiver covering this engine family because Toyota had provided insufficient information to establish that the engine family in question was not capable of meeting a 3.4 grams per mile (gpm) CO standard in the 1981 model year, considering costs, driveability, and fuel economy.

DATES: This notice announces that EPA will hold a public hearing in Washington, D.C. beginning on November 5, 1979, and continuing

through November 6, 1979, if necessary, to consider Toyota's waiver application and any other manufacturer's applications received by October 29, 1979. Interested parties also may submit written comments to the public docket on these waiver applications until November 16, 1979.

ADDRESS: All public portions of the CO waiver applications and other relevant information are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Central Docket Section (A-130), Room 2903B Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN-79-19).

FOR FURTHER INFORMATION CONTACT: Mr. Glenn Unterberger, Manufacturers Operations Division, (EN-340), U.S.C Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9417.

SUPPLEMENTARY INFORMATION: Under section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) (1977) ("Act"), at any time after August 31, 1978, any manufacturer may file with the Administrator an application requesting the waiver of the effective date of the carbon monoxide (CO) emission standard applicable to any model of light-duty motor vehicles and engines manufactured by the applicant during model years 1981 and 1982. Section 202(b)(5)(C) requires the Administrator to issue a decision granting or denying such waiver within 60 days after receipt of the application and after public hearing. Guidelines for the submission of such waiver requests have been previously published in the Federal Register, 43 FR 47272, October 13, 1978.

Section 202(b)(1)(A) requires that emissions of CO from 1981 and later model year light-duty motor vehicles be reduced by 90% from 1970 CO emission standards. A CO emission standard of 3.4 grams per vehicle mile, determined to achieve such reduction and made applicable by regulation to 1981 and later year light-duty vehicles, has been published in the Federal Register, 43 FR 37972, August 24, 1978. If the Administrator determines that a waiver from the CO standard of 3.4 grams per vehicle mile (gpm) should be granted, he must simultaneously with such determination prescribed by regulation CO emission standards to apply to those model vehicles or engines to which the waiver applies. Under section 202(b)(5)(B), the maximum CO level for which a waiver may be granted is 7.0 gpm.

Under section 202(b)(5)(C), the Administrator may grant such a waiver only if he finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm for those model years and vehicles for which the waiver is sought. In addition, a waiver may be granted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) all good faith efforts have been made to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to him have not indicated that technology, processes, or other alternatives are available to meet such standards.

In order for a waiver to be granted, the Administrator must determine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. However, the Administrator is not required to make his determination solely on the record of the public hearing, and may consider any additional information as well. All information considered by the Administrator will be included in the public docket.

EPA held four days of public hearings during the week of July 9, 1979, to consider CO waiver applications submitted by General Motors, Chrysler, American Motors, Volkswagen, Toyota, and BL cars. In addition to testimony provided by each waiver applicant, testimony was given by other automobile manufacturers, and by several emission control system part suppliers. The Administrator's consolidated decision on those waiver applications was published on September 13, 1979. 44 FR 53376. Information considered for the decisions on these applications is contained in Public Docket EN-79-4.

EPA also conducted public hearings on September 12, 1979, to consider CO waiver applications from Toyo Kogyo, Nissan, Fuji Heavy Industries, and Renault. The Agency has obtained the consent of Toyo Kogyo and Nissan for the Administrator to announce his decision no later than October 25, 1979. The Clean Air Act requires the Administrator to decide on the application from Fuji and Renault by November 5, 1979. In deciding on the waiver applications from those four manufacturers, the Administrator is considering information contained in Public Docket EN-79-17, which incorporates Public Docket EN-79-4 by reference. Both of these dockets will be incorporated into Public Docket EN-79-19 for consideration in deciding on the CO waiver applications at issue in this third set of proceedings.

In his September 13, 1979 consolidated decision, the Administrator denied Toyota's CO waiver request for its 108 CID engine family because Toyota had not supplied sufficient information to establish that the engine family was not capable of meeting the 3.4 gpm CO standard in the 1981 model year, considering costs, driveability, and fuel economy. On September 28, 1979, Toyota submitted additional information which had not been available at the time of Toyota's original waiver application in support of a waiver for its 108 CID engine family. The sixty-day decision period specified in the Act requires the Administrator to decide on Toyota's new application on or before November 27, 1979.

EPA will hold a public hearing on Toyota's new waiver application and on applications received from any other motor vehicle manufacturers on or before October 29, 1979, in the U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Room M2117, commencing at 9 a.m. on November 5, 1979. EPA encourages all manufacturers still planning to request a CO waiver to file their applications by the October 29 deadline. This will facilitate review of as many outstanding waiver applications as possible in one consolidated proceeding. Submitting applications at a reasonable time before the scheduled proceedings will greatly facilitate the Administrator in making a timely decision.

PROCEDURES: The public hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the Administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevant material in the Central Docket Section at the address listed above not late than October 29, 1979. If feasible at least 75 copies of such statement or material for the hearing record and for general circulation should

be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witnesses by the hearing panel to the extent practicable. Relevant statements and information not specifically required by the hearing panel may be filed in the public docket until November 16, 1979.

Where appropriate, representatives of the applicants will be required under the subpoena authority of section 307(a)(1) of the Act to attend the hearing and respond to questions propounded by the hearing panel. Moreover, other parties may also be subpoenaed to produce relevant information and provide testimony before the hearing panel. Section 307(a)(1) also authorizes the administration of oaths to testifying parties.

The Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing that corroborative material be submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

As was the case in the previous two CO waiver public hearings, presentations by the participants in this hearing should be addressed exclusively to the following considerations:

1. Whether protection of the public health requires attainment of the established CO standard of 3.4 gpm for the model years to which the waiver would apply.

2. Whether the requested waiver is essential to the public interest or public health and welfare of the United States.

3. Whether the applicants have made all good faith efforts to meet the CO standard for those model years and vehicles for which the waiver is sought.

4. Whether effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy.

5. Whether studies and investigations of the National Academy of Sciences and other information indicate that alternatives are available to meet such standards.

6. The level of CO emissions, not to exceed 7.0 gpm, which could be met in each of the model years for which a waiver is requested and which would reflect the greatest degree of emission control achievable by use of available technology, giving appropriate consideration to the cost of applying such technology within the available time period.

A verbatim record of the proceedings will be available for public inspection. A copy of the transcript may be requested from the reporter during the hearing and will be made at the expense of the person so requesting. Copies of other documents in the public record also may be obtained in 40 CFR Part 2.

Dated: October 19, 1979.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-32878 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1345-8; OPP-180373]

New York State Department of Environmental Conservation; Issuance of Specific Exemption To Use Paraquat as a Desiccant for Dry Beans

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the New York State Department of Environmental Conservation (hereafter referred to as the "Applicant") to use paraquat as a desiccant on 20,000 acres of solid planted dry beans in New York. The specific exemption expires on October 15, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, fall rains, high humididty, and green plants interfere with dry bean harvest. The Applicant states that cool summer nights during this growing season have delayed plant maturity, promising to make the dry bean harvest late this fall and the usual fall rains more hazardous than normal. Green beans make the operation of harvest machinery difficult and the leaves slow the drying of soil enough to prevent the machinery from passing through the fields if heavy rains occur. In some cases, cool wet weather causes the regrowth of the plants. Weather-damaged, moldy, and sun-darkened or discolored beans are a major problem under such conditions, the Applicant reports.

In more arid dry bean-growing regions of the United States, green plants are pulled, windrowed and allowed to dry before threshing. According to the Applicant, windrowed beans in New York, even under more favorable conditions, often become wet and the beans mold, rot, or sprout. No desiccant is presently registered for use on dry beans. Paraquat CL is currently registered as a harvest aid of soybeans and potatoes. Aerial application of paraquat is currently approved for desiccation of soybeans. The Applicant estimates that the loss of New York dry bean producers could reach as high as $5 million without the use of a desiccant.

The Applicant proposed a single application of a maximum of 10,000 pounds of paraquat to be made by either ground or air equipment. A 7-day pre-harvest interval will be observed.

EPA has determined that residues of paraquat in or on dry beans should not exceed 0.4 part per million (ppm) from the proposed use. This residue level has been judged adequate to protect the public health. EPA has also determined that the proposed use should pose no unreasonable threat to the environment.

After reviewing the application and other available information, EPA has determined that (a) an emergency situation exists in New York; (b) there is no dessiccant currently registered and available to dessiccate dry beans in New York; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the dry beans are not desiccated; and (e) the time available to mitigate the problems posed is insufficient for a desiccant to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the desiccant noted above until October 15, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Paraquat CL, EPA Reg. No. 239-2186-AA, manufactured by Chevron Chemical Company, is authorized. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A single application of paraquat at the rate of 0.25 to 0.5 pound active ingredient per acre will be made;

3. Application will be made in 20 to 40 gallons of water per acre by ground equipment or in 5 gallons of water per acre by air equipment;

4. A maximum of 20,000 acres may be treated;

5. A maxmimum of 10,000 pounds active ingredient may be applied;

6. All applications will be made by State-certified commercial or private applicators or persons under their direct supervision;

7. A pre-harvest interval of 7 days will be observed. Treated fields are not to be grazed and treated foliage is not to be fed to livestock;

8. Applications should not be made when weather conditions favor drift from the application site;

9. All applicable directions, precautions, and restrictions on the EPA-registered product label must be followed;

10. Dry beans with residues of paraquat not exceeding 0.4 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

11. A full report summarizing the results of this program must be submitted to EPA by April 15, 1980;

12. The EPA shall be immediately informed of any adverse effects resulting from the use of paraquat in connection with this exemption; and

13. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: October 18, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32874 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1345-7]

Region VII, Approval of PSD Permit to Metal Container Corporation

Notice is hereby given that on September 28, 1979, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Metal Container Corporation, a subsidiary of Anheuser-Busch, Incorporated, for approval to construct a new beverage can manufacturing facility in Arnold, Jefferson County, Missouri. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions, including that emissions of volatile organic compounds from the Lianco Container Corporation plant in St. Louis County, Missouri must be reduced by an amount equal to emissions from the new facility.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Eighth Circuit Court of Appeals. A petition for review must be filed on or before December 24, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Missouri Department of Natural Resources, St. Louis Regional Office, 8400 Watson Road, St. Louis, Missouri 63119.

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

U.S. Environmental Protection Agecny, Air and Hazardous Materials Division, 324 East 11th Street, Kansas City, Missouri 64106.

Date: October 11, 1979.

Kathleen Q. Camin,

Regional Administrator, Region VII.

[FR Doc. 79-32875 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1346-1]

Science Advisory Board, Subcommittee on Energy-Related Health Effects Research; Open Meetings

Under Public Law 92-463, notice is hereby given that a two-day meeting of the Subcommittee on Energy-Related Health Effects Research of the Science Advisory Board will be held on November 13 and 14, 1979 in Conference Room 1137, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. The meeting will start at 9:00 a.m. on November 13, 1979.

A second two-day meeting of the Subcommittee is scheduled for December 18 and 19, 1979 in Conference Room 3906-08, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. This meeting will start at 9:00 a.m. on December 18, 1979.

The purpose of these meetings will be to provide advice and consultation to the U.S. Environmental Protection Agency (EPA), and particularly to the Office of Research and Development (ORD), in its efforts to redirect certain portions of the Energy-Related Health Effects Research Program in order to make the program more responsive to specified needs and objectives of EPA's Office of Air Quality Planning and Standards (OAQPS). The purpose of the meeting on November 13 and 14, 1979 will be (1) to provide the Subcommittee with appropriate background briefings, and (2) to begin a discussion of Agency plans for redirecting certain portions of the program. The purpose of the meeting on December 18 and 19, 1979 will be to review and comment on the Agency's tentative plans for redirecting certain portions of the program.

These meetings will be open to the public. Any members of the public wishing to attend or submit a paper, or wishing further information should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. November 8, 1979 regarding the meeting on November 13 and 14, 1979, and by c.o.b. December 13, 1979 regarding the meeting on December 18 and 19, 1979. Please ask for Mr. Kenneth B. Goggin. The telephone number is (202) 472-9444.

Ernst Linde,

Acting Staff Director, Science Advisory Board.

October 18, 1979.

[FR Doc. 79-32876 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1346-7; Docket No. ECAO-CD-79-1]

Review of Preliminary Draft Criteria for Particulate Matter and Sulfur Oxides

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Meeting.

SUMMARY: A public meeting will be held at the Environmental Research Center Annex (Beaunit Building), Research Triangle Park, North Carolina, beginning at 8:00 a.m. on Thursday, November 15, 1979, to facilitate scientific and technical review and revision of preliminary working draft chapters prepared for EPA for inclusion in a revised Criteria Document for Particulate Matter and Sulfur Oxides. A general introductory session will be followed by concurrent informal working sessions at which prospective draft portions of the document will be critically discussed.

While the meeting is open to the public, advance registration is required because of space limitations and the need to preserve the working session format. EPA particularly encourages the attendance of authorities in the various subjects to be addressed in the particulate matter and sulfur oxides criteria document, such as (1) atmospheric chemistry; (2) health effects; and (3) welfare effects. The purpose of the meeting is to expedite production of an external review draft of the criteria document which the Agency anticipates will be made available for public review and comment later this year.

FOR FURTHER INFORMATION CONTACT: Dr. Lester D. Grant, (Director) or Dr. J. H. B. Garner (Project Chairman),

Environmental Criteria and Assessment Office (MD-52), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2266.

SUPPLEMENTARY INFORMATION: As set forth in a Federal Register notice of October 2, 1979 (44 FR 58730), the Agency anticipates the availability of an external review draft of the revised Air Quality Criteria for Particulate Matter and Sulfur Oxides later this year. The availability of such a draft will be noticed in the Federal Register, made available for public comment, and be reviewed by an independent scientific advisory committee of the Science Advisory Board. The revision of criteria for particulate matter and sulfur oxides and the review and possible revision of the corresponding national ambient air quality standards is to occur by December 31, 1980

In order to facilitate production of the best possible draft document for external review, preliminary working draft portions of the document will be critically reviewed and revised at a meeting to be convened on Thursday, November 15, 1979, as noted above. The meeting is expected to continue through Saturday, November 17, 1979.

A general session or sessions will be held to brief attendees on the purpose and structure of the criteria document. However, the critical review and revision of specific document portions will occur primarily in informal work sessions. The specific times and locations of which will be announced at the general sessions. To maximize the utility of these sessions to the authors of the various draft chapters, the Agency particularly encourages the attendance of persons technically qualified academically or professionally in the areas addressed in the document. These areas, as they relate to particulate matter and/or sulfur oxides, include atmospheric chemistry and analytical methods; sources and emissions; transport and environmental transformation; environmental concentrations and exposure; effects on natural ecosystems, vegetation and microorganisms; acidic precipitation; visibility and climate; materials and soiling; absorption, deposition and clearance; effects on animals; and effects on humans (clinical studies and epidemiology).

Minutes will be kept of the proceedings at the general sessions, and detailed notes will be made of key points or issues discussed and suggestions for text revisions made in the ensuing work sessions. The minutes of the general sessions, summaries of the work session discussions, and any written comments which are submitted at the meeting, will be included in a public criteria revision docket which will be announced in the Federal Register concurrently with the availability of an external review draft.

Because of space limitations, and the need to preserve the working session format, attendance at the November 15-17, 1979, meeting will be by advance registration only. Individuals wishing to attend the meeting should contact either Dr. Lester Grant or Dr. J. H. B. Garner by November 12, 1979, at the address or phone number referenced above for further information. In order to provide for and assure participation by diverse groups and interests, it will also be necessary to limit the number of attendees affiliated with any single organization or group.

Dated: October 23, 1979.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 79-33073 Filed 10-24-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 79-658]

Grants Special Temporary Authority to the Appalachian Regional Commission for a Microwave Link To Operate on Frequency 12.450 GHz

October 15, 1979.

The Federal Communications Commission announced today that it is granting special temporary authority to the Appalachian Regional Commission (ARC) to operate a microwave link on 12.450 GHz to transmit video programming from ARC's studio at the University of Kentucky to its satellite uplink facility located 3.8 miles away. This microwave link is a necessary part of ARC's satellite network which provides educational, health and other instructional programming to local communities in the Appalachian Region for development of their community and human resources. ARC previously operated this network on an experimental basis under Part 5 of the Commission's Rules using NASA's ATS-6 satellite. This satellite, however, has become inoperative and ARC has filed applications with the Commission requesting authority to construct and operate a private domestic satellite earth station network for the purpose of distributing its educational and instructional programming.

In granting authority to ARC to operate, the Commission has had to waive the eligibility requirements of Part 94 of its rules contained in Section 94.5 since ARC is not qualified to be licensed in either Part 81, 87 or 90. Eligibility in Part 94 is limited only to persons qualified to be a licenses in those services. The Commission has also waived the permissible use requirement contained in Section 94.9(b)(3) which prohibits the transmission of program material to cable television systems. The network will connect to the headends of CATV to distribute the program material within the local communities.

The Commission granted ARC special temporary authority to operate the microwave link from October 15, 1979, to November 1, 1979, since the public notice period for their application has not expired and ARC wants to begin operations on October 15, 1979. This commencement date is critical to the 50 or more schools and universities participating in the ARC network to allow them to complete their fall course offerings by the December 1979 school break. The Commission will take final action on ARC's application upon termination of the Public Notice period. The Commission also waived for the same period the transmitter and antenna standards of Sections 94.81 and 94.75 to allow ARC to operate the link with equipment which they previously used in their experimental network licensed under Part 5.

The Commission noted that other applications have been filed under Part 94 for microwave links to transmit video programming. None of these applications have been granted because of the pendency of the inquiry and rule making proceeding in Docket No. 19671, 39 FCC 2d 527 (1973). The Commission decided, however, that the microwave link requested by ARC is necessary in order to allow ARC to continue providing the educational and health information programming which it has been providing using the ATA-6 satellite. The ARC is a Federal intergovernmental regional commission created by the Appalachian Regional Development Act of 1965, as amended, (40 App. USC Sec. 1 et seq). It is responsible for the planning and promotion of economic development in the Appalachian Region including community and human resources. In line with this purpose, the ARC has undertaken to establish a network system to provide educational, informational and instructional programming to communities in the Appalachian Region whose "people

have not shared properly in the Nation's prosperity."

Action by the Commission October 12, 1979. Commissioners Ferris (Chairman), Quello, Washburn and Fogarty, with Commissioner Brown concurring in the result, and Commissioners Lee and Jones not participating.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-32896 Filed 10-24-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Beggs Bancshares, Inc.; Formation of Bank Holding Company

Beggs Bancshares, Inc., Beggs, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Bank of Beggs, Beggs, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 17, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32890 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-01-M

First Cicero Banc Corp.; Formation of Bank Holding Company

First Cicero Banc Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of Cicero, Cicero, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 17, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32893 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-01-M

First National Elgin Bancorp, Inc.; Formation of Bank Holding Company

First National Elgin Bancorp, Inc., Elgin, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 80 percent or more of the voting shares of the Elgin National Bank, Elgin, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 18, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32891 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-01-M

Heritage Racine Corp.; Formation of Bank Holding Company

Heritage Racine Corporation, Racine, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Heritage Bank and Trust, Racine, Wisconsin; Heritage National Bank of Racine, Racine, Wisconsin; Heritage Bank-Mt. Pleasant, Racine, Wisconsin; and Racine County National Bank, Franksville, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 18, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32892 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-01-M

National Security Information; Policy Statement

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Statement of policy.

SUMMARY: This policy statement, implementing Executive Order 12065, 43 FR 28949, June 28, 1978, and the Information Security Oversight Office Directive, 43 FR 46280, October 5, 1978, relates to the classification, downgrading, declassification and safeguarding of national security information. Effective date: September 1, 1979.

FURTHER INFORMATION CONTACT: Mr. John M. Demkler, Staff Director, Office of Staff Director for Management, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3764.

Statement of Policy Regarding National Security Information

I. Policy

The national security information policy of the Board of Governors of the Federal Reserve System shall operate consistent with Executive Order 12065.

II. Program

The Associate Director for Building Services in the Division of Support Services is designated as the Board's

official responsible for the implementation and oversight of its information security program. Questions, suggestions, and complaints regarding all elements of this program will be directed to this individual who will be solely responsible for changes to the program and for assuring that it is at all times consistent with Executive Order 12065.

The Associate Director serves as the Board's official contact for requests for declassification of materials in accordance with the provisions of Executive Order 12065, regardless of the point of origin of such requests. The position has general responsibility for assuring (in coordination with the Deputy Secretary of the Board) that requests submitted under the Freedom of Information Act are handled in accordance with that Act and the declassification request submitted under the provisions of Executive Order 12065 are acted upon within 60 days of receipt.

III. Procedures

A. *Mandatory Review*

A mandatory review procedure has been established to handle requests by a member of the public, by a government employee, or by an agency, to declassify and release information.

In coordination with the Deputy Secretary of the Board, all requests for mandatory review shall be handled by the Associate Director for Building Services or a designee. Under no circumstances shall the Associate Director and/or the Deputy Secretary of the Board refuse to confirm the existence or nonexistence of a document requested under the Freedom of Information Act or the mandatory review provisions of Executive Order 12065, unless the fact of its existence or nonexistence would itself be classified under Executive Order 12065.

B. *Handling*

Documents bearing the classifications "TOP SECRET," "SECRET," and "CONFIDENTIAL" should be delivered to the International Information Center (IIC), B-1127. The staff of the IIC shall expeditiously deliver such documents to the authorized persons whose official duties require knowledge or possession of the particular material. In the event an authorized person or designee is not available to receive such documents, they shall be retained by the IIC and stored in an appropriate fashion until the authorized person or designee is available.

The Associate Director for Building Services and other senior officials of the Board are authorized to receive certain classified national security information in accordance with their official responsibilities. All classified documents shall be made available only to those persons or their designees whose official duties justify knowledge or possession of such material. In the event an authorized person or designee is not available to receive such documents, they shall be turned over to the IIC or to the office of the Associate Director for Building Services for storage, unopened, until the authorized person is available. Under no circumstances shall classified materials that are delivered to an authorized person be stored other than in designated containers in IIC or in the Division of Support Services.

C. *Reproduction*

Classified materials may be reproduced only in accordance with Executive Order 12065, Section 4-4, and any limitation imposed by the originator. Should copies be made, they are subject to the same controls as the original document. Records showing the number and distribution of copies shall be maintained by the handling office and the logs stored with the original documents. These measures shall not restrict reproduction for the purposes of mandatory review.

D. *Storage*

All classified documents relating to national security information shall be stored in a combination safe located in the Information Center located in the Division of International Finance, B-1127, or in other containers authorized by Executive Order 12065. Combination locks shall be changed as required by IS00 Directive #1, Section IVF5A. The combination of the safe shall be known only to authorized staff of the IIC and appropriate Board security officials.

E. *Employee Education*

All employees who have been granted a security clearance and who have occasion to handle classified material shall be advised of detailed handling, reproduction and storage procedures, and shall be required to review Executive Order 12065 and appropriate IS00 directives.

F. *Agency Terminology*

The Board does not have the authority to classify national security information. Material used at the Federal Reserve Board shall not bear the classification "TOP SECRET," "SECRET," or "CONFIDENTIAL" except in relation to information contained within the material that has been classified for national security purposes by a duly authorized agency. The authority to classify this type of information has been reserved to other agencies and departments of the Federal Government.

G. *Derivative Classification*

When information is derived from classified documents, the derived information will be given the same classification as the original document from which the information was dervied, after verifying the current level of the original document classification. The markings will be in accordance with Executive Order No. 12065. Dates or events for declassification or review shall be carried forward from the source material; further, if the classification is derived from more than one source, the latest date for declassification or review applicable to the various source materials shall be applied.

Board of Governors of the Federal Reserve System, October 18, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-32895 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-01-M

Northwest Bancorporation; Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Atlantic State Bank, Atlantic, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 18, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32894 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-01-M

Strasburg Bancorporation, Inc.; Formation of Bank Holding Company

Strasburg Bancorporation, Inc., Strasburg, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83.1 per cent of the voting shares of Strasburg State Bank, Strasburg, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 18, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32889 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Declassification of Records; Automatic Declassification of Records After 20 Years

1. *Authorization.* In accordance with the provisions of section 3-402 of Executive Order 12065, the agencies listed below have authorized the Archivist of the United States to automatically declassify information originated by them and under their exclusive and final declassification jurisdiction at the end of 20 years from the date of original classification. This authorization applies only to information that has been transferred to the General Services Administration and accessioned into the National Archives of the United States.

Department of Agriculture
Civil Aeronautics Board
Council of Economic Advisors
Federal Communications Commission
Federal Maritime Commission
Federal Reserve System
Department of Housing and Urban Development
Department of Interior
Interstate Commerce Commission
Department of Labor
National Advisory Council on International Monetary and Financial Policies
Office of Personnel Management
Securities and Exchange Commission
Selective Service System
Small Business Administration
Tennessee Valley Authority
Department of Transportation

2. *Deferral to another agency's jurisdiction.* The following agencies have notified the Archivist of the United States that since the classified information in records and documents ostensibly originated by them was derived from national security information that originated in another agency, NARS should apply the other agency's systematic review guidelines and defer final declassification determination to that other agency:

Foreign Claims Settlement, Commission of the United States (Department of State).
National Science Foundation (Office of Science and Technology Policy, Department of Defense, etc.).
United States International Trade Commission (Departments of State and Defense).

3. *Agency assistance to the National Archives.* Personnel from the agencies listed above will assist the National Archives staff when necessary in identifying the agency with jurisdiction over the classified information contained in their records or documents.

4. *Other systematic review guidelines.* Section 5-402 of Executive Order 12065 requires agencies to publish their guidelines for systematic declassification review in the Federal Register. Guidelines covering information originated by agencies not listed in this notice will be published separately.

Dated: October 17, 1979.

James E. O'Neill,

Acting Archivist of the United States.

[FR Doc. 79-32882 Filed 10-24-79; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Aging Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on December 3-4, 1979, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Md.

The meeting will be open to the public from 9:00 to 10:00 a.m. on December 3, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 3, from 10:00 a.m. to adjournment on December 4, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 5C-05 National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5345 will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc 79-32833 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCCP, National Cancer Institute, November 15 and 16, Building 31, 1st Floor, "A" Wing, Conference Room 4, National Institutes of Health. This meeting will be open to the public on November 16, 1979, from 9:00 a.m. to 5:00 p.m. to discuss aspects of the research and resources activities of the Division. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 15, 1979, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the

disclosure of which would constitute a clearly unwarranted invasion of privacy.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, Division of Cancer Cause and Prevention, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-6927 will furnish summary minutes, roster of committee members, and substantive program information.

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32848 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Cellular and Molecular Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, on November 12, 1979, at the National Institutes of Health, Westwood Building, Conference Room 428, Bethesda, Maryland.

This meeting will be open to the public on November 12, 1979, from 8:30 a.m. until 9:30 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 12, 1979, from 9:00 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Paul Deming, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Lee Van Lenten, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland 20205 (Telephone: 301/496-7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, General Medical Sciences)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32846 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Clinical Cancer Education Committee; Change in Meeting Place

Notice is hereby given of a change in meeting place of the Clinical Cancer Education Committee, National Cancer Institute, November 7-8, 1979, which was published in the Federal Register on September 12, 1979 (44 FR 53108).

The meeting will be held in Conference Room B, Room 101, Uniformed Services University of the Health Sciences, National Naval Medical Center, Bethesda, Maryland. The meeting will be open to the public on November 7, from 8:30 a.m.-9:30 a.m. Attendance will be limited to space available. The meeting will be closed on November 7, from 9:30 a.m. through adjournment on November 8 for the review of research grant applications, as stated in the original notice.

For further information, please contact Dr. Margaret H. Edwards, Westwood Building, Room 10A18, National Cancer Institute, Bethesda, Maryland 20205 (301/496-7761).

Dated: October 16, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32845 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on November 16, 1979, at the Inn at the Park, 1855 South Harbor Boulevard, Anaheim, California.

This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on November 16, 1979, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 16, 1979, from 9:30 a.m. to adjournment; for the review, discussion and evaluation of an individual grant application. This application and the discussion could reveal personal information concerning individuals associated with the application, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 4A-21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone (301) 496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32849 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, December 3, 4, and 5, 1979. The meeting will be held on December 3, in the New Jersey Room at the Holiday Inn, 8130 Wisconsin Ave., Bethesda, Maryland, 20014, and on December 4 and 5, 1979, in Conference Room 6, Bldg. 31-C, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on December 3, 1979, from 8:00 p.m. to 10:00 p.m., to discuss administrative matters relating to the Biomedical Research Support Program.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 4, 1979, from 9:00 a.m. to recess and on December 5, from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-13, National Institutes

of Health, Bethesda, Maryland 20205, (301) 496–5545 will provide summaries of the meeting and rosters of the Committee members. Dr. Michael A. Oxman, Executive Secretary of the General Research Support Review Committee, Bldg. 31, Rm. 5B–23, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32854 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, November 30–December 1, 1979, Conference Room 7, Building 31, Wing C, NIH Campus, Bethesda, Maryland.

This meeting will be open to the public on November 30, 1979 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 30, 1979, from 9:30 a.m. until adjourment on November 30, or possibly December 1, for the review, discussion and evaluation of an individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur Merrik, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, 13.839, National Institutes of Health)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32852 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, November 30, 1979, Conference Room 8, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 30, 1979, from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 30, 1979, from 9:30 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32851 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

High Blood Pressure Working Group; Meeting

Notice is hereby given of the meeting of the High Blood Pressure Working Group sponsored by the National Heart, Lung, and Blood Institute, January 14, 1980, National Institutes of Health, Building 31, C Wing, Conference Room 10, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. The Working Group is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

Mr. Graham W. Ward, Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 4A24, 9000 Rockville Pike, Bethesda, Maryland 20205 (301/496–1051) will provide additional information.

For the list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 4A21, 9000 Rockville Pike, Bethesda, Maryland 20205 (301/496–4236).

Dated: October 18, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32857 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Mental Retardation Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on December 4–5, 1979, in the Landow Building, Room A 1st floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on December 4 from 9:00 a.m. to 11:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Review and the Chief of the Mental Retardation and Developmental disabilities Branch and the Executive Secretary of the Committee.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title, 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on December 4 from 11:00 a.m. to adjournment on December 5 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with

the applications, disclusure which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, MICHD, Landow Building, Room 7C16, National Institutes of Health, Bethesda, Maryland, Area Code 301, 796-1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32855 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

National Heart, Lung, and Blood Advisory Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, November 29-30, 1979, from 9:00 a.m. to 5:00 p.m. at the National Institutes of Health, Building 31, Conference Room 10, Bethesda, Maryland.

This meeting will be open to the public on November 29 from 9:00 a.m. to 5:00 p.m. and on November 30 from 9:00 a.m. to approximately 3:00 p.m. for the discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on November 30 from approximately 3:00 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and roster of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A-17, (301) 496-7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health)

Dated: October 15, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32850 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

NIDR Special Grants Review Committee; Amended Notice of Meeting

Notice is hereby given of the change in the meeting place of the NIDR Special Grants Review Committee, National Institute of Dental Research, on November 6-7, 1979, which was published in the Federal Register on October 5, 1979 (44 FR 57503).

The Committee was to have met in Conference Room 8, Building 31-C, but has been changed to meet in Conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Programs Nos. 13-840 through 13-845, and 13-878, National Institutes of Health)

Dated: October 18, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32844 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Population Research Committee; Amended Notice of Meeting

Notice is hereby given of a change in the November 14-16, 1979, meeting of the Population Research Committee, National Institute of Child Health and Human Development, which was published in the Federal Register on August 22, 1979, 44 FR 49310.

This committee was to have convened at 9:00 a.m. on November 14, but has been changed to 9:00 a.m. on November 15.

The meeting will be open to the public from 9:00 a.m. to 10:30 a.m. on November 15.

Dated: October 18, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-32847 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

Workshop on Criteria for Selection, Preparation, and Characterization of Mineral Samples for Biological Testing

A workshop sponsored by the HEW Committee to Coordinate Environmental and Related Programs' Subcommittee to Coordinate Asbestos/"Asbestiform" Research Within the Public Health Service will be held to summarize and discuss some of the presently available information on those criteria of importance to the biological researcher in choosing mineral fibers for their investigations. Emphasis will be placed on establishing principles for selection, preparation and characterization of mineral samples in order to allow for better comparison of research results among the various investigators.

This open meeting will be held on Thursday, December 6, from 8:30 a.m. to 5:15 p.m., and will continue Friday, December 7, from 8:30 a.m. to 1 p.m. in Wilson Hall, Building 1, National institutes of Health, Bethesda, Maryland. Attendance by the public will be limited to space available. Individuals wishing to attend should give advance notice to: Ms. Ronda Rice, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3506 or FTS 629-3506.

A copy of the agenda and any additional information regarding the meeting will be provided by Ms. Rice on request.

Dated: October 12, 1979.

David P. Rall, M.D., Ph.D.,

Chairman, DHEW Committee To Coordinate Environmental and Related Programs.

[FR Doc. 79-32856 Filed 10-24-79; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A-12454]

Arizona; Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, filed an application for a right-of-way to construct a cathodic protection station, consisting of a rectifier pole, low voltage underground cable, and a deep anode bed, adjacent to their existing gas pipeline rights-of-way on the following described public lands:

GSR Mer., Arizona

T. 18 N., R. 17 W.,

Sec. 8, SE¼NE¼.

The cathodic protection station is necessary to the preservation and reliability of service of the natural gas pipelines.

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 view on this matter should do so promptly. Persons submitting comments should include their name and address, and send them to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon, Phoenix, Arizona 85017.

Dated: October 16, 1979.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-32934 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

Casper District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Casper District Grazing Advisory Board will be held on November 29, 1979.

The meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management Office at 951 Union Boulevard, Casper, Wyoming.

The agenda for the meeting will include: (1) Policy and guidelines for review of old unauthorized range improvements; (2) criteria for evaluating and modifying range betterment projects that do not meet current bureau standards; (3) priorities for expenditure of range betterment funds; (4) maintenance responsibility for range betterment projects.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on November 29, 1979, 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, 951 Union Boulevard, Casper, Wyoming by November 26, 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 within 30 days following the meeting.

Robert E. Wilber,

District Manager.

[FR Doc. 79-32918 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

[24128]

Colorado; R/W Application for Pipeline Northwest Pipeline Corp.

October 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-or-way, #79023, for a 4½" o.d. natural gas pipeline for the Philadelphia Creek Gathering System well hookup approximately .640 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 2 S., R. 101 W.,
Sec. 3: W½SE¼, SE¼SW¼;
Sec. 10: NE¼NW¼.

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the applications should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation*. Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

John R. Bernick,

Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-32905 Filed 10-24-79; 8:45 am]

BILLING CODE 6210-84-M

Ely District—Nevada Grazing Advisory Board Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 that a meeting of the Ely District Grazing Advisory Board will be held November 30, 1979.

The meeting will be called to order in the Conference Room at the White Pine County Library in Ely, Nevada at 10:00 a.m. (PST).

The meeting Agenda will include: (1) an update on resource inventories in progress and livestock grazing Environmental Statement schedules, (2) discussion on wild horses, (3) progress on range improvement project maintenance, (4) Moorman Ranch AMP, (5) Board Charter resolutions report, (6) public comment period.

The meeting will be open to the public. Interested persons may make oral statements to the Board at 2:00 p.m. (PDT) on November 30, 1979 or file written statements for the consideration of the Board.

Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301 by November 28, 1979.

A summary of minutes of the Board meeting will be on file at the Ely District Office and will be available for public inspection and reproduction during regular business hours for 30 days following the meeting.

George W. Cropper,

Acting District Manager.

October 16, 1979.

[FR Doc. 79-32915 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38381 and 38423]

New Mexico; Applications

October 15, 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), Transwestern Pipeline Company has applied for two 4-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 25 E.,
Sec. 11, SW¼NW¼ and N½SW¼.
T. 18 S., R. 30 E.,
Sec. 26, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 33, NE¼SE¼ and S½SE¼;
Sec. 34, NE¼NE¼, S½NE¼, SE¼NW¼ and N½SW¼;
Sec. 35, N½NW¼.

These pipelines will convey natural gas across 3.218 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.

Stella V. Gonzales,

Chief, Lands Section.

[FR Doc. 79-32913 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

Montana; Interim Designation for Areas of Critical Environmental Concern

October 15, 1979.

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of interim designation under Areas of Critical Environmental Concern Authority.

SUMMARY: Notice is hereby given that the following described land in Beaverhead County, Montana, contain resources that are of critical environmental concern and will be managed and protected through authorities in Public Law 94-579, dated October 21, 1976. These lands will be formally designated through the procedures published as Proposed Guidelines in Federal Register, Volume 44, No. 110, dated June 6, 1979, when such policy and guidelines are finalized:

T. 14 S., R. 1 E.,
Sec. 8, SE¼SE¼.
Containing 40 acres.

ADDRESS: Supporting data may be obtained by writing the Bureau of Land Management, P.O. Box 308, Butte, Montana 59701.

Michael J. Penfold,

State Director.

[FR Doc. 79-32906 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

Montana; Accelerated Wilderness Inventory of Area Proposed To Be Crossed by Northern Border Leg, Alaska Natural Gas Transportation System

October 15, 1979.

Background

Notice is hereby given that the Montana Bureau of Land Management has completed the intensive wilderness inventory of Inventory Unit MT-064-356, Bitter Creek, which is proposed to be crossed by the Alaska Natural Gas Transportation System. A 60-day public comment period, resulting in a final wilderness study area decision for this area, will be conducted in advance of the statewide inventory. This inventory is being conducted in accordance with the provisions of Section 603 of the Federal Land Policy and Management Act of 1976 and Section 2(c) of the 1964 Wilderness Act.

The Bitter Creek Unit is located in North Valley County, Lewistown District, and contains 60,680 acres. This Unit originally contained 53,640 acres. However it was found during the intensive inventory that a road which was believed to exist, which segregated some of the public lands from the roadless area, does not exist.

Decision

The Bitter Creek Unit was found to have wilderness characteristics as defined in Section 2(c) of the Wilderness Act and is proposed to become a wilderness study area. The 60-day public comment period will begin October 22, 1979, and end December 20, 1979. A public meeting to review inventory findings and solicit public comment has been scheduled for December 4, 1979, at 7 p.m. M.S.T. at the Valley County Courthouse, Glasgow, Montana. Upon completion of the comment period, a final decision will be made by the Montana State Director and announced in Montana media sources and the Federal Register. A ½-inch/mile scale map and intensive inventory wilderness narrative description is available upon request from the following Bureau of Land Management offices:

Lewistown District Office, Airport Road, P.O. Drawer 1160, Lewistown, Montana 59457, Telephone: (406) 538-7461.

Valley Resource Area, 626 Third Avenue North, Glasgow, Montana 59230, Telephone: (406) 228-4316.

Kannon Richards,

Acting State Director.

[FR Doc. 79-32907 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Sale; Public Lands in Washoe and Lyon Counties; Nev.

The following described public lands have been determined to be suitable for disposal by public auction under the Authority of Section 203, Pub. L. 94-579 entitled the Federal Land Policy and Management Act, (43 U.S.C. 1713).

Mount Diablo Base and Meridian

Township 20 North, Range 24 East,
Sec. 2, S½S½.
Containing 160 Acres, More or Less.

The parcel will not be sold for less than fair market value. This value will be determined at a later date by government appraisers. Information to be provided will include the appraised value, date, time and place where the sale is to be held. The information will also include instructions for the bidding procedures required for the public land sale.

The purpose of the public auction land sale is to provide public lands for industrial expansion, private enterprise. The parcel is located within the broad band of checkerboard railroad grant lands that involve a considerable portion of the Winnemucca District. The sale is consistent with the Bureau's planning system for the lands involved. Public interest will be well served by making these lands available for public sale.

Patent restrictions are to include ditches and canals.

No preference rights will be granted to adjoining landowners. Detailed information concerning the sale, including the environmental assessment, lands field report are available for review at the Winnemucca District Office, Bureau of Land Management, 705 East Fourth Street, Winnemucca, Nevada 89445.

On or before December 24, 1979, all interested parties may submit comments to the Secretary of Interior, LLM-320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the department.

Chet Conard,

Acting State Director.

October 18, 1979.

[FR Doc. 79-32914 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; New System Notice

Notice is hereby given that the Bureau of Indian Affairs of the Department of the Interior has adopted a new personal record system known as the "Integrated Records Management System—Interior, BIA-25." This automated system is designed to maintain and report information on land leasing, use, ownership, income and water resources

rights of individual Indians and of Indian tribes. This system is established under the authority found in: 25 U.S.C. 151, 25 U.S.C. 392, 25 U.S.C. 415, and 25 U.S.C. 163. The personal record system is set out below.

Comments on the proposed system should be submitted to the Departmental Privacy Act Officer, U.S. Department of the Interior, Washington, D.C. 20240. Copies of any comments received may be inspected in Room 5316 of the Interior Department. All comments received on or before November 16, 1979, will be considered.

Dated: October 15, 1979.

William L. Kendig,

Assistant Secretary of the Interior.

SYSTEM NAME:

Integrated Records Management System—Interior BIA-25.

SYSTEM LOCATION:

(1) All Area and Agency Offices Listed Below:

Agency, Location, and Contact

Billings Area Office Computer, Area Director.
Billings Area Office, Billings, MT, Area Director.
Flathead Agency, Ronan MT, Superintendent.
Flathead IRR Project, St. Ignatius, MT, Project Engineer.
Northern Cheyenne Agency, Lame Deer, MT, Superintendent.
Crow Agency, Crow Agency, MT, Superintendent.
Blackfeet Agency, Browning, MT, Superintendent.
Fort Belknap Agency, Harlem, MT, Superintendent.
Fort Peck Agency, Poplar, MT, Superintendent.
Rocky Boy Agency, Box Elder, MT, Superintendent.
Wind River Agency, Fort Washakie, WY, Superintendent.

Aberdeen Area Office

Ft. Berthold Agency, New Town, ND, Superintendent.
Turtle Mountain Agency, Rolla, ND (Belcourt), Superintendent.
Lower Brule Agency, Lower Brule, SD, Superintendent.

Portland Area Office

Yakima Agency, Toppenish, WA, Superintendent.
Northern Idaho Agency, Lapwai, ID, Superintendent.
Wapato IRR Project, Wapato, WA, Project Engineer.
Denver—Bureau of Mines—Computer, ADP Manager.
Aberdeen, Lower Brule Agency, Reliance, SD, Superintendent.
Albuquerque, Southern Pueblos Agency, Albuquerque, NM, Superintendent.
Anadarko, Anadarko Agency, Anandarko, OK, Superintendent.
Muskogee, Tahlequah Agency, Tahlequah, OK, Superintendent.
Phoenix, Pima Agency, Sacaton, AZ, Superintendent.
Window Rock, Eastern Navajo Agency, Crownpoint, NM, Superintendent.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indian and Indian Tribal groups that are owners of real property held in trust by the Government, individuals or groups that are potential or actual lessees of that property, individuals who have been assigned interests of any in Indian Tribes, Pueblos or corporations, and individual Indians who have money accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Land description, current ownership, dower and life estate interest, information on all types of leases or other land uses including grazing, farming, minerals mining, timber and business etc. Information on individuals including name, address, aliases, sex, date of birth, tribal membership and blood quantums, etc. General ledgers showing deposits and withdrawals from Indian accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 151, 25 U.S.C. 392, 25 U.S.C. 415, and 25 U.S.C. 163.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

The primary uses of the records are: (a) To control individual Indians money accounts and disclose to them the status of those accounts. (b) Identification of individual Indians and Indian Tribal groups with interest in lands held in trust. (c) Control of leases on Indian trust lands and real property, and collection and distribution of lease income. (d) Bill individual owners or lessees for irrigation. (e) Determination of eligibility of individuals to participate in or enjoy benefits from an interest in a tribal group. (f) Lists of approved enrollees used to distribute funds or income, or as a base to gather census or ownership data for planning purposes. Disclosures outside the Department of the Interior may be made. (1) To the Tribe, band, Pueblo or corporation of which the individual to whom a record pertains is a member or a stockholder. (2) To a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (4) To the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files, computer readable media, input forms and computer printouts. Computer: mag tape and disk piles.

RETRIEVABILITY:

(a) Indexed by name, identification numbers, family numbers, lease numbers, tract numbers, etc. (b) Retrieved by manual search or computer inquiry.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Permanent records are retrieved. Closed or inactive records are transferred to GSA storage. Prior information on mag tape erased as updated information is added to the system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Real Property Management, 316 N. 26th St., Billings, MT 59101.

NOTIFICATION PROCEDURE:

System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed the same as for Notification.

The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Enrollees or claimants. Birth, marriage and death certificates, and family and tribal histories. Owners and lessees. Titles, deeds probates, all types of land and water rights and usages documents. Individual Indians, depositors in the accounts and claimants against the accounts.

[FR Doc. 79-32975 Filed 10-24-79; 8:45 am]
BILLING CODE 4310-10-M

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-29]

Coke From West Germany; Inquiry and Hearing

The United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on October 17, 1979, that during the course of determining, in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)) whether to institute an investigation with respect to coke from West Germany, Treasury has concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured by reason of the importation of this merchandise into the United States. For purposes of this inquiry, coke is defined as "coke classifiable under TSUS item 521.31." Therefore, the Commission on October 22, 1979, instituted inquiry No. AA1921-Inq.-29, under section 201(c)(2) of the act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the inquiry will be held in Washington, D.C., at 10:00 a.m., e.s.t., on Tuesday, October 30, 1979, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. All parties will be given an opportunity to be present, to produce information and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than 5:00 p.m., Friday, October 26, 1979.

Written statements. Interested parties may submit statements in writing in lieu of, or in addition to, appearing at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than Wednesday November 7, 1979.

Possible applicablility of new antidumping law. Should be Commission not determine that there is no reasonable indication that an industry int the United States is being injured, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it is possible that in accordance with section 102 of the Trade Agreements Act of 1979, investigation into imports of coke from West Germany will proceed after January 1, 1980, pursuant to subtitle B of title VII of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979. Accordingly, information submitted to or gathered by the Commission in conjunction with this proceeding under section 201(c)(2) of the Antidumping Act may be subject, after January 1, 1980, to the new antidumping provisions set forth in title VII of the Tariff Act of 1930, inlcuding the record retention and disclosure provisions of section 777 thereof.

By order of the Commission.

Issued: October 22, 1979.

Kenneth R. Mason,
Secretary.

[FR Doc. 79-32957 Filed 10-24-79; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

National Institute of Corrections Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Sunday, November 11, 1979, starting at 9:00 a.m., at the Colonial Williamsburg Motor House, South England Street, Williamsburg, Virginia 23185.

At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its subcommittees' reports and recommendations as to future thrusts of the Institute.

Allen F. Breed,
Director.

[FR Doc. 79-32917 Filed 10-24-79; 8:45 am]
BILLING CODE 4410-05-M

Drug Enforcement Administration

[Docket No. 79-4]

Charles J. Burks, M.D.; Revocation of Registration

On January 8, 1979, the Administrator of the Drug Enforcement Administration (DEA) directed to Charles J. Burks, M.D., the Respondent herein, an Order to Show Cause as to why the Respondent's DEA Certificates of Registration (AB1694606) and (AB8205937) should not be revoked for reason that on June 26, 1978, Respondent was convicted in the Allegheny County Court of Common Pleas, Pittsburgh, Pennsylvania, on seven (7) counts of prescribing controlled substances outside the treatment principles of the profession, in violation of 35 Pennsylvania Statutes 780-113(a)(14). The convictions are controlled substances-related felonies. Through counsel, Respondent requested a hearing on the Order to Show Cause. After preliminary procedures, including a Prehearing Conference conducted by telephone in which the Administrative Law Judge and Counsel for the Government and Respondent participated, the Honorable Francis L. Young, Administrative Law Judge, conducted a hearing in Washington, D.C., on March 23, 1979.

On August 3, 1979, Judge Young certified to the Administrator, pursuant to 21 CFR 1316.65, the record of the proceedings in this matter, together with his recommended findings of fact and conclusions of law, and a recommended decision. Pursuant to 21 CFR 1316.66, the Administrator hereby publishes his Final Order in this proceeding, based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found that Respondent Burks was convicted in the Alleghency County Court of Common Pleas, Criminal Division, Pittsburgh, Pennsylvania, of seven of eight felony counts of an indictment charging him with illegally dispensing controlled substances not in good faith, i.e., not for a legitimate medical purpose. Respondent was also convicted of seven of eight misdemeanor counts in the same indictment, charging him with prescribing controlled substances to drug dependent persons.

Judge Young found that the leading factual witness for the Commonwealth

of Pennsylvania was a man addicted to Morphine Sulphate. He was a co-defendant of Respondent who pled guilty and cooperated with the Commonwealth, which agreed to inform the trial and sentencing judge of this individual's cooperation, and make no recommendation concerning his sentence. He testified that he first visited Respondent in April, 1975, after speaking with another co-defendant to learn where to find a new source of Morphine Sulphate. The co-defendant was obtaining prescriptions from Respondent for one-hundred Morphine Sulphate tablets about every two days. At his first visit, the witness and co-defendant went to Respondent's office where the witness told Respondent that he had been in an automobile accident and had hurt his neck. The Administrative Law Judge found that this was to provide a colorable entitlement, medically, for Morphine Sulphate, since the witness had no actual problem with his neck. At this first visit, Respondent sold the witness three prescriptions, each for one-hundred, one-half grain Morphine Sulphate tablets, for $30 per prescription.

Judge Young found that the medical history and examination taken from the witness by Dr. Burks were merely a sham. Respondent performed none of the standard procedures of a medical examination on the witness. The Respondent did not advise the witness of any of the common treatments for arthritis nor prescribe a less addictive analgesic than Morphine Sulphate. At no time during the witness' numerous visits with Respondent between March, 1975 and March, 1976 did Respondent perform any of the commonly accepted tests for arthritis or refer the witness to a specialist or hospital for treatment. Respondent ascertained that the witness was addicted, but did not attempt to enroll him in a detoxification program. The witness would use about half the Morphine Sulphate and sell the rest.

Judge Young further found that the witness continued to return to Respondent for Morphine Sulphate prescriptions. Respondent would write the witness fifteen (15) prescriptions at a time for a total of 1500 tablets. Each prescription was for 100 one-half grain tablets of Morphine Sulphate, or a total of 50 grains. Respondent was writing prescriptions for equal amounts of Morphine Sulphate for the co-defendant. The witness paid $30 per prescription, or $450 per visit, in cash. Respondent would date the prescriptions for every other day in a month, for example, all the even numbered days. The witness was selling about half the Morphine Sulphate he obtained from Respondent by prescription and ingested the rest himself, carrying on with the co-defendant a brisk illegal discount business in the drug.

Judge Young found further that Respondent indicated on the witness' prescriptions that he was suffering from cervical arthritis, and on the co-defendant's prescriptions that he was suffering from colitis. An expert in toxicology and pharmacology testified for the Commonwealth at Respondent's trial that even 50 one-half grain tablets of Morphine Sulphate per day over a period of a year exceeds the minimum lethal dose quantities. Another expert witness testified for the Commonwealth on the symptoms and treatment of cervical arthritis. He testified that the witness had quite mild cervical arthritis, and in his opinion, the prescription of 100 one-half grain tablets of Morphine everyday for a year was not standard or ethical practice. Another expert witness testified for the Commonwealth on colitis. His opinion was that such large amounts of Morphine Sulphate are wrong and improper.

The Administrative Law Judge found that Respondent admitted to prescribing large quantities of Morphine Sulphate to certain persons. Respondent testified that he prescribed under a Pennsylvania law permitting doctors to prescribe Morphine Sulphate to addicts to maintain their addiction after approval from State authorities was obtained. Judge Young found that a 1917 Pennsylvania law, repealed in 1961, permitted physicians to prescribe opium or its derivative to cure a person's drug habit, and not merely to satisfy a craving for the drug. Morphine Sulphate is a substance extracted and purified from the opium poppy. Respondent testified that he obtained permission to treat the witness and co-defendant from a state drug control officer who had subsequently died. In any event, the 1917 law was repealed in 1961. Judge Young found that the law of Pennsylvania in effect in 1975 and 1976 was that quoted by the trial judge in his instruction to the jury. The trial judge instructed the jury that if the practitioner knows or has reason to know that the patient is a drug dependent person, then the practitioner is not allowed to prescribe a controlled substance unless it is done for the cure or treatment of some malady other than the drug dependency. Respondent was convicted of unlawfully prescribing Morphine Sulphate. Judge Young concluded that there are lawful grounds for the revocation of Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(2) and recommended that said registration be revoked. The Administrator hereby adopts the Administrative Law Judge's findings, conclusion and recommended decision as set forth above.

Judge Young found further that Respondent is 60 years old. Dr. Burks had practiced medicine in the North Side of Pittsburgh from 1946 to December, 1976, the time of his trial. Since that time, he has been on the emergency room staff of a Pittsburgh hospital. Judge Young found that Respondent was the first black to graduate from the University of Pittsburgh Medical School and the first black ever to gain admission to the staff of a hospital in Pittsburgh area. Respondent was active in community work, and was responsible for opening up the first methadone maintenance clinic in the Pittsburgh. Respondent also holds a Masters degree in public health. Judge Young found, from Respondent's testimony, that a private medical practice is no longer a viable option for him, and that he prescribes controlled substances very infrequently in his emergency room work.

The Administrator finds, after a thorough review of the record of this proceeding, including exceptions filed on behalf of Respondent, that the public interest will be served if the Respondent is permitted to administer or order the administration of controlled substances in the course of his professional practice as an emergency room physician. The Administrator further finds that there is no legal or regulatory impediment to his doing so, so long as he remains licensed to practice medicine in the Commonwealth of Pennsylvania and confines his practice to a hospital properly registered under the Controlled Substances Act. However, 21 CFR 1301.76(a) provides that a "registrant shall not employ as an agent or employee who has access to controlled substances any person who has had * * * his registration revoked, at any time." In order that this Respondent may be employed or practice in a registered hospital, the Administrator hereby waives the prohibition of 21 CFR 1301.76(a) with respect to the employment or practice of Charles J. Burks, M.D., as an emergency room physician.

Having reviewed the record of this proceeding in its entirety, including exceptions filed on behalf of Respondent, and having concluded that the subject registration should be revoked for reason that Respondent has been convicted of a felony relating to

controlled substances, it is the decision of the Administrator that said registration be revoked. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administation, the Administrator hereby orders that the Certificates of Registration AB1694606 and AB8205937 previously issued to Charles J. Burks, M.D., be, and are hereby, revoked, effective November 26, 1979.

Dated: October 22, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-32932 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 79-7]

Chester J. Hurd, M.D.; Revocation of Registration

On December 22, 1978, the Administrator of the Drug Enforcement Administration [DEA] directed to Chester J. Hurd, M.D. [Respondent] an Order to Show Cause proposing to revoke the Respondent's DEA Certificate of Registration and to deny his then-pending application for registration. On January 18, 1979, the Respondent, through counsel, responded to the Order to Show Cause and this matter was placed on the docket of the Administrative Law Judge.

Prior to any formal proceedings in this matter, counsel for the Government and counsel for the Respondent entered into a Stipulation and Joint Motion for Continuance of the Proceedings. In addition to containing a stipulation with respect to the Respondent's conviction, this document incorporated the Respondent's agreement with California authorities, wherein the Respondent agreed that he would not practice medicine pending the outcome of the appeal of his criminal conviction. The Stipulation also provided that in the event that the conviction was upheld, and the Respondent ordered to serve his sentence of imprisonment, he would not further contest the Order to Show Cause in this matter and that the Administrator might enter his Final Order revoking the Respondent's registration and denying his pending application without further proceedings in this matter.

On October 5, 1979, Counsel for the Respondent advised Counsel for the Government that the Court of Appeals had affirmed the Respondent's conviction and that the Respondent had commenced serving his sentence. The Administrator takes notice that on July 3, 1979, the United States Court of Appeals for the Ninth Circuit, without published opinion, did in fact affirm the judgment of the United States District Court for the Northern District of California; see 603 F.2d 226.

On October 10, 1979, upon motion of the Government, the Administrative Law Judge terminated the proceedings pending before him and transmitted the record of these proceedings to the Administrator.

The Administrator finds that on August 18, 1978, in Docket No. Cr-77-504-SW-SJ, United States District Court for the Northern District of California, the Respondent, Chester J. Hurd, M.D., was convicted in seventeen counts of violating 21 U.S.C. 841(a)(1) and 846, felony offenses under the Controlled Substances Act. The Administrator finds and concludes that there is a lawful basis, under 21 U.S.C. 824(a)(2), for the revocation of the Respondent's DEA registration and for the denial of his pending application for registration. The Administrator further finds, in light of the Stipulation filed herein and in consideration of the recommendation of the Administrative Law Judge, that such remedies are indeed warranted in this case.

In consideration of the terms of paragraph eight of the aforementioned Stipulation, the Administrator further concludes that it is unnecessary to provide either the Government or the Respondent with an opportunity to file exceptions in this matter. See 21 CFR § 1316.66 (44 F.R. 55332).

Accordingly, pursuant to the authority vested in the Attorney General by the Controlled Substances Act, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that DEA Certificate of Registration AH5792913, previously issued to Chester J. Hurd, M.D., be, and it hereby is, revoked. The Administrator further orders that the pending application for registration, executed by the Respondent on October 23, 1978, be, and it hereby is, denied. Such actions to be effective immediately.

Dated: October 19, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-32879 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-09-M

Office of the Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 1902, notice is hereby given that a proposed consent decree in *United States of America* v. *Bacardi Corporation*, Civil Action No. 79-2324, has been lodged with the United States District Court for District of Puerto Rico. The proposed decree would require Bacardi Corporation to construct, by December 1, 1983, and to operate treatment facilities in order to achieve compliance with a new NPDES permit to be issued to it.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Bacardi Corporation*, D. J. Ref. 90-5-1-1-1261.

The proposed consent decree may be examined at the office of the United States Attorney, U.S. Post Office and Courthouse Building, Receipto Sur, Old San Juan, Puerto Rico 00904; at the Region II office of the Environmental Protection Agency, Enforcement Division, 26 Federal Plaza, New York, New York 10007; and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2625, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-32918 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Air and Water Pollutants by WSC Corp. at its Chicago Plant

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 3, 1979, a proposed consent decree in *United States* v. *WSC Corporation* (N.D. Ill., Civ. No. 79C 4130), was lodged with the United States District Court for the Northern District of Illinois. The proposed consent decree covers three blast furnaces, a sinter plant, a boiler, a

coke battery, and a basic oxygen furnace shop, and it requires the Corporation to bring its Chicago plant into compliance with requirements of the Clean Air Act and the Federal Water Pollution Control Act by November 30, 1982.

The proposed consent decree may be examined at the office of the United States Attorney, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1500 South, Chicago, Illinois 60604, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2633, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C 20530, and should refer to *United States* v. *WSC Corporation* (N.D. Ill., Civ. No. 79C 4130), D.J. Ref. 90-5-2-1-268.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

In the U.S. District Court for the Northern District of Illinois, Eastern Division

United States of America, Plaintiff, vs. *W S C Corporation, Defendant; People of the State of Illinois, Plaintiff,* vs. *Wisconsin Steel Company, Corp., et al, Defendants.*

Case No. 79C 3396; Judge Marovitz; Consent Order

Plaintiff, People of the State of Illinois, having filed its Complaint herein on August 16, 1979, and Plaintiff, United States of America, having filed the Complaint herein on ———, 1979;

And plaintiffs and defendant W S C Corp. (WSC) having moved the Court to enter this Consent Order;

And the Court in open hearing having been fully advised of the premises;

Now, Therefore, before the taking of any testimony, and without any admission or denial of the violations alleged in the Complaints, it is hereby Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto for the purpose of entering this Consent Order. The Complaints state claims upon which relief can be granted against the Defendant.

II

The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, and successors; in addition, the provisions of this Consent Order shall apply to all persons, firms and corporations having notice of this Order and who are acting in concert and privity with Defendant or its officers, directors, agents, servants, employees and successors, including but not limited to a trustee or receiver in bankruptcy. WSC shall notify any successor in interest prior to the transfer of ownership, and simultaneously notify Region V, U.S. EPA, and Illinois EPA that notice has been given.

III

In consideration of the foregoing and the representations made in open Court by parties hereto, and in consideration of the U.S. EPA's clearance to the Economic Development Administration (EDA) of the Department of Commerce required to obtain fixed asset and working capital financing guaranteed, in part, by the EDA, WSC Hereby Consents and Therefore, it is Hereby Ordered that WSC complete the following specified adts with respect toits facility located at 2800 E. 106th Street, Chicago, Illinois, in accordance with the terms set forth below:

A. WSC shall control particulate emissions from its coke battery No. 4 as follows:

1. *Charging:*

a. WSC shall install a new larry car on its coke battery No. 4, which shall include technology to effect stage charging on each oven and double drafting of the charging emissions into the collector main during the entire charging operation. Said larry car shall be installed in accordance with the following schedule:

i. May 1, 1979—Solicit proposals for new larry car.

ii. August 15, 1979—Award contract for fabrication of new larry car and make contract available for inspection.

iii. May 1, 1981—Complete installation of new larry car and commence stage charging.

iv. June 1, 1981—Achieve and demonstrate compliance with Paragraph III A(1)(c) of this Decree.

b. For purposes of this Decree, the charging operation is defined as the introduction of coal into a coke oven, beginning when the larry car slide gate(s) open or mechanical feeder(s) start the flow of coal into the oven and ending when the last charging port lid is replaced.

c. There shall be no visible particulate emissions from any coke oven charging port, except for a period or periods aggregating 15 seconds during any one coke oven charging operation, provided however, such emission does not exceed 30% opacity at any time.

d. For purposes of subparagraph c above, compliance shall be determined as follows. Observations of charging emissions shall be made from any point or points on the topside of a coke oven battery at a sufficient distance from which an observer can obtain an unobstructed view of the charging operation. The observer will determine and record the total number of seconds that charging emissions are visible during the charging of coal to the coke oven. The observer shall time the visible charging emissions with a stopwatch while observing the charging operation. Simultaneous emissions from more than one emission point shall be timed and recorded as one emission and shall not be added individually to the total time. Charging emissions shall not include any emissions observed after all the charging port covers have been firmly seated. The number of seconds of visible emissions observed, clock time for the initiation and completion of the charging operation battery identification and oven number for each charge shall be recorded by the observer. In the event that observations of emissions from a charge are interrupted due to events beyond the control of the observer, the data from that charge shall be invalidated and the observer shall note on his observation sheet the reason for invalidating the data.

In order to determine whether such visible emissions exhibit greater than 30% opacity, the data reduction procedures of Section 2.5, 40 CFR Part 60, EPA Method 9, shall not apply in that averaging is inapplicable.

2. *Doors Areas:*

a. WSC shall adjust, repair, or replace the coke oven door areas on coke battery No. 4 and achieve and demonstrate compliance with the emission limitations set forth in Illinois Rule 203(d) and subparagraph (c) below on or before October 1, 1979.

b. For purposes of this Decree, door area is defined as the vertical face of a coke oven between the bench and the top of the battery and between two adjacent buckstays, including, but not limited to the door, chuck door, door seal, jamb, and refractory.

c. There shall be no visible emissions from more than 10% of all coke oven doors at any time. For purposes of this Decree, compliance shall be determined as follows. Compliance shall be determined from ground level by a one pass observation of all coke oven doors. Each door area shall be observed in sequence for only that period necessary to determine whether or not, at the time, there are visible emissions from any point on the door areas while the observer walks along the side of the battery. If the observer's view of a door area is more than momentarily obstructed, as, for example by door machinery, pushing machinery, coke guide, luter truck, or opaque steam plumes, he shall record the door area obstructed and the nature of the obstruction and continue the observations with the next door area in sequence which is not obstructed. The observer shall continue this procedure along the entire length of the battery recording the battery identification, battery side, and ove door identification number of each door area exhibiting visible emissions. Before completing the traverse or immediately thereafter he shall attempt to reobserve the obstructed doors. Compliance with this section shall be calculated by application of the following formula, which excludes obstructed door areas from the denominator:

$$\frac{\text{(No. of door areas with visible emission)}}{\text{(No. of door areas on operating ovens)} - \text{(No. of door areas obstructed from view)}} \times 100\% = 10\% \text{ or less.}$$

3. *Coke Oven Ports:*

a. On or before April 1, 1980, WSC shall not cause or allow visible emission from more than 5% of all coke oven ports at any time.

b. For purposes of this Decree, compliance with subparagraph a above shall be determined as follows. Observations of any visible emissions from coke oven topside, other than charging or pushing emissions, shall be made and recorded during the time an observer walks the topside of a battery from one end to the other. Each oven shall be observed in sequence. The observer shall record the battery identification, the points of topside emissions from each oven and the oven number, and the number of operating ovens and charging ports open to the atmosphere. Compliance with this subparagraph shall be determined by application of the following formula:

$$\frac{\text{(No. of charging ports with visible emissions)} - \text{(No. of open charging ports—not to exceed those on three ovens)}}{\text{(No. of charging ports on operating ovens)}} \times 100\% = 5\% \text{ or less.}$$

4. *Coke Oven Offtake Piping:*

a. On or before April 1, 1980, WSC shall not cause or allow visible emissions from more than 10% of all coke oven offtake piping at any time.

b. For purposes of determining compliance with subparagraph a above, observation of any visible emissions from the offtake piping shall be made by a one pass observation of all offtake piping. During the traverse, the observer may walk as close as possible to the offtake piping to determine whether an observed emission is emanating from the offtake piping or from some other point.

Each oven shall be observed in sequence. The observer shall record the battery identification, the number of operating ovens, the points of offtake piping emissions from any oven and the oven number, and all offtake lids open to the atmosphere. Compliance shall be determined by application of the following formula:

$$\frac{\text{(No. of offtake piping with visible emissions)} - \text{(No. of open offtake piping—not to exceed those on three ovens)}}{\text{(No. of offtake piping on operating ovens)}} \times 100\% = 10\% \text{ or less.}$$

B. *Blast Furnaces Nos. 1, 2, and 3:*

WSC shall comply with the emission limitations set forth in Illinois Regulations 202 and 203 for control of particulate emissions from its blast furnace cast houses Nos. 1, 2, and 3 as follows:

1. WSC shall capture, at a minimum, particulate matter emanating from the iron-notch and trough during the casting operation, by installing either (1) local hooding over the iron trough, extending from the tap hole to at least the dam or (2) a whole building evacuation system. Particulate matter captured shall be cleaned by a baghouse.

2. The equipment as specified above for cast houses Nos. 1, 2, and 3 shall be installed in accordance with the following schedule and shall achieve the standards set forth in subparagraphs 3 and 4 below:

a. April 1, 1979—Commence development of specifications for iron trough hooding, fans, and baghouse for cast houses Nos. 1, 2, and 3.

b. July 1, 1980—Solicit proposals for fabrication of fans and baghouse for cast houses Nos. 1, 2, and 3.

c. October 1, 1980—Complete installation of iron trough hooding in cast house No. 3.

d. December 1, 1980—Award contracts for fabrication of fans and baghouse for cast houses Nos. 1, 2, and 3 and make contracts available for inspection.

e. October 1, 1982—Complete installation of fans, baghouses, and ductwork for cast houses Nos. 1, 2, and 3 and hooding in cast houses Nos. 1 and 2.

f. November 30, 1982—Achieve compliance with Illinois Regulation 203 and paragraph III B(3) of this Decree at cast houses Nos. 1, 2, and 3 and demonstrate compliance with paragraph III B(3) of this Decree.

3. The outlet concentration of particulate matter from the baghouse installed pursuant to paragraph III B(1) shall not exceed 0.020 gr/dscf as measured in accordance with EPA Methods 1–5 as given in 40 CFR Part 60, Appendix A. If a positive pressure baghouse is used, WSC shall install stack(s) to ventilate outlet emissions therefrom to the atmosphere. Such stack(s) shall permit the testing of the baghouse emissions by EPA Methods 1–5. Construction of the stacks may be waived by the Administrator if prior to the date for testing, EPA has certified to WSC a suitable alternative to EPA Methods 1–5.

4. Visible emissions from each cast house shall not exceed 30% opacity except for a period aggregating not more than 8 minutes (32 individual readings) in any 60 minute period. At no time shall the opacity of the casthouse emissions exceed 60%. Opacity is to be measured by EPA Method 9 except for the averaging provisions of Section 2.5 therein. Each monitoring observation shall be deemed to represent the opacity for a 15-second period.

C. *Sinter Plant:*

WSC shall not commence operation of its sinter plant, which is currently shut down, until such time as it is equipped with air pollution control equipment that meets all new source review requirements including LAER or BACT, if applicable, and can operate in compliance with the requirements of the Illinois State Implementation Plan.

D. *BOF Shop:*

1. WSC shall control particulate emissions from its basic oxygen furnace (BOF) shop according to the following schedule to achieve the emission limitations set forth in subparagraphs 2 and 3 below.

2. Visible emissions from the BOF shop precipitators and its roof monitors shall not exceed 30% opacity except for a period or periods aggregating more than 8 minutes in any 60 minute period and shall not exceed 60% opacity at any time.

Opacity is to be measured by EPA Method 9 except for the averaging provisions of Section 2.5 therein. Each monitoring observation shall represent a 15-second period.

3. The aggregate of mass emissions from the main gas cleaning stack and uncaptured fugitive emissions due to charging, oxygen blow, tapping, turndown, and slagging shall not exceed that allowable emission rate determined by Rule 203.

4. WSC shall rehabilitate the BOF electrostatic precipitator (ESP), one chamber at a time, keeping the remaining chambers in operation, in accordance with the following schedule:

a. July 1, 1979—Award contract for rehabilitation and make copy available for inspection.

b. April 1, 1980—Commence tear-out and rehabilitation of one chamber of ESP (first chamber).

c. August 1, 1980—Complete rehabilitation of first chamber and place in service.

d. December 1, 1980—Complete rehabilitation of second chamber and place in service.

e. April 1, 1981—Complete rehabilitation of third chamber and place in service.

f. August 1, 1981—Complete rehabilitation of fourth chamber and place in service.

g. October 1, 1981—Achieve and demonstrate compliance.

5. WSC shall fabricate and install a lance hole cover on each BOF vessel on or before September 1, 1979.

6. WSC shall install new hood panels on three sides of that section of the primary collection hood directly above each vessel, including that side containing the lance hole, on or before September 1, 1979. The above hood panels shall be of the water cooled, tubular steel type.

7. On or before September 1, 1979, WSC shall achieve and demonstrate compliance with the emission limitations set forth in paragraph III (d)(2) for emission exclusively from its BOF roof monitors.

8. On or before October 1, 1981, WSC shall achieve and demonstrate it has achieved compliance with the emission limitations set forth in paragraph III (D)(2) and (3) above at the entire BOF shop.

E. *Boiler No. 4:*

WSC shall demonstrate to the U.S. EPA, on or before July 1, 1979, that particulate emissions from its boiler No. 4 do not exceed the standard as determined by the following formula:

$$E = SsHs + 0.10H_1$$

Where:

E = allowable particulate emission rate in pounds per hour,

SS = 0.1 pounds per million btu of the actual heat input,

Hs = actual heat input from solid fuel in million btu per hour, and

H_1 = actual heat imput from liquid fuel in million btu per hour.

F. WSC shall design and construct recycle systems for its Blast Furnace and Mill water systems in accordance with the following schedule:

1. September 11, 1978—Commence project.

2. November 11, 1978—Award of engineering contract.

3. July 11, 1979—Completion of long delivery equipment specifications.

4. November 11, 1979—Completion of all specifications.

5. February 11, 1980—Completion of piling and foundation construction.

6. March 11, 1981—Completion of building construction.

7. July 11, 1981—Completion of equipment installation, piping, and electrical.

8. November 11, 1981—Completion of start-up phase and commence discharge into the Metropolitan Sanitary District.

The purpose of the above-scheduled construction is to bring the facility into compliance with its NPDES permit No. 0001660, the requirements of the Clean Water Act of 1977, and the requirements of the State of Illinois Chapter 3 Effluent Limitations.

G. To the extent that the construction schedule listed in "F" above conflicts with any construction schedule ordered by Judge Prentice Marshall in any decision of the case *United States v. International Harvester et al*, No. 75 C 4264, the schedule ordered by Judge Marshall shall be controlling and shall be incorporated as part of this Consent Decree for all purposes.

H. From the date of entry of this Decree and until WSC commences discharge into the MSD, WSC shall not exceed the following effluent limitations and monitoring requirements:

Effluent characteristic	Discharge limitations (ppm) Daily average	Daily maximum	Monitoring
Ammonia		5	Weekly, 24 hour composite.
Iron (total)	7	17.5	Weekly, 24 hour composite.
Lead	0.25	0 625	Weekly, 24 hour composite.
Fats, oil and grease		15	At least 1 grab sample weekly.
Phenols		0.3	Weekly, 24 hour composite.
Zinc		1	Weekly, 24 hour composite.
Total cyanide	1.5	3.75	Weekly, 24 hour composite.
Total suspended solids	30	75	Weekly, 24 hour composite.
pH—shall not exceed 9.0 or be lower than 6.0			At least 1 grab sample weekly.

Monitoring of the wastewater treatment facility discharge shall occur at a point prior to mixing with fresh river intake water. Discharge monitoring reports shall be submitted to IEPA by the 15th day of the succeeding month.

I. Notwithstanding any of the other requirements of this Order with respect to the BOF shop, WSC shall continue to implement the short term rehabilitation program on the BOF shop electrostatic precipitators (ESP's) which it begin on August 1, 1979. Said program includes completion of the following acts as follows:

1. By not later than October 1, 1979, WSC shall seal all leaks in the hopper and conveyor area and by September 10, 1979, install a "double dump" valve on No. 9 screw conveyor. WSC shall heat and insulate one hopper and evaluate its effect in reducing emissions. WSC shall heat and insulate all hoppers by not later than December 1, 1979.

2. WSC has ordered automatic voltage control equipment which shall be installed as soon as received.

3. WSE shall increase the air pressure to the rappers and repair or replace malfunctioning rappers by not later than October 1, 1979.

4. WSC shall perform an evaluation of the precipitators which shall include at a minimum the following:

a. Measure and equalize pressure drops across each chamber.

b. Measure and balance the gas distribution in each chamber.

c. Measure moisture content of the gas throughout the heat at the ESP inlet.

d. Measure CO, CO_2, and O_2 throughout the heat at the ESP inlet.

e. Observe patterns of electrical readings during a heat.

f. Measure gas temperature at ESP inlet throughout the heat.

Said tests shall be commenced by not later than August 30, 1979 and results evaluated by not later than October 1, 1979.

5. Based upon the results of the tests required pursuant to subparagraph "d" above, WSC shall shut down each chamber of the electrostatic precipitators for a period of 10 to 14 days to make the modifications indicated by said test results. In addition to those modifications, WSC shall replace missing and damaged wires, repair collection plates, and correct deviant clearances between wires and plates. These modfications shall be completed by not later than November 30, 1979.

6. WSC shall continue its program of BOF shut downs twice per week for hopper cleaning. If the hoppers cannot be cleaned sufficiently in 2 hours, the shut down shall be extended until the cleaning can be completed.

7. WSC shall also continue the program of BOF shut downs once per week for general maintenance, removal of broken wires and elimination of short circuits, in addition to hopper cleaning.

8. In addition to the requirements above, WSC shall insure that it has on hand adequate staff to implement the necessary maintenance and operating practices and operating logs of ESP operating data to ensure effective ESP operation during the period of this Order.

9. Until December 31, 1979, WSC shall continue submission of weekly progress reports to Illinois EPA.

J. WSC shall develop and comply with a preventative maintenance program to ensure effective operation of the air pollution control equipment covered by this Consent Order. Included in said program shall be a commitment to employ and train adequate personnel to implement the program and to maintain adequate maintenance records. For existing equipment, WSC shall submit its program by December 31, 1979. For future equipment, WSC shall submit its program at the time it applies for its operating permit for such equipment.

IV

Every three months from date of entry of this Decree and until achievement of final compliance with the terms of this Order, WSC shall submit to the U.S. EPA (c/o Compliance Section, Enforcement Division, U.S. EPA, 230 S. Dearborn, Chicago, IL 60604), and the Illinois Environmental Protection Agency, a report describing the progress of WSC in meeting each of the then incomplete requirements of this Order.

V

WSC shall provide the U.S. EPA and IEPA with written notice at least twenty (20) days prior to conducting any performance tests required by this Order. A written report of the results of each of said performance tests shall be submitted to the U.S. EPA and the Illinois EPA promptly, within thirty (30) days of completion of each of said tests.

VI

Notwithstanding any other provisions of this Order, WSC shall have the right at any time to cease operating any facility, or portion thereof, subject to this Order, or in any manner to discontinue operation of any such facility or portion thereof at any time and for any reason, provided WSC's action does not result in a delay in the completion of the actions scheduled herein with respect to the other facilities. WSC shall notify U.S. EPA and IEPA in writing of any decision to terminate or discontinue operation of any facility subject to this Order within thirty (30) days after such decision is made.

VII

If any event occurs which causes or may cause delays in the achievement of the compliance schedules at the Defendant's integrated steel-making facilities called for in this Consent Order, the Defendant shall notify this Court, the Regional Administrator, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604; and the IEPA immediately in writing of the delay or anticipated delay, as appropriate, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by the Defendant to prevent or minimize the delay, and the timetable by which those measures will be implemented. The Defendant will adopt all reasonable measures to avoid or minimize any such delay.

If U.S. EPA and WSC agree that the delay or anticipated delay has been or will be caused by circumstances beyond the control of WSC, the parties shall request that the Court extend the time for performance hereunder for a period equal to the delay resulting from such circumstances. In the event the parties cannot agree, then any party may submit the matter to this Court for

resolution. The burden of proving that any delay is caused by circumstances beyond the control of WSC shall rest with WSC.

VIII

This Consent Order shall terminate as to each of the sources covered herein six months after initial demonstration of compliance with the terms and conditions of this Order pertaining thereto. Provisions of this Decree are enforceable by each of the parties independently and are not intended to limit remedies available for violations at sources not covered herein.

IX

Whereas the Plaintiff has determined (Defendant does not agree with said determination) that the Defendant has gained an economic benefit as a result of its delayed compliance with the Clean Air Act, as amended, 42 U.S.C. Section 7401, et seq.; and

Whereas an affiliate of Defendant is in the process of applying for an Economic Development Administration Guarantee of 90 percent of the principal amount of $75,000,000 in fixed asset borrowings which will be used in part to finance certain water pollution control projects identified herein; and

Whereas Defendant is in the process of applying for a $10,000,000 loan through the UDAG program of the Department of Housing and Urban Development in order to fund a substantial portion of the estimated costs of air pollution control equipment required hereby, and

Whereas certain financial assistance, including standby lines of credit, will be made available by International Harvester and other parties in order to permit the completion of the proposed Rehabilitation and Modernization Program and the air pollution control facilities contemplated herein, and

Whereas Defendants' financial projections submitted to the Economic Development Administration indicate that its operations may be profitable in the future upon completion of the Rehabilitation and Modernization Program;

Whereas it having been determined by U.S. EPA that imposition of any civil penalty would prevent the Defendant from being able to finance the pollution control measures required by this Decree and would be so severely disproportionate to the resources of the Defendant that its imposition would cause the Defendant very serious economic hardship, EPA therefore agrees to forgive the otherwise appropriate penalty.

X

WSC acknowledges that it has been notified that it may be subject to penalties under Section 120 of the Clean Air Act, 42 U.S.C. Section 7420, but reserves the right to contest the assessment and attempted collection of noncompliance penalties under the section.

XI

Any failure to complete installation of the pollution control equipment by the dates for each facility specified in Paragraphs III. A. through E of this Order shall constitute civil contempt and will subject the noncomplying party to a penalty of $7,500 for each day such failure continues. This provision is not intended to limit other remedies available for violations of this Decree.

XII

In the event that any revision to the Illinois State Implementation Plan (SIP) or part thereof, is approved by U.S. EPA such that any of the facilities covered by Section III hereof comply with the SIP, as revised and approved, this Order shall terminate as to such facility upon a demonstration satisfactory to the Administrator of U.S. EPA and Director of the IEPA that such facility is in compliance with the final emission limitations of the SIP as revised and approved, notwithstanding that such facility may not be in compliance with Section III of this Order. SIP includes any regulation adopted by the State and approved by the U.S. EPA.

XIII

WSC shall apply for and make all reasonable efforts to obtain all necessary construction and operation permits required by the IEPA for the purpose of complying with this Decree.

Judge, United States District Court.

We hereby consent to the entry of the foregoing Consent Decree.

United States of America, Plaintiff.

By: _____

James W. Moorman.

U.S. Attorney.

State of Illinois.

By: _____

Illinois Environmental Protection Agency.

By: _____

IWSC Corp., Defendant.

By: _____

[FR Doc. 79-32919 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-01-M

Proposed Amendment to Final Judgment in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed amendment to the final judgment in *United States* v. *The City of New York*, 77 Civ. 76 (RLC), was lodged with the United States District Court for the Southern District of New York on October 17, 1979. The proposed amendment provides that the City of New York obtain permitted operational levels at the Red Hook water pollution control facility by September 1, 1987, and at the North River water pollution control facility by March 1, 1988; a special master is to be appointed to monitor compliance with the decree and assist the Court with its enforcement; compensation of the special master is to be borne by the defendants; a schedule of penalties for any future violation of the decree is established.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed amendment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *The City of New Tork*. D. J. Ref. No. 90-5-1-1-683.

The proposed amendment to the final judgment may be examined at the Office of the United States Attorney for the Southern District of New York, 1 St. Andrews Plaza, New York, New York 10007 (contact Peter R. Paden (212) 791-1976) and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice (Room 2644), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed amendment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Washingtoin, D.C. 20530.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-32920 Filed 10-24-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-87]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

A meeting of the Informal Executive Subcommittee of the NAC Aeronautics Advisory Committee will be held November 15, 1979, from 9:00 a.m. to 2:00 p.m. in room 625, NASA Headquarters, 600 Independence Avenue, S.W., Washington, D.C. 20546. The meeting will be open to the public up to the seating capacity of the room (about 45 persons including committee members and participants).

The Aeronautics Advisory Committee was established to advise NASA senior management through the NASA Advisory Council in the area of aeronautical research and technology. The purpose of the Executive Subcommittee meeting is to discuss current and future activities of the AAC. The Chairperson is Dr. Robert G. Loewy. There are six members on the Subcommittee.

For further information, contact C. Robert Nysmith, Executive Secretary, (202) 755-3252.

NASA Headquarters, Code RP, Washington, D.C. 20546.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

October 17, 1979.

[FR Doc. 79-32881 Filed 10-24-79; 8:45 am]

BILLING CODE 7510-01-M

[Notice 79-86]

NASA Advisory Council (NAC), Space Science Advisory Committee; Meeting

The NAC Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on November 13–14, 1979. The meeting will be open to the public up to the seating capacity of the room (approximately 60 persons including the Committee members and participants). The meeting will take place from 9:00 a.m. to 5:30 p.m. on November 13 and 9:00 a.m. to 5:00 p.m. on November 14, 1979, in Room 5026 of Federal Office Building 6, 400 Maryland Avenue, SW, Washington, DC 20546.

The NAC Space Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include a status report and overview of the Space Science programs. Also included will be reports on the newly defined slar physics flight program, and the innovators activity, and a session on the research and analysis and suborbital Space Science programs. Two additional areas under review will be the Spacelab program and the follow on Mars activity.

November 13, 1979

9:00 a.m. Introductory Comments
9:30 a.m. Program Status and Overview Galileo, Solar Maximum Mission (SSM), International Solar Polar Mission (ISPM), Spacelab Division, AO Status)
10:30 Solar Programs Status
1:00 p.m. "Level of Effort" Program Sessions Overview Supporting Research and Technology (SR&T) Zero Based Budget (ZBB) Philosophy
3:00 p.m. Suborbital Programs
3:30 p.m. Explorers
4:00p.m. Innovators Report
5:00 p.m. Discussion
5:30 p.m. Adjourn

November 14, 1979

9:00 a.m. Spacelab Utilization Status
10:15 a.m. New Spacelab Instrument Selection
11:45 a.m. Space Platform Status

Mars Session

1:30 p.m. Recent Viking Results
2:30 p.m. Sample Return Science
3:30 p.m. Planetary Program 10-year Plan (Mars Program Emphasis)
4:30 p.m. Discussion
5:00 p.m. Adjourn

For further information regarding this meeting, please contact Dr. Adrienne F. Timothy, Executive secretary, at Area Code 202/755-3653, National Aeronautics and Space Administration, Washington, DC 20546.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

October 1979.

[FR Doc. 79-32880 Filed 10-24-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting Postponed

The November 8 and 9, 1979 meeting of the Advisory Committee for Policy Research and Analysis and Science Resources Studies is being postponed. The meeting is to be rescheduled, probably early in 1980.

The notice for this meeting appeared in the Federal Register on Monday, October 22, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 22, 1979.

[FR Doc. 79-32936 Filed 10-24-79; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-522 and 50-523]

Puget Sound Power & Light Co., et al., Skagit Nuclear Power Project Units 1 and 2; Reschedule of Hearings

1. Telephone conferences among representatives of the parties and the Board chairman were held October 17 and 18, 1979. At these conferences, attention was given to Intervenor SCANP's Motion for Rescheduling Evidentiary Hearings and to news from counsel for the NRC Staff that he had just learned that the United States Geological Survey had just disclosed certain new data on geology and seismology to the NRC Staff bearing upon the Skagit project.

2. At the time of the telephone conferences, counsel for the NRC Staff was in no position to evaluate how these new data might affect the NRC Staff's position on geology and seismology with reference to the Skagit project. He promised that the NRC Staff would pursue its study of the new data promptly, and recommended that the present schedule for hearings on geology and seismology be cancelled and that a new schedule for hearings on those subjects be set up after the NRC Staff has had the opportunity to analyze the new material.

3. In view of the foregoing, and with agreement of the conferees, It is hereby ordered that—

(a) The Board's Schedule of Hearings dated October 1, 1979 is canceled;

(b) Hearings are scheduled for Thursday, Friday and Saturday, October 25–27, 1979, on the following two subjects: (1) Site Suitability for Development of Evacuation Plans and (2) Alternate Sources: Coal vs. Nuclear (health effects, excluding Radon)—Gotchy testimony.

(c) The hearings are scheduled to begin at 9 o'clock in the morning, Thursday, October 25, 1979, and to take place at the North Auditorium (4th floor), New Federal Building, 915 Second Avenue, Seattle, Washington.

4. The Board has remaining on its agenda the following subjects for later hearings: Geology and Seismology; Floodplain Management; Radon; and Quality Assurance.

Done at Washington, D.C., this 19th day of October 1979.

Atomic Safety and Licensing Board.

Valentine B. Deale,

Chairman.

[FR Doc. 79-32833 Filed 10-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-225]

Rensselaer Polytechnic Institute; Proposed Renewal of Amended Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering renewal of Amended Facility Operating License No. CX-22, issued to Rensselaer Polytechnic Institute (the licensee), for operation of the critical experiment facility located in Schenectady, New York.

The renewal would extend the expiration date of Amended Facility Operating License No. CX-22 to March 1, 2004, in accordance with the licensee's timely application for renewal dated May 14, 1979, as supplemented September 12, 1979.

Prior to renewal of the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 26, 1979, the licensee may file a request for a hearing with

respect to renewal of the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert Reid: (petitioner's name and telephone number); (date petition was mailed); (Rensselaer Critical Experiment); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a later position and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(i)-(v) and § 2.714(d).

For further details with respect to this action, see the application for renewal dated May 14, 1979, as supplemented September 12, 1979, and as may be further supplemented by future submittals, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 18th day of October 1979.

For the Nuclear Regulatory Commission.

Peter B. Erickson,

Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-32757 Filed 10-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-128]

Texas A. & M. University; Proposed Renewal of Amended Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering renewal of Amended Facility License No. R-83, issued to Texas A&M University (the licensee), for operation of the TRIGA research reactor located in the licensee's Nuclear Science Center near College Station, Texas.

The renewal would extend the expiration date of Amended Facility License No. R-83 to August 4, 1999, in accordance with the licensee's timely application for renewal dated July 2, 1979.

Prior to renewal of the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 26, 1979, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert Reid: (petitioner's name and telephone number); (date petition was mailed); (Texas A&M); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a) (i)-(v) and § 2.714(d).

For further details with respect to this action, see the application for renewal dated July 2, 1979, as may be supplemented by future submittals, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 18th day of October 1979.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-32758 Filed 10-24-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 110-0495 Application Nos. XR0120 and Application No. XCOM-0013]

Westinghouse Electric Corp. (Exports to the Philippines); Order

On April 19, 1978, the Nuclear Regulatory Commission received a Petition for leave to intervene and for a hearing concerning a license application by Westinghouse Electric Corporation covering the export of slightly enriched uranium to the Philippines, and to consolidate consideration of that license with two other nuclear license applications pending for the Philippines.[1] The material would be used to fuel a nuclear power reactor being constructed by the Philippine National Power Corporation at Napot Point on the island of Luzon.

The Westinghouse Electric Corporation submitted an application to export a nuclear facility (XR-120) to the Philippines on November 18, 1976. The Commission did not receive final Executive Branch views on that application until September 28, 1979.[2] Because action had not been taken on the reactor application, on August 3, 1978 Westinghouse submitted an application (XCOM-0013) requesting authorization to export components to the Philippines which would permit construction activities related to the facility to continue while the U.S. Government reviewed the reactor application. On November 3, 1978, the Executive Branch recommended that NRC issue the component license. The Commission has deferred action on the component license application pending receipt of the Executive Branch views on the facility application.

The Petitioners—The Center for Development Policy (CDP), Jesus Nicanor P. Perlas, III, and the Philippine Movement for Environmental Protection (PMEP)—specifically requested a hearing on seven issues: (1) the nature and magnitude of seismic and geological risks posed by the reactor site; (2) the adequacy of the reactor's seismic design; (3) the environmental impact of the proposed reactor and disposition of its spent fuel; (4) dangers to the health and safety of Philippine citizens posed by the reactor; (5) dangers to the health and safety of U.S. citizens residing in the Philippines; (6) risks to the effective operation of U.S. military installations in the Philippines; and (7) generic safety questions posed by nuclear power plants, and by Westinghouse reactors in particular.

On June 26, 1979, another group, the concerned citizens Reactor Export Review Board, also requested an opportunity to submit information on the Philippine export applications.

On September 28, 1979, the Executive Branch submitted its views recommending issuance of XR-120. On October 10, 1979, the Commission discussed the pending intervention and hearing requests at a public Commission meeting. After thoroughly considering the submissions already received from Petitioners, the Applicant (Westinghouse Electric Corporation), and the Nuclear Regulatory Commission staff, the Commission has decided that it would be appropriate to order further public proceedings in this matter. The Commission believes that such proceedings would assist it in making the statutory determinations required by the Atomic Energy Act and would be in the public interest. *See* 10 C.F.R. 110.84(a)(1) and (2) and Section 304(b) of the Nuclear Nonproliferation Act of 1978, 42 U.S.C. 2155a.

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[1] The Commission had published a notice of receipt of this license application (XSNM-1471) in the Federal Register on March 20, 1979, 44 Fed. Reg. 16987.

[2] Under Section 126a(a) of the Atomic Energy Act the Commission may not issue a reactor export license until it "has been notified by the Secretary of State that it is the judgment of the Executive Branch that the proposed export * * * will not be inimical to the common defense and security * * *"

The issues which have been raised in the present matter fall into two general categories. First, there are those issues which pertain to the proper scope of the Commission's jurisdiction to examine health, safety and environmental questions arising from the construction and operation of exported nuclear facilities, and what procedural framework would be appropriate for considering such issues, if they are found to lie within NRC authority. The second category of issues are particular health, safety and environmental aspects of the Napot Point facility (for example, the reactor's seismic design) which the Commission has been asked to examine in the context of its export licensing review. The Commission believes it would be useful, before ordering any proceedings on this second group of issues, to receive submissions from the participants and any other interested individuals or groups concerning the precise scope of the Commission's foreign health, safety and environmental jurisdiction and what procedures the Commission should adopt to govern further proceedings (if any) regarding the Philippine export license applications and other applications of this type. Therefore, the Commission requests that participants and any other interested persons file with the Commission a statement of views on the procedural and jurisdictional issues outlined below on or before November 14, 1979. The identification in this order of certain issues which the Commission believes particularly relevant for reviewing the jurisdictional and procedural aspects of the matter is intended as guidance for those who may wish to participate in these proceedings. If commenters believe that there are other matters pertaining to the procedural and jurisdictional issues which should be considered by the Commission, their submissions should address those matters. Also, the Commission recognizes that consideration of specific facts associated with the Philippine Export Applications may be instrumental in resolving these general jurisdictional and procedural issues. Therefore, it is expected that the written submissions will discuss the factual circumstances of the pending Westinghouse license applications, to the extent relevant to the legal and policy questions under consideration.

In this first phase of its proceedings, the Commission specifically requests that the following issues be addressed:

1. Whether (and if so, to what extent) the Commission possesses the legal authority or a legal obligation to examine the health, safety and environmental impacts of an exported nuclear facility in reaching its licensing determination (specifically, which of the seven issues raised by Petitioners are appropriate for Commission review)?

2. Is the Commission's health, safety or environmental review of export license applications limited to the connection of these issues with the U.S. common defense and security or are there other legal principles which permit or require the Commission to examine these matters as part of its licensing review?

3. What issues arising from the application to export a nuclear facility to the Philippines should the Commission examine in any future public proceeding?

4. What procedural format should the Commission adopt to examine any foreign health, safety and environmental issues falling within its jurisdiction?

5. If health, safety and environmental aspects of a U.S.-supplied nuclear facility are to be evaluated in the NRC export licensing process, in what specific manner should this review be conducted differently from the Commission's domestic reactor licensing proceedings? Should the scope of review be different, and if so, in what precise way?

6. Are there any factual or legal considerations which would justify a different NRC health, safety or environmental review for some export license applications than for others? Specifically, are such considerations applicable to the present matter?

After receiving submissions on the jurisdictional and procedural issues, the Commission will expeditiously review any new filings, as well as materials already submitted, and announce its decision on these issues. At that time the Commission will also issue a further order defining the nature and scope of further proceedings (if any) to be conducted on specific issues within the Commission's licensing jurisdiction arising from the pending Westinghouse facility and component export license applications.

With regard to Petitioners' consolidation requests, the Commission notes that its rules provide [in 10 C.F.R. 110.84(d)] that a hearing request will not be granted "prior to receipt and evaluation of Executive Branch views on the license application." Since Executive Branch views have not been received on the fuel license application (XSNM—1437), consolidation of that license with the facility and component license applications would not be appropriate at this time. Therefore, the Commission is consolidating its consideration only of applications XR-120 and XCOM-0013 for purposes of the present proceeding. However, it should be noted that issues raised by all three license applications are substantially the same, and that the Commission would expect to consider all relevant matters pertaining to the Philippine exports in the scope of the proceeding commenced by this order.

The Commission does not reach a decision on whether any of the Petitioners is entitled to a hearing under Section 189a of the Atomic Energy Act. Since the Commission has decided to authorize a hearing pursuant to Section 304(b) of the Nuclear Nonproliferation Act, that issue is moot.

It is ordered.

Dated at Washington, DC, this 19th day of October 1979.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc 79-32880 Filed 10-24-79; 8:45 am]
BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-43]

Accident Reports, Safety Recommendation Letters and Responses; Availability

Speical Investigation Report

Onscene Coordination Among Agencies at Hazardous Materials Accidents.— Observations of emergency response activities following a March 31, 1977, railroad accident near Rockingham, N.C., prompted the National Transportation Safety Board to inititate a special investigation of emergency response plans for handling railroad accidents in which hazardous materials, including those classified as radioactive, are involved. The Safety Board's formal report, No. NTSB-HZM-79-3, concerning this special investigation was released to the public on October 11.

The Safety Board notes that while the movement of hazardous materials through normal transportation channels is of concern to Federal, State, and local Government agencies and to the public, the transportation of radioactive materials is of special concern. For this reason, special plans designed to cope with emergencies involving radioactive materials have been developed at various levels of Government and by private industry. Those plans are the most comprehensive yet formulated for handling hazardous materials emergencies, and they have served as models for many nonradiological

contingency plans. With the probable increase in the transportation of radioactive and other hazardous materials by rail, the Safety Board believes that all existing emergency response plans need to be critically reviewed to determine their adequacy.

While investigating the Rockingham accident and the Louisville & Nashville Railroad Company freight train derailment and puncture of hazardous materials cars near Crestview, Fla., last April 18 and while preparing the subject special investigation report, the Safety Board issued nine recommendations to the U.S. Department of Transportation seeking improved handling of hazardous materials transportation emergencies by both local and national officials. The complete text of these safety recommendations, Nos. I-77-2 and 3 and I-79-5 through 11, is provided in the special investigation report and was published at 44 FR 588820, October 11, 1979.

Marine Accident Report

R/V "Don J. Miller II" Collision With the F/V "Welcome" in Admiralty Inlet, Puget Sound, October 25, 1978.—Also on October 11 the Safety Board made available copies of its formal report on the investigation of this accident. The accident was investigated by the U.S. Coast Guard at the request of the Safety Board under provisions set forth in the Independent Safety Board Act of 1974. The report, No. NTSB-MAR-79-14, is based on factual information and testimony provided by the Coast Guard and additional informaton developed by the Safety Board.

Investigation showed that the research vessel *Miller* was inbound to Seattle, Wash., when it collided with the fishing vessel in Admiralty Inlet. Shortly thereafter, the *Welcome* sank. There were no deaths or serious injuries and damage to the *Miller* was negligible; the *Welcome* was a total loss, estimated at $300,000.

The Safety Board determined that the probable cause of this accident was the *Miller's* master leaving the control of his vessel unattended while the *Miller* was still the burdened vessel in an overtaking situation. (The Board stated that it is not to be understood as countenancing the abandonment of the navigation watch under any circumstances.) Contributing to the accident were the failure of the *Welcome* to ascertain the whereabouts of the *Miller* before changing course and the failure of both the *Miller* and the *Welcome* to maintain proper lookouts.

The Board noted that a U.S. Geological Survey vessel is not required to be inspected by the U.S. Coast Guard, but as a result of its investigation, the Safety Board recommended on October 4 that the Geological Survey arrange with the Coast Guard for an examination of the *Miller* to determine whether it conforms to the minimum manning and other regulations required for privately-vessels of the same type and size engaged in similar oceanographic operations and, if necessary, consider taking action to bring the vessel into reasonable conformance with the standards prescribed by regulations for privately operated research vessels (recommendation M-79-100). The Board also recommended that the Geological Survey enter into an agreement with the Coast Guard to have vessels operated by the Geological Survey regularly examined by the Coast Guard to determine if they meet the standards prescribed by regulations for privately operated research vessels of similar type and service and intiate a program to bring the vessels into reasonable conformance with these standards (M-79-101). See also 44 FR 60182, October 18, 1979.) The Safety Board's recommendations were made independently of any recommendations proposed by the Coast Guard.

Safety Recommendation Letter

A-79-80 and 81.—In a letter forwarded on October 17 to the Federal Aviation Administration, the Safety Board notes that the air taxi industry, particularly the commuter air carrier segment, has enjoyed tremendous growth in recent years. U.S. commuter airlines have gained an average of 10 percent more passengers and 30 percent more freight each year since 1970. Commuter air carrier revenue passenger miles have increased from 750,048,000 in 1975 to 1,145,000,000 in 1978. FAA has forecast a 116 percent increase in commuter passenger enplanements between fiscal 1978 and 1989, a forecast growth which has prompted aircraft manufacturers to produce new and larger aircraft. The Board also notes that this expansion has been accompanied by a corresponding rise in commuter air carrier accident fatalities. For example, in the first 7 months of 1975 there were 27 commuter air carrier accidents which included 9 fatal accidents and 24 fatalities. During the first 7 months of 1979 there have been 27 commuter air carrier accidents including 10 fatal accidents and 48 fatalities.

In the past 2 years the Safety Board has investigated numerous commuter accidents in which the aircraft was at or above its maximum certificated gross weight or at or beyond its center of gravity (c.g.) envelope, or both. The Board's recommendation letter cites as examples these accidents: Rocky Mountain Airways, DHC-6, Cheyenne, Wyo., February 27, 1979; Columbia Pacific Airlines, Beech 99, Richland, Wash., February 10, 1979; and Antilles Air Boats, G-21A, St. Thomas, V.I., April 5, 1978. In all of these accidents pilots were confronted with the two-fold problem of unfavorable weight and balance and mechanical malfunction. Safety Board investigation of these accidents also revealed that the pilots had received no flight or ground training on the performance capabilities and handling qualities of the aircraft when loaded to its maximum certificated gross weight or at the limits of its c.g. envelope.

A further accident cited by the Board in its recommendation letter was the crash of a Beech Model 70 Excalibur conversion, a commuter air carrier flight, during takeoff at the Gulfport-Biloxi (Miss.) Regional Airport, March 1, 1979. The investigation revealed that the aircraft was over its maximum certificated gross weight, and out of its c.g. envelope. It also revealed uncorrected maintenance discrepancies, that the ADF and wing flaps were inoperative, and that the starter interrupt system had been bypassed. Further, aircraft dispatch operations were hurried and data for weight and balance computations were carelessly compiled. The pilot had received no training on the performance capabilities and handling qualities of the aircraft under high gross weight conditions. The accident illustrates a typical result of poor operational pracitices and incomplete training. The Board noted that the pilot had flown the aircraft earlier that day at its maximum weight for the first time even though it was on a regularly scheduled, unsupervised passenger flight.

The Safety Board is aware that FAA is currently evaluating comments on NPRM 78-3, "Flight Crewmember Flight and Duty Time Limitations and Rest Requirements," as they apply to 14 CFR Part 121 operations. However, recent commuter air carrier accidents have given added urgency to the need to revise the crew duty time, flight time, and rest period regulations contained in 14 CFR Part 135. The recent accidents cited are: Universal Airways, Beech 70, Gulfport, Miss., March 1, 1979; and Columbia Pacific Arilines, Beech 99, Richland, Wash., February 10, 1978.

In view of the above, the Safety Board recommends that FAA:

Require that pilots involved in 14 CFR Part 135 operations be thoroughly trained on the performance capabilities and handling qualities of aircraft when loaded to their

maximum certificated gross weight or to the limits of their c.g. envelope, or both. (A-79-80)

Expedite rulemaking which would make the flight time and duty time limitations, and rest requirements for commuter air carriers the same as those specified for domestic air carrier crewmembers under 14 CFR Part 121. (A-79-81)

Both of these recommendations are designated "Class II, Priority Action."

Comments on Proposed Rulemaking

A review of Federal Highway Administration's notice of proposed rulemaking, Docket No. 778-43, Notice 2, "Interstate Maintenance Guidelines" (44 FR 46882, August 9, 1979) prompted the Safety Board on October 9 to urge FHWA to write clearcut guidelines for State maintenance of interstate highways which are based, wherever possible, on accident experience or research. The Board's letter commenting on the proposal notes that data already exists for such maintenance areas as skid resistance and pavement dropoff, permitting maintenance guidelines which are stated clearly in terms of performance or conformance to design standards. States thus would not need to resort to subjective decisions for maintenance in these areas.

Noting State fears that specific maintenance guidelines could be used against them in liability lawsuits, the Board observed that there is no way in which the States can escape liability for improper maintenance. Motorist safety relies on the State's having this responsibility, the Board stated.

The Board also asked to be informed of FHWA plans for research in other maintenance areas where specific guidelines appear practical and strongly supported the maintenance concept of making repairs according to new, higher safety standards whenever outdated safety features such as older median barriers are destroyed or damaged. The Board called for FHWA to establish a maintenance task force which would be available to examine segments of interstate highways periodically to evaluate State programs and make relevant conclusions and recommendations. Additionally, the Board urged that State maintenance programs include a description of training for maintenance personnel in conditions which constitute hazards on highways.

Responses to Safety Recommendations

Aviation

A-79-58 and 59.—The Federal Aviation Administration on October 12 responded to recommendations issued July 19 as a result of investigation of the incident which occurred last March 3 at Stapleton International Airport, Denver, Colo., when Rocky Mountain Airways Flight 725, a DeHavilland DASH 7, landed with the nose landing gear retracted. (See 44 FR 43824, July 26, 1979.)

Recommendation A-79-58 asked FAA to issue an airworthiness directive to require that sequencing nose gear doors are installed on all DASH 7 aircraft and to require that the sequencing nose gear door systems be operational for all flights during which ice or snow could accumulate in the nosewheel well. In response, FAA reports that it has been advised by Transport Canada that the owners of two DHC-7 airplanes, not U.S.-registered and not based on this continent, have not responded concerning the retrofit of nosewheel door automatic sequencing. Accordingly, Transport Canada plans to issue an AD. To preclude the possibility of an unmodified airplane coming into the U.S. registry, FAA will issue an AD requiring the modification. FAA notes that the airplanes presently registered in the U.S. have been modified and procedures requiring the sequencing nose gear doors to be operational have been adopted.

With reference to recommendation A-79-59, which called for review and revision as necessary of the aircraft emergency procedures section of the DASH 7 flight manual to include information on use of the emergency cabin pressurization outflow valve to divert warm cockpit air to the nose gear wheel when icing is suspected, FAA says it has been advised by transport Canada that this recommendation requires further study by DeHavilland FAA notes that the adequacy of the warm air to melt accumulated ice is dependent on may factors and that data upon which a determination could be made are not available at this time.

A-79-60.—Also on October 12 FAA responded to a recommendation issued July 17 following investigation of the crash last December 4 of Rocky Mountain Airways Flight 217, a DeHavilland DHC-6, near Steamboat Springs, Colo. (See 44 FR 43824, July 26, 1979.) The recommendation called on FAA to issue an operations bulletin directing all operations inspectors who are responsible for the surveillance of 14 CFR part 135 operators to assure that 14 CFR 135.159 (new 14 CFR 135.165) is complied with uniformly in accordance with the official legal interpretation of this regulation by the FAA.

In response FAA contends that this recommendation implies that FAA inspectors are not uniformly enforcing 14 CFR 135.159 (new 14 CFR 135.165). FAA states, "We wish to advise that inspectors assigned to Rocky Mountain Airways, Inc., and Alaska Aeronautical Industries, Inc., were aware of the FAA legal interpretation and had discussed the navigation equipment requirements with those operators. The operators either had properly equipped aircraft or provisions in their operations manuals for cancellation of flights if the navigation facility which provided signals to one of the two navigation receivers became inoperative."

FAA believes that it has adequately emphasized the navigation equipment requirements in the past. FAA recently forwarded its interpretation of 14 CFR 135.159(a)(5) to all Regional Flight Standards Divisions for redistribution to FAA field offices. This interpretation is contained in a letter to the Safey Board's Senior Hearing Officer, dated November 4, 1977. Also, FAA says that Order 8430.1A, "Operations Inspection and Surveillance Procedures—Air Taxi Operators and Commercial Operators of Small Aircraft," is being rewritten to provide guidance on the revised 14 CFR Part 135. A discussion of the navigation equipment requirements will be included in this handbook, FAA advises.

Highway

H-79-36 through 39.—With specific reference to recommendation H-79-37, the California Department of Transportation (Caltrans) responded to the Safety Board's letter of September 5 which commented on Caltrans' initial response of August 6 (44 FR 50936, August 30, 1979). The recommendations were developed as a result of the Board's investigation of the penetration of a bridge rail by a station wagon near Alhambra, Calif., November 11, 1978.

The action recommended in H-79-37 called for a program to replace crash damaged substandard bridge railing with railing meeting current safety design criteria. The Board noted in its September 5 letter that Caltrans had reported that crash-damaged rail is replaced immediately on a temporary basis and that repairs cannot wait for preparation of plans and contract development for upgrading the accident location. The Board has observed during accident investigations that temporary repairs have a tendency to remain in place and in fact become final until a general upgrading or reconstruction is undertaken. The Board believes that an open end contract for replacement of crash-damaged bridge rail would be effective and efficient, would meet the need for immediate repair without the problem of interim or temporary substandard repair work, and would

avoid the duplicative cost of repairing the same bridge rail twice.

The Safety Board noted that as a result of an earlier, similar Board recommendation (H-77-1), the Federal Highway Administration issued FHWA Notice N7560.4, November 1, 1977, setting guidelines for use of Federal Highway funds for upgrading highway appurtenances. Section 2.d of that notice sets Federal policy for upgrading of highway appurtenances damaged by vehicle accidents. Section 3.b.1. states that Federal funds may be used for replacing damaged guardrails to meet latest safety standards. The Board provided Caltrans with copies of recommendation H-77-1 and the FHWA notice.

Caltrans reported on October 11 that it is looking into the feasibility of entering into an open-end contract for replacement of damaged bridge rail, but there are problems which may make it impractical. Conditions vary so much from site to site that it will be difficult for contractors to consider all the variables such as location, traffic handling, and the availability of crews. Caltrans said its policy is to upgrade damaged guardrail to current safety standards as called for in FHWA Notice N7560.4.

Caltrans notes that the safety improvement project for the area of the subject accident site is scheduled for advertising November 5, 1979, with bids to be opened December 6, 1979. Caltrans provided a copy of its Special Safety Improvement Program evaluation report which summarizes the expenditure of funds for safety improvements for FY 1978-79. The program included bridge rail upgrading, bridge widening, and narrow bridge signing and delineation. Caltrans reports that last year $1.3 million was spent on 11 projects, and, since 1977, $1.8 million was spent on bridge rail upgrading from traffic safety funds and $1.5 million from other funds.

With reference to recommendation H-79-36, the Safety Board informed Caltrans that it was pleased that the slippery when wet and speed advisory signs had been placed, as recommended, and that H-79-36 had been classified as "closed—acceptable action." Also as of September 5, recommendations H-77-38 and 39 were being held in open status pending notification of the contract award date for the safety improvement project for the area of the site and receipt of a copy of Caltrans latest highway safety program projects highlighting bridge railing upgrading and a listing of all bridge rail replacement projects for FY 1977-79 with project dollar amounts obligated.

Marine

M-78-12.—Letter of September 25 from the U.S. Coast Guard responds to the Safety Board's July 3 comments on Coast Guard's previous response of May 2 (44 FR 28899, May 17, 1979) with reference to a recommendation issued following investigation into the sinking of the SS *Edmund Fitzgerald* in Lake Superior, Whitefish Bay, November 10, 1975.

The Safety Board's July 3 letter expressed agreement that the issue involved is that of accident prevention by detecting and correcting non-weathertight hatch covers and not the detention of Great Lakes bulk cargo vessels. However, the Board noted, vessels with weathertight hatch covers which are not effective when battened down void both the vessel's Load Line Certificate and the vessel's Certificate of Inspection. As stated in the Commandant's Action on the *Fitzgerald* Marine Board of Investigation and Coast Guard's letter of January 29, 1979, Coast Guard will prevent the sailing of any ship found to lack sufficient weathertight integrity.

The Board noted that Coast Guard's May 2 letter stated that all certificated Great Lakes bulk carriers inspected at the 1977 spring "fit-out" inspections were in full compliance with weathertight standards. However, when Safety Board representatives rode two Great Lakes bulk carriers during September and October 1977, hatch covers on both vessels were found deficient in weathertightness. The Board found it difficult to understand why these two vessels were in such substandard condition related to hatch weathertightness if, indeed, they were hose tested at the spring "fit-out" and met the weathertight standard. The Board said the purpose of the recommendation was not to cause vessels to be detained but to obtain data in order to assess the problem of maintaining weathertight standards. This data would be valuable for reassessment of the Great Lake bulk carrier minimum freeboard requirements. Doubts have been raised that the weathertight standards which justified the revised freeboard allowance can be maintained during normal ship operations. The Board believes that quantitative data is needed to determine whether or not Great Lakes bulk cargo vessels are able to routinely maintain weathertight closures.

Also in its July 3 letter, the Board states that while the report requested in the recommendation was one method of tabulating this information, since the Coast Guard believes that weathertightness on Great Lakes bulk carriers can be achieved without detaining vessels, other data such as the following would provide the necessary information on which to base an analysis of the effectiveness of weathertight closures: How many Great Lakes bulk carriers were operating during 1977 and 1978? How many were inspected during the spring "fit-out"? How many required repair and clamp adjustments before passing the host test? How many were inspected during "pre-November" riding inspections? How many required repairs before passing "pre-November" inspections? How many were found to have nonweathertight hatches at other boardings by Coast Guard inspectors? How many vessels were detained because of nonweathertight hatch covers? How many vessels have a history of weathertight deficiencies.

In response, Coast Guard reports that all of approximately 130 Great Lakes bulk carriers operating during both the 1977 and 1978 shipping seasons underwent a "fit-out" inspection prior to yearly certification. Coast Guard says there are no records to show the exact number of clamps which required adjustment or repair prior to passing the hose test each year. An inspector's report may reflect only that all defective clamps are to be made serviceable without noting a number.

Coast Guard reports that the pre-November riding inspections examined 55 vessels in 1977 and 73 in 1978. Of the examinations in 1978, 61 vessels had satisfactory weathertightness; 9 required minimal repair; and 3 required extensive repairs. All vessels were ultimately placed in weathertight condition to the satisfaction of the Officer in Charge, Marine Inspection prior to certification. The only retrievable records for inspections of weathertight hatches are related to the spring "fit-out" and "pre-November" inspections. Coast Guard does not keep a list of poorly maintained vessels. The inspector reviews inspection history prior to an inspection to aid in setting scope and depth of an inspection. The fact that less than 3 percent of the vessels required any attention to repair has convinced Coast Guard that there is industry awareness of problems associated with poor weathertightness and that Coast Guard inspections with increased emphasis on the weathertightness problem have markedly improved the fleet.

Railroad

R-77-1.—Letter of September 28 from the Federal Railroad Administration is in response to the Safety Board's August

27 request for a summary of the Chessie System Tests as related to this recommendation, resulting from investigation of the derailment of an Amtrak train at New Castle, Ala., January 16, 1977. The Safety Board's August 27 letter also commented on FRA's July 17 followup response to this recommendation (44 FR 45501, August 2, 1979). The Board noted that the recommendation has two objectives: To determine what causes SDP-40F locomotives to widen the track gage and to take appropriate action to eliminate the causes. The Board's review of the proposed revision of the locomotive safety standards does not disclose evidence that the new regulations will fulfill the objectives.

To enable the Safety Board to properly evaluate FRA's remedial action, FRA enclosed with its September 28 response a copy of Report No. FRA-OR&D-79/19, "Tests of the Amtrak SDP-40F Train Consist Conducted on Chessie System Track." The report describes tests of an SDP-40F train consist conducted on Chessie System track during June 1977. The tests consisted of the operation of two typical AMTRAK passenger consists, one powered by two SDP-40F's and the other by two E-8's, over a variety of track conditions. Test objectives were to compare dynamic performance of the SDP-40F locomotive with the E-8, and to determine the sensitivity of the SDP-40F response to track geometry variations, operational parameters and truck configuration changes.

Further, FRA reports that the proposed revisions to the Track Safety Standards were issued as a notice of proposed rulemaking in the Federal Register of September 6, 1979. The proposed revision to 49 CFR Part 213.57(b)(1) reduces the limit of superelevation unbalance in curves from 3 inches to 1.5 inches for equipment having trucks with more than two axles. This revision is based on test results of SDP-40F locomotives.

R-79-62 and 63.—Letter of October 5 from the Urban Mass Transportation Administration, U.S. Department of Transportation, is in response to recommendations issued September 19 as a result of investigation of the accident last January 19 involving Bay Area Rapid Transit District Train 117 which caught fire inside the Transbay Tube, San Francisco Bay. The recommendations asked UMTA to require those rapid transit systems that depend on uncoupling damage cars from trains for the evacuation of passengers to redesign and modify car uncoupling circuitry to provide train operators with a positive means of uncoupling from within the cars in the event of an electrical short or other malfunction in the control circuit (R-79-62), and to require those rapid transit systems that depend on uncoupling damaged cars from trains for the evacuation of passengers to establish training programs in emergency procedures for train operators and crewmembers to insure that they thoroughly understand the method used to uncouple cars (R-79-63). (See also 44 FR 55674, September 27, 1979.)

In response, UMTA reports that it will request all U.S rail transit properties to furnish a description of their methods, practices, and/or procedures for uncoupling transit vehicles in the event of emergencies. Also, UMTA is requesting information regarding training operators in carrying out such operations where used. From this information, UMTA expects to establish what improvements are needed by those properties that employ such practices in emergencies. The affected properties will be requested to make appropriate improvements.

UMTA further notes that training programs in uncoupling procedures will also be reviewed for adequacy. Where deficiencies are found, the properties will be requested to make the necessary improvements in training for this type of emergency action.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommedations 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.

(49 U.S.C. 1903(a)(2), 1906)

Dated: October 22, 1979.

Margaret L. Fisher,

Federal Register Liaison Officer.

[FR Doc. 79-32935 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF ADMINISTRATION, EXECUTIVE OFFICE OF THE PRESIDENT

Advisory Committee on Information Network Structure and Functions; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Administration announces the following meeting:

Name: Advisory Committee on Information Network Structure and Functions.

Date: Friday, November 9, 1979.

Time: 9 a.m. to 3:30 p.m.

Place: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C.

Type of Meeting: Open, subject to space limitations. Those wishing to attend must call the contact person below at least 48 hours in advance of the meeting.

Contact Person: Frank Brignoli, Advisory Committee Executive Secretary, Office of Administration, Executive Office of the President, Washington, D.C. 20500, Telephone 202-395-4784.

Purpose of Advisory Committee: The Committee will advise the Director, Office of Administration ("OA"), on matters pertinent to OA's plans for the establishment of a communications network to serve the Executive Office of the President ("EOP"). The Committee will outline a structural and functional plan for the EOP network. This plan will be developed on the basis of current and expected technological developments and will strive for immediate implementation and a minimum useful life of ten years. The plan will address such issues as network hardware and protocol structure, expected structure of servers, gateways and other connections to the network, expected feasible functions, and privacy and authentication mechanisms.

A final report containing the plan is contemplated, and it should provide answers to three questions:

1. What kind of a network should the EOP have?
2. What is it likely to cost?
3. How long is it likely to take to implement?

Agenda

9:00 a.m.—Presentation of TCP: Dr. Vinton G. Cerf (DARPA/IPTO).

9:30 a.m.—Terminal Types: Henry McDonald (Bell Laboratories).

9:45 a.m.—Networking Capabilities: Telenet.

10:00 a.m.—Networking Capabilities: Tymnet.

10:15 a.m.—Coffee Break.

10:30 a.m.—Discussion: Information Network Structure and Functions.

12:00 p.m.—Luncheon Break.

1:00 p.m.—Resume.

3:30 p.m.—Adjourn.

William Pollak,

General Counsel.

[FR Doc. 79-32946 Filed 10-24-79; 8:45 am]

BILLING CODE 3115-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

October 22, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public 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 E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Food Safety and Quality Service
Investigative Interviews on Food Grading
Single time
Household food purchase; 110 responses; 245 hours
Charles A. Ellett, 395-5080

Reinstatements

Agricultural Stabilization and Conservation Service
Allotment and Marketing Quota Regulations—Peanuts
MQ-96
On occasion
Peanut producers and buyers; 225 responses; 38 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Office—Edward Michals—377-3627

New Forms

Bureau of the Census
1980 Census Location Report for American Flag Vessels
D-3091
Single time
Ships' Masters of U.S. flag vessels in merchant marine; 750 responses; 63 hours
Off. of Federal Statistical Policy & Standard, 673-7974

Bureau of the Census Residence Designation for Members of Congress
D-72
Single time
Members of Congress; 530 responses; 18 hours
Off. of Federal Statistical Policy & Standard, 673-7974

Economic Development Administration
Survey Instruments for Revolving Loan Funds Assessment
ED-4500
Single time
RLF grantees and their clients; 300 responses; 150 hours
Richard Sheppard, 395-3211

Industry and Trade Administration
Liquid Immersed Distribution Transformers 500 KVA and Smaller
ITA-9033
Single time
Prod. of liq. immersed distri. transformers 500 KVA and smaller; 29 responses; 20 hours
Richard Sheppard, 395-3211

Revisions

Bureau of Economic Analysis
International Transactions in Royalties, Licensing Fees, Film Rentals, Management Fees, etc. With Unaffiliated Foreign Residents
BE-93
Annually
Manufacturing, publishing, etc.; 750 responses; 1,125 hours
Off. of Federal Statistical Policy & Standard, 673-7974

Burea of the Census
Questionnaire for Building Permit Official
SOC-903
On occasion
Building permit officials; 850 responses; 212 hours
Off. of Federal Statistical Policy & Standard, 673-7974.

Bureau of the Census
Selected Industrial Air Pollution Control Equipment
MA-35J
Annually
Manufacturing establishments; 12 responses; 121 hours
Off. of Federal Statistical Policy & Standard, 673-7974.

Bureau of the Census
Fats and Oils (Renderers)
M-20I
Monthly
Producers of edible and inedible animal fats; 6,000 responses; 3,000 hours
Off. of Federal Statistical Policy & Standard, 673-7974.

Industry and Trade Administration
Exhibitor's Report and Follow-Up
ITA-4075p; DIE-458P
On occasion
U.S. firms: Trade shoe participants; 7,000 responses; 1,750 hours
Richard Sheppard, 395-3211.

Extensions

Bureau of Economic Analysis

Foreign Personal Remittances (Bank Report)
All remittances
BE-579
Monthly
Financial institutions; 128 responses; 880 hours
Off. of Federal Statistical Policy & Standard, 673-7974.

Bureau of the Census
Brassieres, Corsets, and Allied Garments
MA-23J
Annually
Manufacturers of brassieres and corsets; 200 hours
Off. of Federal Statistical Policy & Standard, 673-7974.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V Wenderoth—697-1195

Revisions

Department of the Air force
ASD Form 39, Coordination of Requirement for Data Processing Services
ASD-39
On occasion
Computer industry; 500 responses; 1,500 hours
Richard Sheppard, 395-3211.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633-8558

Revisions

Survey of Clients and Comparison Non-Clients of Energy
Extension Service Programs
CS-190A-M
Single time
Clients and non-clients of FFS program; 4,177 responses; 1,607 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-7488

New Forms

Social Security Administration
1979 Recipient Characteristics Study Accuracy Check Schedule
SAA-4683
Single time
State Pub. Assis. Agen. Qual. control staff & reg. staff; 1,000 responses; 334 hours
Barbara F Young, 395-6132.

Revisions

Health Care Financing Administration (Departmental)
End-Stage Renal Disease Medical Information System
HCFA-2742, through 46
On occasion
Facilities certified to provide ESRD services; 411,340 responses; 26,137 hours
Richard Eisinger, 395-3214.

Social Security Administration
Marriage Certification
SAA-3
On occasion
Insured individual's spouses benefits; 300,000 reponses; 25,000 hours
Barbara F. Young, 395-6132.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184.

New Forms

Policy Development and Research
Condominium/Cooperative Verification Follow-Up
AHS-394(CC)
Single time
Condominium/cooperative hsehlds & managers in AHS; 4,400 responses; 500 hours
Arnold Strasser, 395-5080.

Revisions

Community Planning and Development
Model Cities Transitions Procedures—Certificate of Program Completion
HUD-4006
Other (See SF-83)
Remaining model city grantee agencies; 10 responses; 20 hours
Arnold Strasser, 395-5080.

Community planning and development
Final Local Evaluation Report on Model Cities
HUD-3128
On occasion
Remaining model city grantees at close-out; 10 responses; 800 hours
Arnold Strasser, 395-5080.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426-1887

New Forms

Federal Railroad Administration
Study of Trucking Service to Small Communities [1]
Single time
Shippers/receivers in small rural communities; 180 responses; 90 hours
Steed, Diane K., 395-3176.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389-2282

Revisions

Schedule of Costs
On occasion
Contractors; 170 responses; 2,720 hours
Richard Eisinger, 395-3214.

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-32951 Filed 10-24-79; 8:45 am]
BILLING CODE 3110-01-M

[1] On October 2, 1979, Secretary Goldschmidt made a commitment to the Chairman of the Senate Committee on Commerce, Science and Transportation that the Department would conduct a survey of a total of six small communities, two communities in each of the States of Nevada, Kentucky, and New Mexico. The Committee has requested that the study be completed by the end of November, with the Nevada surveys to be completed by the end of October. Given the severe time constraint within which this study must be completed and the sensitive nature of this study, the questionnaire has been cleared.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Intergovernmental Science, Engineering, and Technology Advisory Panel; Meeting, Amendment

The following is an amendment to the notice of meeting that was printed in the Federal Register on October 22, 1979, Vol. 44 FR 60832.

Name; Intergovernmental Science, Engineering, and Technology Advisory Panel—Science and Technology Transfer Task Force.
Place: Dulles Marriott, Chantilly, VA (703) 471-9500.
Date: Friday, November 9, 9:00 a.m.—5:00 p.m. Saturday, November 10, 9:00 a.m.—12:00 noon
Contact Person: Mr. Robert Goldman, Office of Science and Technology Policy, Executive Office of the President; telephone: 202/395-4596. Anyone who plans to attend should contact Mr. Goldman by November 7, 1979.

The purpose of the meeting is to set priorities for Task Force efforts and to consider what further steps are needed to foster the appropriate application of science and technology by State and local governments.

Minutes of the meeting: Summary minutes of the meeting will be available from Mr. Goldman.

Tentative Agenda

Friday, November 9, 1979

I. New Task Force Responsibilities
—The Future of the Problem Indentification Process
—NSF's Intergovernmental Programs
II. An Action Program to Strengthen Intergovernmental Scientific and Technological Cooperation
—Key Propositions
—Types of Scientific Information and Technology of Concern
—The Federal Interest
—Functions and Institutions

Saturday, November 10, 1979

Task Force Recommendations.

William J. Montgomery,

Executive Officer, Science and Technology Policy.

[FR Doc. 79-33096 Filed 10-23-79; 3:17 pm]

BILLING CODE 7555-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Privacy Act of 1974; Annual Notice of the Existence and Character of Systems of Records

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Annual Notice of the Existence and Character of Systems of Records.

SUMMARY: As required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), the Pennsylvania Avenue Development Corporation is giving annual notice of the existence and character of its systems of records.

FOR FURTHER INFORMATION CONTACT: Barbara S. Austin, Administrative Officer, Pennsylvania Avenue Development Corporation, Suite 1148, 425 13th Street, NW., Washington, D.C. 20004, (202) 566-1218.

NOTICE: The Pennsylvania Avenue Development Corporation hereby gives annual notice that its systems of records, as published in the Federal Register at 42 FR 48782 (September 23, 1977), continues in effect without changes.

The full text of this agency's systems of records also appears in Volume IV of the "Privacy Act Issuances—1978 Compilation", page 572. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The cost of the volume is $10.50.

Dated: October 18, 1979.

Peter T. Meszoly,

Acting Executive Director.

[FR Doc. 79-32976 Filed 10-24-79; 8:45 am]

BILLING CODE 7630-01-M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Rescheduled Meeting

Notice is hereby given of a change in date for the ninth meeting of the Presidential Commission on World Hunger. The meeting was to have been held on Saturday, November 3, 1979, but will be held instead on Monday, November 5, 1979, at 9:30 a.m. in Conference Room C of the Pan American Health Organization, 525 23rd Street, N.W., Washington, D.C. The meeting will begin at 9:30 a.m. and conclude at approximately 4:30 p.m.

The agenda for the meeting will include discussion of draft portions of the Commission's Report.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to the Presidential Commission on World Hunger, 734 Jackson Place, NW., Washington, D.C. 20006. Reservations will be honored on the basis of the earliest postmarks of requests.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc 79-32831 Filed 10-24-79; 8:45 am]

BILLING CODE 6820-97-M

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing on Proposed Comprehensive Plan Amendment

The Susquehanna River Basin Commission will hold a public hearing to receive comments from citizens, government agencies, and others on a proposed amendment to its *Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin.* The hearing has been scheduled for November 8, 1979, at the Penn Harris Motor Inn, Camp Hill, Pa., beginning at 1:00 p.m.

The Susquehanna River Basin Compact (Pub. L. 91-575), (84 Stat. 15909 et seq.) requires the Commission to maintain a Comprehensive Plan for the immediate and long-range use, management and development of the water and related resources of the basin. Initially adopted in December 1973, the Plan provides a basinwide strategy to guide the Commission and others in the management, use and conservation of the basin's resources. The Plan is also used to evaluate proposed water resource developments that the Commission must, by law, approve.

The proposed amendment to the Comprehensive Plan recognizes that growing residential, commercial, industrial and agricultural demands for water are placing an additional demand on available water supplies and that, as a result of this additional demand, it is desirable for the Commission to investigate, identify, and possibly utilize potential and existing water supply storage to enhance water supply needs in the future. Accordingly, the amendment would set a goal establishing a policy concerning the purchase and management of water supply storage available from commercial and governmental water storage projects, including the assumption of financial obligations, as necessary.

The November 8th hearing will be informal in nature. Interested parties are invited to attend the hearing and to participate by making oral or written statements presenting their data, views and comments on the proposed amendment. Those wishing to personally appear to present their views are urged to notify the Commission in advance that they desire to do so. However, any person who wishes to be heard will be given opportunity to be heard, whether or not they have given such notice. After the hearing, the Commission will evaluate all relevant material and decide whether to adopt as proposed, modify, or not adopt the amendment.

The Commission has a background report available upon request discussing the need for and in support of the proposed amendment. For a copy of the proposed amendment or additional information, contact the Secretary, Richard A. Cairo, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pennsylvania 17102, (717) 238-0423.

Dated: October 18, 1979.

Robert J. Bielo,

Executive Director.

[FR Doc. 79-32921 Filed 10-24-79; 8:45 am]

BILLING CODE 7040-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Mike Monroney Aeronautical Center; Order of Cancellation

In the matter of the recordation of a security agreement relating to Civil Aircraft N36565.

On July 19, 1979, an Order to Show Cause was issued by the Federal Aviation Administration to all concerned parties giving them until August 10, 1979, to submit any objections to the issuance of an order cancelling the recordation of a security agreement, dated January 23, 1979, relating to N36565, retroactively as of the date of recordation. Notice of the issuance of that order was published in the Federal Register on July 30, 1979 (44 FR 44637). The basis for the action was that, according to the records on file with the Federal Aviation Administation, the person who executed

the security agreement was not the owner of N36565 on January 23, 1979. Therefore, pursuant to § 49.17(e) of the Federal Aviation Regulations, the security agreement was not eligible for recordation.

Comments were received from Mr. Robert L. Van Buskirk basically confirming what the documents on file reflected. An affidavit, dated August 1, 1979, was received from American National Bank & Trust of New Jersey which did not dispute the accuracy of the dates on the recorded instruments, but rather spoke to the substantive rights of the parties. Subsequently, a release, dated August 8, 1979, of the subject security agreement was received from the American National Bank & Trust of New Jersey on August 13, 1979. The receipt of the release does not affect the finding that the security agreement was not eligible for recordation.

On the basis of the documents on file with the Federal Aviation Administration and since no objections to the cancellation of the recordation have been presented it has been determined that the recordation of the security agreement, dated January 23, 1979, was in error and is of no legal effect.

Now Therefore, it is Ordered:

1. That the recordaton of the Security Agreement, dated January 23, 1979, relating to Civil Aircraft N36565, a Piper PA-28-201T, Serial Number 28R-7803329, designated as Conveyance Number I06233 be canceled and declared of no legal effect retroactivley to the date of recordation, February 1, 1979.

2. That this Order shall be filed in the aircraft file of Civil Aircraft N36565, and posted at the FAA Aircraft Registry, and that a notice of the issuance of this Order shall be published in the Federal Register.

Dated in Oklahoma City, Oklahoma, this 11th day of October, 1979.

Benjamin Demps, Jr.,

Director, Aeronautical Center.

Certificate of Service

I hereby certify that I have this day served the foregoing Order of Cancellation by certified mail, return receipt requested, on the following persons at their addresses or record, namely:

American National Bank & Trust of New Jersey, P.O. Box 2125, Morristown, New Jersey 07690.

American Aviation Ground Services, Inc., 14592 S.W. 129th Street, Miami, Florida 33186.

Robert L. Van Buskirk, P.O. Box 95, Bahama, North Carolina 27503.

Dated at Oklahoma City, Oklahoma, this 11th day of October, 1979.

Joseph T. Brennan,

Aeronautical Center Counsel.

[FR Doc. 79-32616 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-79-26]

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: November 14, 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) 426-3655.

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 October 19, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19645	Thermonetics, Inc	14 CFR Parts 135 and 91, Subpart D.	To allow the petitioner an exemption from operating a Super King 200 Beechcraft small aircraft (less than 12,500 pounds) in accordance with Part 135 of the Federal Aviation Regulations. The aircraft instead would be operated under Subpart D of Part 91. The petitioner intends to dry-lease the aircraft for use in transporting its own employees and guests as well as those associated with its subsidiaries, which are separate corporate entities, and charging those subsidiaries for their use of the aircraft.
19646	Swift Aire Lines	14 CFR § 121.703(d)	To extend the required delivery time frame of mechanical reliability reports from 24 hours to 72 hours after each 24-hour period.
19647	Eli Lilly International Corp	14 CFR § 61.58(c)	To allow the petitioner's pilots to perform all the required maneuvers for a 24-month check in an FAA approved BAC-111 Visual Flight Simulator.
19648	Anthony Lindner	14 CFR § 61.65(e)(1)	To permit the petitioner to apply for an additional category instrument rating (airplane) without obtaining the required cross country experience in the category of aircraft for which the instrument rating is sought.
19649	Robert Serafini	14 CFR §§ 65.91 (c)(1) and (c)(2)	To allow the petitioner to become eligible for an inspection authorization without meeting the time requirements of Sections 65.91 (c)(1) and (c)(2) of the 14 CFR Federal Aviation Regulations.
19650	North States Aviation, Inc	14 CFR § 91.33(d)(3)	To permit the petitioner to install an R. C. Allen electric bank and pitch indicator with inclinometer to replace the standard turn coordinator in a Piper Aerostar 601P airplane.
19651	Gates Learjet Corp	14 CFR § 21.197	To permit the petitioner to ferry aircraft from Wichita, Kansas, to Phoenix, Arizona, for purposes of completion and certification.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19332	Soaring Society of America	14 CFR § 91.42(a)(1)	To allow petitioner to operate aircraft that have an experimental certificate, for other than the purpose for which the certificate was issued. *Granted 10/16/79.*
19427	Kal Aero, Inc.	14 CFR § 135.1499(c)	To permit petitioner to operate its Cessna Citation without a third attitude gyroscopic indicator for a period of 180 days. *Granted 10/11/79.*
19395	Air France, Air Jamaica, Ltd., Carib West Airways, and Concord International Airlines.	14 CFR Parts 21, 43, 91, and 121	To permit Concord International Airlines (CIAX) to operate DC-8 aircraft N8243U without exclusive use of that aircraft, to perform maintenance, and to use the minimum equipment list while the aircraft is operated by Air France, Air Jamaica, or Carib West Airways. *Granted 10/11/79.*
19492	Transasian Airlines	14 CFR §§ 43.3 and 65.81	To allow petitioner to permit foreign certificated airmen to conduct maintenance on U.S.-registered aircraft outside the United States. *Granted 10/15/79.*

[FR Doc. 79-32860 Filed 10-24-79; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 79-33]

Highway Safety Policy; Request for Public Comments

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to request comments on the development of a policy for accelerating safety upgrading on Federal-aid highways.

DATES: Comments must be received on or before December 24, 1979.

ADDRESS: Comments should be sent, preferably in triplicate, to FHWA Docket No. 79-33, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SE., 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. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. James L. Rummel, Office of Highway Safety, 202-426-2131; or Mr. Stanley H. Abramson, Office of the Chief Counsel, 202/426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. et, Monday through Friday.

SUPPLEMENTARY INFORMATION: It is essential that FHWA provide national leadership in ensuring that the latest safety principles are incorporated in the design and construction of major Federal-aid highways. These principles are set forth in the publication "Highway Design and Operational Practices Relating to Highway Safety" (frequently referred to as the "Yellow Book").

In late 1977, FHWA initiated a national review of recently completed Federal-aid highway projects. The purpose of the review was to determine, as objectively as possible, if the States were incorporating the latest safety principles and concepts on new projects. Safety upgrading efforts on older Federal-aid projects were also reviewed to determine their timeliness and impact on safety. It was expected that an unbiased, factual evaluation of compliance with the "Yellow Book" principles would provide FHWA with vital information which could be used by the agency in the promotion of an effective safety upgrading program on major Federal-aid system highways.

The reviews were performed in all 50 States during 1978. Review teams, consisting of representatives from FHWA Region and Division Offices, accompanied by State personnel, were responsible for conducting the review in each State. A four-man task force representing FHWA's Washington Headquarters and the National Transportation Safety Board acted as a steering committee for the review. This task force developed the review guidelines, participated in the reviews in 22 States, and prepared the final report.

The safety review report, issued in December 1978, is more than a reflection of good and bad practices related to safety; it attempts to reflect national trends, identifies safety problem areas, and recommends measures to strengthen safety efforts. The report concludes that, generally, the States are following the recommendations contained in the "Yellow Book" on recently constructed projects.

However, the report further points to the fact that the general safety upgrading of all highways, especially those not on the Interstate System, has been severely limited either by the lack of financial resources or by funding priorities. In general, only the Interstate System has received attention with regard to safety upgrading. In some States, even this has been minimal because available funds have been allocated to new Interstate construction which was considered to have the greatest impact on accident reduction. However, review findings indicate there are numerous hazards needing correction on non-Interstate Federal-aid highways. A major portion of these roads are carrying traffic volumes higher than those found on some Interstate routes.

The design standards for non-Interstate roads are generally lower than those used for the Interstate System and the accident rates are higher, yet both systems are posted with a 55 m.p.h. maximum speed limit. In the majority of States, there are no plans to safety upgrade these non-Interstate routes until a major reconstruction is undertaken.

The report concluded that the issue of safety upgrading on non-Interstate routes must be addressed. Non-Interstate routes are the site of 90 percent of the fatal accidents on the entire Federal-aid system. Because it will be virtually impossible to provide the resources to upgrade the entire system, some rational approach must be developed to establish a safety

upgrading program for the Federal-aid system. To address this issue, the safety review report made the following recommendation:

FHWA must take the initiative in accelerating the safety upgrading of all Federal-aid systems on a rational basis using performance reviews and accident data. It is recommended that FHWA define the minimum requirements necessary to constitute a highway safety upgrading program, initiate a safety needs study based on these minimum requirements, review funding alternatives, and establish national goals for accomplishing upgrading of high priority sections.

Shortly after issuance of the Highway Safety Review Report, a Safety Review Implemention Task Force, composed of seven top FHWA officials, was appointed to ensure follow-up action on the findings and recommendations of the safety review. In considering the above-stated recommendation, the Implemention Task Force determined that FHWA had insufficient information on which to establish a policy for accelerating safety upgrading of all Federal-aid highways. To assist the agency in gathering the necessary information, this notice solicits public comments and advice needed to develop a policy for accelerating a safety upgrading program. Comments on the following specific questions are desired:

1. Should FHWA identify the features and devices to be included in a highway safety upgrading program?
2. If such features and devices are identified, would a safety needs study based on these requirements be useful?
3. Are there funding alternatives that would accelerate the upgrading process?
4. Should FHWA establish national goals for upgrading of high priority sections?
5. How best can performance reviews and accident data be used to upgrade safety?
6. What criteria should be used in selecting high priority sections?

Any additional suggestions concerning the development of a safety upgrading policy are welcome.

Limited numbers of the reports "Highway Safety Review—Report of the Safety Review Task Force to the Federal Highway Administrator" and "Report of the Safety Review Implementation Task Force" are available and may be obtained through the Federal Highway Administration, Office of Highway Safety, 400 Seventh Street, SW., Washington, D.C. 20590.

Copies of this notice are being sent directly to the following organizations: the American Association of State Highway and Transportation Officials, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, the National Association of Governors' Highway Safety Representatives, the National Safety Council, the Institute of Transportation Engineers, the Center for Auto Safety, the Insurance Institute for Highway Safety, the American Automobile Association, the Highway Users Federation for Safety and Mobility, and the American Road and Transportation Builders Association.

Issued on October 17, 1979.

John S. Hassell, Jr.,

Deputy Administrator.

[FR Doc. 79-32911 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-79-16]

Almanor Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the Almanor Railroad (AL) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the AL be granted authority to permit certain employees to continuously remain on duty in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The AL seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicated that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-16, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 30, 1979, will be considered by the FRA before a final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5, Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).)

Issued in Washington, D.C. on October 10, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc 79-32744 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-79-15]

Johnstown & Stony Creek Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 46 CFR 211.41 and 211.9, notice is hereby given that the Johnstown and Stony Creek (JSC) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-165, 45 U.S.C. 64a(e)). That petition requests that the JSC be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The JSC seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by

submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-15, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Department of Transportation (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before November 23, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Department of Transportation (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).)

Issued in Washington, D.C., on October 9, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-32743 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-06-M

[Waiver Petition Docket Nos. SA-79-1 Through SA-79-24]

Petitions for Waiver of Compliance With Railroad Safety Appliance Standards

Notice is hereby given that twenty-four petitioners have submitted requests for permanent waivers of compliance with certain requirements of the Railroad Safety Appliance Standards (49 CFR Part 231). Each of the waiver requests involve the provisions of the Railroad Safety Appliance Standards that are applicable to locomotives used in road or switching service.

The Federal Railroad Administration (FRA) published a final rule on September 8, 1976 (41 FR 37782) that prescribed configurations for the handholds and uncoupling mechanisms of locomotives with corner stairway that are used in road service (49 CFRS 231.29) and also prescribed configurations for the handholds, uncoupling mechanisms and stairways of locomotives used in switching service (49 CFRS 231.30). These regulations are applicable to both existing locomotives and locomotives that will be constructed in the future. Full compliance for the entire locomotive fleet was scheduled for October 1, 1979.

The petitioners are mostly common carriers by railroad. They are seeking waivers of compliance for certain existing locomotives since the original design of these units precludes their effective modification to bring them into compliance. A brief description identifying the petitioner and the types of locomotive involved is provided below.

Interested persons are invited to participate in these proceedings by submitting written data, views or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number SA-79-2) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 30, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be considered to the extent practicable. All comments received will be available for examination during regular business hours, before and after the closing date for comments, in Room 5101, Nassif Building at the above addresss.

Waiver Petition Docket Number SA-79-1

This proceeding involves the waiver request submitted by the Howard Terminal Railway which operates a single diesel electric locomotive within the confines of the Port of Oakland in the State of California. The locomotive was built by Whitcomb Locomotive Works in 1948 and is occasionally used to perform switching service.

Waiver Petition Docket Number SA-79-2

This proceeding involves the waiver request submitted by Pittsburg, Allegheny and McKees Rocks Railroad which operates a single diesel electric locomotive. The unit is a 50 ton locomotive built by General Electric that is used to perform switching service.

Waiver Petition Docket Number SA-79-3

This proceeding involves the waiver request submitted by the Amstar Corporation which operates one diesel electric locomotive that does not comply with the regulation. This unit is a 25 ton locomotive built by General Electric in 1940. The unit principally operates within a plant area; however, it occasionally performs switching service on the tracks of a common carrier in the State of California.

Waiver Petition Docket Number SA-79-4

This proceeding involves the waiver request sumittted by C. P. Rail which operates 131 diesel electric locomotives in international service between the United States and Canada. These locomotives were built by the Montreal Locomotive Works since 1969 and are used in road service.

Waiver Petition Docket Number SA-79-5

This proceeding involves the waiver request submitted by the Laona and Northern Railway which operates two diesel electric locomotives in the State of Wisconsin. One locomotive was built by General Electric in 1942 and the other locomotive was built by Vulcan Locomotive Works in 1941. Both units are used in switching service.

Waiver Petition Docket Number SA-79-7

This proceeding involved the waiver request submitted by the Camino Placerville and Lake Tahoe Railroad which operates a single diesel electric locomotive. The unit is a 44 ton locomotive built by General Electric that is used to perform switching service.

Waiver Petition Docket Number SA-79-8

This proceeding involves the waiver request submitted by the S. M. Pensly Company which operates three diesel electric locomotives. One unit provides service on the Montpelier and Barre Railroad and the other two units serve on the Claremont and Concord Railway. These units are 44 ton locomotives built by General Electric that are used to perform switching service.

Waiver Petition Docket Number SA-79-9

This proceeding involves the waiver request submitted by the New York State Electric and Gas Corporation which operates a single diesel electric locomotive. The unit is a 44 ton locomotive built by General Electric that is used in switching service on the tracks of a common carrier.

Waiver Petition Docket Number SA-79-10

This proceeding involves the waiver request submitted by the Parr Terminal which operates two diesel locomotives in the State of California. The units were

built by the Plymouth Locomotive Works in 1943 and are used in switching service.

Waiver Petition Docket Number SA-79-11

This proceeding involves the waiver request submitted by the Louisiana and North West Railroad which operates six diesel electric locomotives. The units were built by the Electro Motive Division of General Motors Company and are designated as EMD F-7 model locomotives. The units are used in both switching and road service.

Waiver Petition Docket Number SA-79-12

This proceeding involves the waiver request submitted by the White Pass and Yukon Railroad which operates ten diesel electric locomotives in the State of Alaska. The units were built by General Electric for service on a narrow guage railroad approximately twenty years ago. The locomotives are used in both switching and road service.

Waiver Petition Docket Number SA-79-13

This proceeding involves the waiver request submitted by the New York Dock Railway which operates four diesel electric locomotives. The units are 44 ton locomotives built by General Electric that are used in switching service.

Waiver Petition Docket Number SA-79-15

This proceeding involves the waiver request submitted by the Green Bay and Western Railroad which operates five diesel electric locomotives that do not comply with the regulation. These units were built by the American Locomotive Works are designated as ALCO 424 and ALCO 430 model locomotives. The units are used in both switching and road service.

Waiver Petition Docket Number SA-79-16

This proceeding involves the waiver request submitted by the North Stratford Railroad which operates a single diesel electric locomotive in the State of Vermont. The unit is a 44 ton locomotive built by General Electric that is used in switching service.

Waiver Petition Docket Number SA-79-17

This proceeding involves the waiver request submitted by the Dansville and Mount Morris Railroad which operates a single diesel electric locomotive in the State of New York. The unit is a 44 ton locomotive built by General Electric that is used in switching service.

Waiver Petition Docket Number SA-79-19

This proceeding involves the waiver request submitted by the Department of the Navy which operates two diesel electric locomotives in conjunction with the shipyard at Portsmouth, New Hampshire. These units were built by H. K. Porter and principally to perform service within the shipyard. The units occasionally perform switching service on the tracks of a common carrier.

Waiver Petition Docket Number SA-79-20

This proceeding involves the waiver request submitted by the American Bridge Division of the United States Steel Corporation for a single diesel electric locomotive operated in the State of New York. The unit is used principally to perform service within the plant area. However, the unit occasionally performs switching service on the tracks of a common carrier.

Waiver Petition Docket Number SA-79-21

This proceeding involves the waiver request submitted by the Klamath Northern Railway which operates two diesel electric locomotives in the State of Oregon. One unit is a 70 ton locomotive built by General Electric and the other is a 30 ton locomotive built by Baldwin Locomotive Works. Both units are used in switching service.

Waiver Petition Docket Number SA-79-22

This proceeding involves the waiver request submitted by Dresser Industries which operates a single diesel electric locomotive in the State of New York. The unit is a 45 ton locomotive built by General Electric and is used principally to perform service within the plant area. The unit occasionally performs switching service on the tracks of a common carrier.

Waiver Petition Docket Number SA-79-23

This proceeding involves the waiver request submitted by the Nezperce Railroad which operates three diesel electric locomotives in the State of Idaho. The units are 44 ton locomotives built by General Electric that are used in switching service.

Waiver Petition Docket Number SA-79-24

This proceeding involves the waiver request submitted by the Alexander Railroad which operates one diesel electric locomotive in the State of North Carolina that does not comply with the regulation. This unit is a 44 ton locomotive built by General Electric that is used to perform switching service.

This notice is issued under the authority of sections 4, 6, and 12, 27 Stat. 531, as amended, section (6)e and (f), 80 Stat. 939; 45 U.S.C. 4, 6, 12, 49 U.S.C. 1655 and section 1.49(c) of the regulations of the Secretary of Transportation 49 CFR 1.49(c).

Issued in Washington, D.C., on October 11, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-32745 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-06-M

Research and Special Programs Administration

Grants and Denial of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denial of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in August 1979. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the following table:

1—Motor Vehicle; 2—Rail freight; 3—Cargo vessel; 4—Cargo-only aircraft; 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals		
2675-X	DOT-E 2675	Orb Industries, Inc., Upland, Pa	49 CFR 173.304(a)(1), 173.305(c)	To ship certain non-flammable gases in non-DOT specification seamless aluminum cylinders. (Modes 1, 2.)
3109-X	DOT-E 3109	Raytheon Co., Lowell, Mass.; U.S. Dept. of Defense, Washington, D.C.	49 CFR 173.302(a)(1), 175.3	To ship a nonflammable nonliquefied compressed gases in a non-DOT cylinder. (Modes 1, 2, 3, 4.)
3367-X	DOT-E 3367	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 173.316, 173.315(a)	To ship a certain flammable gas in non-DOT specification vacuum insulated cargo tank, designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
4262-X	DOT-E 4262	Schlumberger Well Services, Houston, Tex.	49 CFR 172.101, 173.53(u), 173.80.	To ship charged oil well jet perforating guns with initiators attached in specially constructed motor vehicles. (Mode 1.)
4354-X	DOT-E 4354	PPG Industries, Pittsburgh, Pa	49 CFR 173.119(m), 173.245, 173.288 (d), (e).	To ship certain corrosive liquids and flammable liquids in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 3T polyethylene container. (Modes 1, 2, 3.)
4400-X	DOT-E 4400	Airco Industrial Gases, Murray Hill, N.J.	49 CFR 172.101, 173.315(a)	To ship a flammable gas and non-flammable gases in a non-DOT specification insulated cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (Modes 1, 3.)
4719-X	DOT-E 4719	Dow Chemical, U.S.A., Freeport, Tex.; Allied Chemical Corp., Morristown, N.J.	49 CFR 173.314(c), 173.315(a)(1)	To ship certain flammable and non-flammable gases in DOT Specification MC-330 and MC-331 cargo tank or 105A300W, 112A340W, 114A340W, 106A500, 106A500X and 110A500W tank car tanks or tank car tanks complying with Specification 120A300W. (Modes 1, 2.)
5022-X	DOT-E 5022	National Aeronautics and Space Administration, Washington, D.C.	49 CFR 174.86, 174.101(L), 174.104(d), 174.112(a), 177.83(L)(1).	To ship certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
5062-X	DOT-E 5062	Dow Chemical Co., Midland, Mich	49 CFR 173.315(a), 172.101	To ship a nonflammable compressed gas in a DOT Specification MC-330 or MC-331 cargo tank. (Mode 1.)
5520-X	DOT-E 5520	Amchem Products, Inc., Ambler, Pa.	49 CFR 173.245(a), 173.256(a)	To ship certain corrosive liquids in DOT Specification 57 portable tanks. (Modes 1, 2, 3.)
5662-X	DOT-E 5662	Dow Chemical Co., Midland, Mich.; Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.353(a), 173.353a	To ship Class B poisonous liquids in a DOT Specification 51 portable tank. (Modes 1, 2, 3.)
5716-X	DOT-E 5716	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR 173.314, 179.3, 179.300-18(a)(1), 179.300-19(d).	To ship a certain non-flammable gas in non-specification tank car tanks. (Modes 1, 2.)
5767-X	DOT-E 5767	DuBois Chemicals, Cincinnati, Ohio.	49 CFR 173.264, 173.245, 173.263, 173.272, 173.256.	To ship certain corrosive materials in a non-DOT specification steel portable tank. (Modes 1, 2.)
5778-X	DOT-E 5778	Lil-O-Gen American Life Support Corp., Cambridge, Md.	49 CFR 173.302(a)(4), 173.304(a)(1)(i).	To ship certain flammable gases in DOT Specification 39 steel cylinders. (Modes 1, 2.)
6007-X	DOT-E 6007	National Warehouse, Inc., Minneapolis, Minn.	49 CFR 173.391(b)(5)	To ship certain radioactive devices as required by 49 CFR 173.391. (Modes 1, 2, 3, 4, 5.)
6092-X	DOT-E 6092	MC/B Chemical Co., Cincinnati, Ohio; Fisher Scientific Co., Fair Lawn, N.J.	49 CFR 173.25(b)	To ship certain corrosive liquids in glass bottles in DOT Specification 33A polystyrene cases. (Modes 1, 2.)
6234-X	DOT-E 6234	Pennwalt Corp., Philadelphia, Pa	49 CFR 173.154(a), 173.217	To ship certain oxidizing materials in DOT specification containers. (Modes 1, 2.)
6253-X	DOT-E 6253	Charente Steamship Co., Ltd., Liverpool, England.	49 CFR Part 173	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, 3.)
6267-X	DOT-E 6267	Bio-Lab, Inc., Decatur, Ga	49 CFR 173.217(a)	To ship certain oxidizing materials in non-DOT specification fiberboard boxes. (Modes 1, 2, 3.)
6296-X	DOT-E 6296	Olin Chemicals Group, Stamford, Conn.	49 CFR 173.377(g)	To ship certain Class B poisons in DOT Specification 44D multiwall paper bag. (Modes 1, 2.)
6349-X	DOT-E 6349	Kansas Refined Helium Co., Inc., Otis, Kans.	49 CFR 172.101, 173.315(a)	To ship certain flammable and nonflammable gases in non-DOT specification insulated, containerized portable tanks. (Modes 1, 2, 3.)
6416-X	DOT-E 6416	Allied Chemical Corp., Morristown, N.J.	49 CFR 179.101-1(a)	To ship a nonflammable gas in DOT Specification 105A300W tank cars. (Mode 2.)
6418-X	DOT-E 6418	Great Lakes Chemical Corp., Irvine, Calif.	49 CFR 173.357(b)	To ship Class B poisonous liquids in DOT Specification MC-303, MC-304, MC-306, MC-307, MC-310 or MC-312 cargo tanks. (Mode 1.)
6477-X	DOT-E 6477	E. I. du Pont de Nemours and Co., Inc., Wilmington, Del.	49 CFR 173.66(c)	To ship a Class A explosive in non-DOT specification packaging. (Modes 1, 2.)
6657-X	DOT-E 6657	Chemetron Corp., Chicago, Ill	49 CFR 173.34(e)(15)(i), 175.3	To ship certain nonliquefied compressed gases in DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA. (Modes 1, 2, 3, 4, 5.)
6658-X	DOT-E 6658	U.S. Department of Energy, Washington, D.C.	49 CFR 173.21(b), 173.64(a)	To ship a certain Class A explosive in non-DOT specification steel drums. (Mode 1.)
6686-X	DOT-E 6686	Chilton Metal Products Division, Chilton, Wis.	49 CFR 173.304, 178.65	To ship a certain flammable gas in DOT Specification 39 steel cylinder. (Modes 1, 2.)
6769-X	DOT-E 6769	E. I. du Pont de Nemours and Co., Inc., Wilmington, Del.	49 CFR 173.314, 173.315	To ship a liquefied compressed gas in DOT specification MC-331 tank motor vehicles. (Modes 1, 2.)
6773-X	DOT-E 6773	E. I. du Pont de Nemours and Co., Inc., Wilmington, Del.	49 CFR 173.314(c)	To ship a flammable compressed gas in a DOT Specification 105A600W tank car. (Mode 2.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals—Continued		
680-P	DOT-E 6820	Georgia Pacific Corp., Montebello, Calif.	49 CFR 173.217(a)	To become a party to Exemption 6820. (See Application No. 6820-P.) (Mode 1.)
6864-X	DOT-E 6864	Bacardi International Ltd. Hamilton, Bermuda; Bacardi and Company Ltd., Nassau, Bahamas.	49 CFR 173.119(b), 173.125	To ship certain hazardous materials in a non-DOT specification portable tank. (Modes 1, 2, 3.)
6874-X	DOT-E 6874	ICI Americas Inc., Wilmington, Del.	49 CFR 173.370(a)(13), 172.101	To ship certain Class B poisons in non-DOT specification wooden boxes. (Modes 1, 3.)
6919-P	DOT-E 6919	Minnegasco, Minneapolis, Minn	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6919. (See Application No. 6919-P.) (Mode 1.)
6984-P	DOT-E 6984	Kentucky ANFO, Inc., Madisonville, Ky.	49 CFR 173.66(g), 173.103(a), 177.835(g)(2)(i).	To become a party to Exemption 6984. (See Application No. 6984.) (Mode 1.)
7082-X	DOT-E 7082	Igloo Corp., Houston, Tex	49 CFR 173; 178.19	To manufacture, mark and sell non-DOT specification polyethylene containers for shipment of certain corrosive liquids, flammable liquids and oxidizers. (Modes 1, 2, 3.)
7097-X	DOT-E 7097	Plant Products Corp., Vero Beach, Fla.	49 CFR 173.377(f)	To ship certain Class B poisonous solids in non-DOT specification packagings. (Mode 1.)
7192-X	DOT-E 7192	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 173.316(a), 173.315(a)	To ship a flammable gas in non-DOT specification cargo tanks. (Mode 1.)
7208-X	DOT-E 7208	The National Aeronautics and Space Administration, Washington, D.C.	49 CFR 172.101, 175.3, 175.30(a)(1).	To ship Class B explosive in quantities exceeding present limitations with certain exceptions. (Mode 4.)
7235-X	DOT-E 7235	Luxfer U.S.A. Limited, Riverside, Calif.	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell non-DOT Specification seamless aluminum cylinders for shipment of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
7252-X	DOT-E 7252	E.I. du Pont de Nemours and Co., Inc., Wilmington, Del.	49 CFR 173.93	To ship certain Class B explosives in DOT Specification 17H metal drums. (Mode 3.)
7282-X	DOT-E 7282	M-R'Plastics and Coatings, Inc., Maryland Heights, Mo.	49 CFR 173.315(a)(1)	To ship certain mixtures of non-poisonous, nonflammable compressed gases in non-DOT specification steel portable tanks. (Mode 1.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Chilton, Wis.	49 CFR 173.304(a)(1), 175.3, 178.42.	To manufacture, mark and sell non-DOT specification brazed steel cylinders for shipment of compressed gases. (Modes 1, 2, 4.)
7423-X	DOT-E 7423	Armco Steel Corp., Middletown, Ohio.	49 CFR 173.154, 173.220(b)(2), 176.76(g)(5).	To ship certain flammable solids in DOT Specification 56 portable tanks. (Modes 1, 2, 3.)
7503-P	DOT-E 7503	Transcontainer Leasing S.A., Geneva, Switzerland.	49 CFR 90.05-35; 49 CFR 172.101, 173.119, 173.141, 173.245(a), 173.295(a), 173.346(a).	To become a party to Exemption 7503. (See Application No. 7503.) (Modes 1, 3.)
7666-X	DOT-E 7666	Delta Steamship Lines, Inc., New Orleans, La.	49 CFR 176.83(d)(3)	To transport freight containers containing hazardous materials by cargo vessel. (Mode 3.)
7685-X	DOT-E 7685	Cordova Chemical Co., Sacramento, Calif.	49 CFR 173.65(b)	To ship a certain Class A explosive in DOT Specification 21C fiber drum, overpacked in a DOT Specification 21C250 fiber drum. (Mode 1.)
7701-X	DOT-E 7701	Orval-Manutention, Paris, France	49 CFR 173.119(b), 173.125	To ship certain flammable liquids in non-DOT specification portable tanks. (Modes 1, 2, 3.)
7769-X	DOT-E 7769	Brunswick Corp., Lincoln, Nebr	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell non-DOT specification filament-wound reinforced, plastic aluminum lined cylinder. (Modes 1, 2, 3, 4, 5.)
7820-X	DOT-E 7820	Compagnie des Container Reservoirs, Neuilly S/Seine, France.	46 CFR 90.05-35; 49 CFR Parts 173.	To ship certain corrosive liquids, flammable liquids, poison B liquids, and combustible liquids in a non-DOT specification portable tank. (Modes 1, 2, 3.)
7820-P	DOT-E 7820	CATU Containers, S.A., Geneva, Switzerland; T.I.C., S.A., Paris, France.	46 CFR 90.05-35; 49 CFR Parts 173.	To become a party to Exemption 7820. (See Application No. 7820-P.) (Modes 1, 2, 3.)
8173-X	DOT-E 7824	Champion Chemicals, Inc., Houston, Tex.	49 CFR 173.119; 173.245	To become a party to Exemption 7824. (See Application No. 8173-N.) (Modes 1, 3.)
7835-P	DOT-E 7835	Scientific Gas Products Inc., South Plainfield, N.J.	49 CFR 177.848; Part 107; Appendix B(1).	To become a party to Exemption 7835. (See Application No. 7835-P.) (Mode 1.)
7893-P	DOT-E 7893	Trancontainer Leasing S.A., Geneva, Switzerland.	49 CFR 173.266	To become a party to Exemption 7893. (See Application No. 7893-P.) (Modes 1, 2, 3.)
7897-P	DOT-E 7897	CATU Containers S.A., Geneva, Switzerland.	46 CFR 90.05-35; 49 Parts 173	To become a party to Exemption 7897. (See Application No. 7897-P.) (Modes 1, 2, 3.)
7910-X	DOT-E 7910	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.306, 173.1200, 178.33, 178.33a.	To manufacture, mark and sell non-DOT specification containers for shipment of compressed gases. (Modes 1, 2, 3.)
7911-X	DOT-E 7911	Lox Equipment Co., Livermore, Calif.	49 CFR 172.101, 173.315(a)	To manufacture, mark and sell non-DOT specification cargo tanks for shipment of flammable gases. (Mode 1.)
7938-X	DOT-E 7938	Bigner Schmidt-Laurent, Paris, France.	49 CFR Parts 173	To ship certain flammable, corrosive, Class B poisonous and combustible liquids and ORM-A materials in non-DOT specification portable tanks. (Modes 1, 2, 3.)
7983-P	DOT-E 7983	Mallory Battery Co., Tarrytown, N.Y.	49 CFR Part 107, Appendix B; Parts 171-178.	To become a party to Exemption 7983. (See application No. 7983-P.) (Modes 1, 2, 3, 4, 5.)
8005-X	DOT-E 8005	Intsel Corp., New York, N.Y	49 CFR 173.266	To ship hydrogen peroxide in a non-DOT specification portable tank. (Modes 1, 2, 3.)
8012-X	DOT-E 8012	Bigner Schmid-Laurent, Paris, France; Transcontainer Leasing, S.A., Geneva, Switzerland; Compagnie Des Containers Reservoirs, Neuilly-Sur-Seine, France.	49 CFR 173.266	To ship hydrogen peroxide in non-DOT specification portable tanks. (Modes 1, 2, 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		New Exemptions—Continued		
8123-N	DOT-E 8123	Texas Instruments, Inc., Dallas, Tex.	49 CFR Parts 173; 178.210-10	To ship various hazardous materials in a non-DOT specification plastic overpack containing multiple DOT-2E polyethylene bottles. (Mode 1.)
8145-N	DOT-E 8145	American Box Co., Fernwood, Miss.	49 CFR 173.366	To ship a certain Class B poisonous solid in a non-DOT specification wirebound wood/corrugated fiberboard/polyethylene film pallet box. (Modes 1, 2.)
8152-N	DOT-E 8152	Allied Chemical Corp., Morristown, N.J.	49 CFR 178.343-2; 177.824(b)	To ship a hydrofluoric acid, solution in an unlined DOT Specification MC-312 cargo tank. (Mode 1.)
8165-N	DOT-E 8165	Pressure-Pak Container Co., East Hampton, Conn.	49 CFR 173.302(a)(1), 175.3, 178.42.	To manufacture, mark and sell non-DOT specification steel cylinder for shipment of nonflammable gases. (Modes 1, 2, 3, 4, 5.)
8167-N	DOT-E 8167	Manostat Corp., New York, N.Y.	49 CFR 173.287, 175.3	To ship a certain corrosive liquid overpacked in a DOT specification 12A corrugated fiberboard box. (Modes 1, 2, 3, 4.)
8175-N	DOT-E 8175	The Norac Co., Inc., Azusa, Calif.	49 CFR 173.157(a)(4), 178.224	To ship a certain organic peroxide in DOT Specification 21C400 fiber drums. (Mode 1.)
8178-N	DOT-E 8178	National Aeronautics and Space Administration, Washington, D.C.	49 CFR 173.302(a), 173.34(d)	To ship a compressed nonliquefied gas in a non-DOT specification filament wound reinforced plastic aluminum lined cylinder. (Modes 1, 4.)
8179-N	DOT-E 8179	Monsanto Co., St. Louis, Mo	49 CFR 173.265	To ship a poison B solid in a non-DOT specification storage tank. (Mode 1.)
8181-N	DOT-E 8181	Labelmaster, Chicago, Ill.	49 CFR Part 173, Subpart F; 178.150, 175.3.	To manufacture, mark and sell DOT Specification 33A polystyrene cases for shipment of certain corrosive liquids. (Modes 1, 2, 3, 4.)
8183-N	DOT-E 8183	Coral Chemical Co., Waukegan, Ill.	49 CFR 173.249a(d)(3)	To ship liquid cleaning compounds in non-DOT specification modified light-head fiber drums. (Mode 1.)
8185-N	DOT-E 8185	Liqui-Box Corp., Worthington, Ohio.	49 CFR Parts 173; 178.24, 178.211.	To manufacture, mark and sell DOT Specification corrugated fiberboard boxes for shipment of corrosive, flammable and Class B poisonous liquids. (Modes 1, 2, 3.)
8188-N	DOT-E 8188	Owens-Illinois, Toledo, Ohio	49 CFR 173.125(a), 178.19	To manufacture, mark and sell DOT Specification 34 reusable polyethylene container for shipment of liquid paint. (Mode 1.)
8190-N	DOT-E 8190	Ethyl Corp., Baton Rouge, La	49 CFR 173.245	To ship a corrosive material in DOT Specification 105A300W tank cars for shipment of a corrosive material. (Mode 2.)
8192-N	DOT-E 8192	Greif Brothers Corp., Union, N.J.	49 CFR 173.346, 173.348	To ship Class B poisonous liquids in DOT Specification 34 container. (Mode 1.)
8197-N	DOT-E 8197	Container Corporation of America, Wilmington, Del.	49 CFR Part 173, Subparts D, E, F.	To manufacture, mark and sell non-DOT specification polyethylene containers for shipment of certain corrosive liquids, flammable liquids, poison B liquids and liquid organic peroxides. (Modes 1, 2, 3.)
8205-N	DOT-E 8205	Roy E. Hanson, Jr., Manufacturing, Los Angeles, Calif.	49 CFR 178.343-3	To manufacture, mark and sell DOT Specification MC-312 cargo tanks for shipment of certain hazardous materials. (Mode 1.)
8233-N	DOT-E 8233	The National Aeronautics and Space Administration, Washington, D.C.	49 CFR 173.304	To ship a flammable compressed gas in a non-DOT specification welded aluminum cylinder. (Mode 1.)
6712-X	DOT-E 8241	Suburban Welders Supply Co., Inc., Ashland, Mass.	49 CFR 173.34(e)(15)(i)	To ship certain flammable and nonflammable gases in a DOT Specification 3A or 3AA or ICC-3, 3A or 3AA cylinders. (Modes 1, 2, 3, 4, 5.)

Withdrawal

8191-N—Request by Kay-Fries, Inc., Stony Point, N.Y.—To return partially filled tank car containing anhydrous hydrogen chloride, withdrawn August 30, 1979.

NOTE.—Inadvertently omitted from the 44 F.R. 174 publication of Exemptions issued during July 1979 is the following:

Denial

7060-P—Request by New England Nuclear, Boston, Mass.—To become a party Exemption 7060 for shipment of radioactive materials in small aircrafts with certain exceptions, denied July 6, 1979.

H. J. Sonnenberg,

Acting Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-32814 Filed 10-24-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[TMK-2-R:E:E]

Ohaus Scale Corp.; Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name OHAUS SCALE CORPORATION used by Ohaus Scale Corporation organized under the laws of the State of New Jersey, located at 29 Hanover Road, Florham Park, New Jersey 07932. The applicant states that the trade name is applied to weighing apparatus, including balances, scales, weights and containers and accessories for same, manufactured in the United States.

The applicant states further that no foreign company, parent or subsidiary company is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than 30 days from the date of publication of this notice in the Federal Register.

Notice of the action taken on the application for recordation of the trade name will be published in the Federal Register.

Dated: October 22, 1979.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 79-32887 Filed 10-24-79; 8:45 am]

BILLING CODE 4810-22-M

Antidumping; Spun Acrylic Yarn From Japan; Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that spun acrylic yarn from Japan is being sold at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. The case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: October 25, 1979.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229; (202) 566-5492.

SUPPLEMENTARY INFORMATION: On November 22, 1978, a petition was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the American Yarn Spinners Association, Gastonia, North Carolina, alleging that spun acrylic yarn from Japan 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 *et seq.*) ("the Act"). An "Antidumping Proceeding Notice," indicating that there was evidence on record concerning injury, or likelihood of injury, to an industry in the United States was published in the Federal Register of January 4, 1979 (44 FR 1238-9). A "Withholding of Appraisement Notice" was published in the Federal Register of July 13, 1979 (44 FR 41004-5).

Spun acrylic yarn is used predominately in machine knitting applications, such as in the production os sweaters, gloves, scarves, and headwear. It is manufactured from fine to medium denier acrylic fiber, which in turn is made from acrylonitrile monomer.

For purposes of this notice, the term "spun acrylic yarn" means spun yarn of acrylic provided for in item 310.50, Tariff Schedules of the United States.

Determination of Sales at Less Than Fair Value

On the basis of the information developed in this investigation and for the reasons noted below, I hereby determine that spun acrylic yarn from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Determination Is Based

a. *Scope of the Investigation.* Approximately 83 percent of the imports of the subject merchandise from Japan sold for export to the United States during the investigatory period (January 1, 1978, through December 31, 1978) was sold by Diafibers Company, Ltd. (Diafibers), a joint selling company for Japan Exlan Company, Ltd., and Mitsubishi Rayon Co., Ltd., and by Asahi Chemical Industry Co., Ltd. (or its related selling company, Nippon Synthetic Fibers Co., Ltd.). The investigation therefore was limited to sales by these companies.

b. *Basis of Comparison.* For the purposes of this determination, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since the great preponderance of sales for export to the United States were made to non-related customers.

Home market price, as defined in § 153.2, Customs Regualtions (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities, at prices equal to or above the cost of production, to provide an adequate basis of comparison for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was gathered concerning sales to the United States, sales to countries other than the United States and home market sales during the period January 1, 1978, through December 31, 1978.

c. *Purchase Price.* For purposes of this determination, purchase price has been calculated on the basis of the f.o.b. price to United States customers or the price to unrelated trading companies for export to the United States. Deductions have been made for inland freight and shipping expenses, where applicable.

d. *Home Market Price.* For purposes of this determination, the home market price has been calculated on the basis of the delivered price in the home market to unrelated purchasers. Adjustments have been made for differences in inland freight, packing and interest expenses between home market sales and export sales. Deductions have been made, where applicable, for certain sales promotion expenses incurred by the manufacturers on behalf of their home market customers. An adjustment to home market price has been made for the difference in spinning cost incurred with respect to export and home market merchandise, in accordance with § 153.11, Customs Regulations (19 CFR 153.11).

A claim for an adjustment for differences in advertising expenses has not been allowed because the manufacturers did not substantiate their allocation of advertising expenditures between home market and export sales. A claim for a price differential between raw material consumed in merchandise exported to the United States and that consumed in merchandise produced for domestic sale was not allowed because there is no difference in the raw material. Furthermore, a requested non-confidential summary describing this claim has not been submitted; therefore, the entire submission on this issue may be disregarded.

Claims for adjustments for warehousing costs incurred on home market sales and for financing interest expenses have not been allowed because such expenses are general in nature and not tied to particular sales. A claim for an adjustment for differences in laboratory costs between home market and exported merchandise has not been allowed becaue it has not been demonstrated that these costs are other than general research and development expenses unrelated to the sales under investigation. Claims for administrative expenses of sales departments have not been allowed because such expenses have not been properly documented and have not been shown to be directly related to the sales investigated. Expenses of these sorts are not considered to be the bases for adjustments because they do not constitute circumstances of any particular sale, as required by § 153.10, Customs Regulations (19 CFR 153.10).

A claim was made for an adjustment based on § 153.52(b) of the Customs Regulations (19 CFR 153.52(b)), due to the decline of the yen-dollar exchange rate in the latter half of 1978. Even if this section were applicable, it would not result, as requested by respondents, in excluding sales during that period from the fair value comparisons. However,

this claim has been disallowed because no conversion of currencies took place given that both home market and purchase prices were originally stated in yen.

Respondents made no claim for an adjustment based on different levels of trade under § 153.15, Customs Regulations (19 CFR 153.15), although it seems that such an adjustment may be appropriate. In the absence of any information regarding this matter, no adjustment of this kind has been made. However, if respondents supply satisfactory information to support such an adjustment, it could be made at the point when dumping duties are assessed, should that occur following the injury investigation of the U.S. International Trade Commission.

e. *Cost to Produce.* Counsel for petitioner has alleged that sales of this merchandise for home consumption or to third countries have been made in substantial quantities over an extended period of time at prices which are less than the cost of production and which do not permit recovery of all costs within a reasonable period of time in the normal course of trade, within the meaning of section 205(b) of the Act (19 U.S.C. 164(b)). Information submitted with the petition indicated that petitioner's claim might be well founded. Therefore, it was determined that an investigation of respondents' costs of production was warranted.

The respondents in this case declined to provide information concerning their costs of production. Hence, pursuant to § 153.31(a), Customs Regulations (19 CFR 153.31(a)), the best evidence of cost of production was utilized in an effort to determine whether section 205(b) of the Act was applicable. It has been determined that the best information available is that information which has been submitted by the manufacturers themselves in support of the various claims made for adjustments to their home market prices, information gathered during verification by Customs Service representatives, and information in publicly available documentation. Using such information it has been determined that at least 22 percent of each manufacturer's sales were made at less than the cost to produce in the home market.

Accordingly, those sales were disregarded in establishing fair value. The remaining home market sales made at above the cost to produce, which constituted over 50 percent of the home market sales for each manufacturer, have been determined to be adequate as a basis for the determination of fair value.

In a related allegation, counsel for the petitioner asserted that fiber, a major component of acrylic yarn, was sold to the yarn producers at an artificially low price by related companies, and that the cost of producing the fiber should have been determined and used. However, this was not done because it has been determined that the prices for fiber between related companies used in the cost calculations reflect the market value of the fiber in question and were approximately equivalent to prices for fiber from unrelated sources.

f. *Results of Fair Value Comparisons.* Using theabove criteria, purchase price was found to be lower than the home market price of such or similar merchandise. Comparisons were made on 82.6 percent of sales to the United States market during the investigatory period. Weighted-average margins over the total sales compared for each firm were 29.05 percent for Asahi Kasei, 18.33 percent for Japan Exlan and 20.26 percent for Mitsubishi Rayon, with an overall eighted-average margin of 23.19 percent for all manufacturers combined. The range of margins was from 6.13 to 58.21 percent in the case of Asahi Kasei, from 0.5 to 41.13 percent in the case of Japan Exlan, and from 5.01 to 49.63 percent in the case of Mitsubishi Rayon. Margins were found on 100 percent of the sales compared for each manufacturer.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40). However, the parties declined to request an oral hearing and none was held.

The United States International Trade Commission is being advised of this determination.

This determination and statement of reasons therefor are being published pursuant to section 201(d)(2) of the Act (19 U.S.C. 160(d)(2)).

David R. Brennan,

Acting General Counsel of the Treasury.

October 19, 1979.

[FR Doc. 79-32910 Filed 10-24-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decisions Volumes No. 188, 189, 191, 193, and 195]

Permanent Authority Decisions; Decision

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to

timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., 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 regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment not a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operated as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 188

Decided: October 5, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 531 (Sub-407F), filed May 16, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *dry polyvinyl chloride,* in bulk, in tank vehicles, from the facilities of Georgia Pacific Corp., at or near Plaquemine, LA, to points in the United States (except AK and HI). (Hearing site: New Orleans, LA, or Houston, TX.)

MC 19201 (Sub-133F), filed May 16, 1979. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, PA 19131. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. 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 the use of special equipment), between Cincinnati, OH, on the one hand, and, on the other, points in IN and KY, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 41951 (Sub-38F), filed February 23, 1979, and published in Federal Register issue of June 8, 1979. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen peppers,* from Kansas City, KS, to the facilities of RJR Foods Warehouses, Inc., at (a) Cambridge, MD, and (b) Jackson, OH. (Hearing site: Washington, DC, or Cambridge, MD.)

Note.—This republication clarifies the territorial description.

MC 90870 (Sub-25F), filed May 17, 1979. Applicant: RIECHMANN ENTERPRISES, INC., Route 2, Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Buildings, Des Moines, IA 50309. Transporting *plastic pipe and plastic pipe fittings,* from Fairfield, IA, to those points in MI and WI on and south of U.S. Hwy 10, and points in IL and MO. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 93840 (Sub-46F), filed May 16, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *grain oils,* from points in IA, to Chicago and Joliet, IL. (Hearing site: Chicago, IL.)

MC 111231 (Sub-268F), filed May 5, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 71764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave, Fort Smith, AR 72902. Transporting *electrolytic chlorination cells,* from Russellville, AR, to points in TX, LA, and MI. (Hearing sites: Little Rock, AR, or Washington, DC.)

MC 111401 (Sub-565F), filed May 16, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting (1) *lubricating oil,* in bulk, in tank vehicles, from Coffeyville, KS, to Memphis, TN, (2) *petroleum naphtha,* in bulk, in tank vehicles, from Cyril, OK, to points in IL, and (3) *petroleum products,* in bulk, in tank vehicles, from Oklahoma City, OK, to points in IL and MI. (Hearing site: Dallas, TX, or Washington, DC.)

MC 112801 (Sub-234F), filed May 17, 1979. Applicant: TRANSPORT SERVICE, CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of PPG Industries, Inc., at or near Lake Charles, LA, to points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA.)

MC 112801 (Sub-235F), filed May 17, 1979. Applicant: TRANSPORT SERVICE, CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *chemicals*, in bulk, in tank vehicles, from the facilities of PPG Industries, Inc., in Jefferson County, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 114211 (Sub-408F), filed May 18, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *wire, wire products, and fencing*, between the facilities of Bekaert Steel Wire Corporation, at Van Buren, AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Fort Smith or Little Rock, AR.)

MC 114211 (Sub-409F), filed May 18, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *such commodities* as are dealt in or used by agricultural equipment dealers and agricultural equipment manufacturers, from Carrington, ND, to points in the United States (excluding AK and HI). (Hearing site: Grand Forks or Fargo, ND.)

MC 115331 (Sub-486F), filed February 9, 1979, and previously noticed in FR issue of June 8, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, IL 62201. Transporting (1) *such commodities* as are dealt in by grocery and food business houses, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Ralston Purina Co., at or near (a) Clinton and Davenport, IA, (b) Battle Creek, MI, (c) Louisville, KY, and (d) Sharonville and Lancaster, OH, on the one hand, and, on the other, points in IN, MI, OH, MO, and WI. (Hearing site: St. Louis, MO.)

Note.—This republication clarifies the territorial description.

MC 123300 (Sub-2F), filed May 18, 1979. Applicant: HARRIS TRANSPORTATION CO., a Corporation, 14880 Love's Ln., P.O. Box 1100, Victorville, CA 92392. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *crude talc*, in bulk, from points in Inyo County, CA, to points in the Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 124211 (Sub-362F), filed May 18, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery and food business houses, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), (a) between points in Muskogee County, OK, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MN, MS, MO, NM, TN, and TX, and (b) between points in Adair County, OK, and Hidalgo County, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tulsa or Oklahoma City, OK.)

MC 126930 (Sub-22F), filed May 18, 1979. Applicant: BRAZOS TRANSPORT CO., a Corporation, 339 East 34th St., Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *gypsum rock*, in bulk, from Fort Dodge, IA, to points in NE and IL. (Hearing site: Lubbock or Dallas, TX.)

MC 126930 (Sub-23F), filed May 18, 1979. Applicant: BRAZOS TRANSPORT CO., a Corporaton, 339 East 34th St., Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *building materials, gypsum, and gypsum products*, from the facilities of National Gypsum Co., at Westwego, LA, to points in AR, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: New Orleans, LA, or Dallas, TX.)

MC 135410 (Sub-63F), filed May 16, 1976. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by grocery and drug stores (except commodities in bulk), between the facilities used by Proctor & Gamble, at or near Cincinnati, OH, on the one hand, and, on the other, points in IL and MO. (Hearing Site: Cincinnati, OH, or Washington, DC.)

MC 135811 (Sub-12F), filed May 15, 1979. Applicant: GARDNER TRUCKING CO., INC., Drawer 493, Walterboro, SC 29488. Representative: Myles J. Ambrose, 888 17th Street, NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paint and paint products*, (1) from Oak Creek, WI, to points in AZ, CA, OR, PA, UT, and TX, (2) from Dover, DE, to points in CA, GA, TX, and WI, (3) from East Point, GA, to points in DE, NC, and TN, and (4) from Memphis, TN, to points in GA, IL, KS, NY, and OH, under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA. (Hearing Site: Washington, DC.)

Note.—Dual operations may be involved.

MC 135811 (Sub-13F), filed May 18, 1979. Applicant: GARDNER TRUCKING CO., INC., Drawer 493, Walterboro, SC 29488. Representative: Myles J. Ambrose, 888 17th Street, NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the manufacture of welders and welding products, (except commodities in bulk), from points in CT, IL, IN, IA, KY, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, and VA, to the facilities of Miller Electric Manufacturing Co., at or near Appleton, WI, under continuing contract(s) with Miller Electric Manufacturing Co. (Hearing Site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142941 (Sub-46F), filed May 14, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 West Monroe, 10th Floor, Phoenix, AZ 85003. Transporting *paper and paper products*, between Kaukauna, WI, on the one hand, and, on the other, points in the United States (except AK, HI, and WI). (Hearing Site: Milwaukee, WI, or Phoenix, AZ.)

MC 143140 (Sub-3F), filed April 2, 1979, and previously noticed in FR issue of August 28, 1979. Applicant: SEYMOUR BUS LINES, INC., Route #3, Maynardville, TN 37807. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at points in Anderson, Blount, Campbell, Claiborne Jefferson, Knox, and Union Counties, TN, and extending to points in the United States (including AK, but excluding HI). (Hearing Site: Knoxville, TN.)

Note.—Applicant has introduced the issue of rates in support of its application. This

republication shows TN as a origin or destination State in lieu of TX.

MC 143540 (Sub-15F), filed May 15, 1979. Applicant: MARINE TRANSPORT COMPANY, a corporation, 330 Shipyard Boulevard, Post Office Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, Post Office Box 2246, Raleigh, NC 27602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products, meat byproducts, and packinghouse products*, between Denver, CO, Cherokee, Cedar Rapids, Des Moines, Denison, Iowa Falls, and Tama, IA, Monmouth, IL, Logansport, IN, Albert Lea, MN, Marshall, MO, Omaha and Crete, NE, Oklahoma City, OK, and Cudahy, WI, on the one hand, and, on the other, Savannah, GA, Wilmington, NC, Charleston, SC, and Norfolk, VA, restricted to the transportation of traffic having a prior or subsequent movement by water, under continuing contract(s) with Macwood Import, Inc., of New York, NY. (Hearing Site: Wilmington, NC.)

MC 144140 (Sub-34F), filed May 8, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting (1) *bananas*, and (2) *commodities* the transportation of which is otherwise exempt from economic regulations under 49 U.S.C. 10526(a)(6) [formerly section 203(b)(6) of the Interstate Commerce Act], when transported in mixed loads with bananas, from Baltimore, MD, Albany, and New York City, NY, Norfolk, VA, Philadelphia, PA, and Wilmington, DE, to points in IN, MI, NY, NC, OH, PA, SC, VA, and WV. (Hearing site: Washington, DC, or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 146071 (Sub-10F), filed May 18, 1979. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting *cheese*, from the facilities of Swift & Company, at or near Green Bay, WI, to points in AR, MO, TX, OK, and LA. (Hearing site: Chicago, IL.)

MC 147330 (Sub-1F), filed May 14, 1979. Applicant: SUNCO TRUCKING CO., a corporation, P.O. Box 443, Farmington, NM 87401. Representative: Robert G. Shepherd, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting (1) *equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up of pipe, between points in San Juan, Los Alamos, Sandoval, Rio Arriba, McKinley, Santa Fe, and Bernalillo Counties, NM, and Dolores, Montezuma, La Plata, and Archuleta Counties, CO, on the one hand, and, on the other, those points in AZ, UT, NV, CO, WY, ND, SD, MT, and NE. (Hearing site: Denver, CO.)

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Decided: October 2, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 63417 (Sub-204F), filed May 10, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *glass bulbs, glass rods, glass tubing, glassware, metal racks, cullet, electric lamps, batteries, battery chargers, lighting fixtures, holiday decorations, packaging materials, steel nestainers, lamp ballast wire, metals, displays, paints, lamp bases, compressed gasses (in cylinders), electric cord sets, and lamp outfits*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1), between Lexington and Somerset, KY, on the one hand, and, on the other, points in AL, CT, DE, GA, KY, MA, MD, MS, NC, NJ, NY, OH, PA, RI, SC, TN, VA, and WV, restricted (a) against the transportation of commodities in bulk and (b) to the transportation of traffic originating at or destined to the facilities of General Electric Company. 5 year limitation for dangerous commodities. (Hearing site: Roanoke, VA, or Cleveland, OH.)

MC 63417 (Sub-209F), filed May 17, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *new furniture and furniture parts*, from the facilities of Burlington Furniture Industries, at or near Robbinsville, NC, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of new furniture (except commodities in bulk), in the reverse direction. (Hearing site: Roanoke, VA.)

MC 66746 (Sub-23F), filed May 10, 1979. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Dr., P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. 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, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) between Memphis, TN, and the MS–LA State line, over U.S. Hwy 61, (2) between Jackson, MS, and Memphis, TN, over U.S. Hwy 51 (also Interstate Hwy 55, (3) between Memphis, TN, and the MS–AL State line, over U.S. Hwy 45 (also Alt. U.S. Hwy 45), (4) between Memphis, TN, and the MS–AL State line, over U.S. Hwy 72, (5) between the MS–AR State line and the MS–AL State line, over U.S. Hwy 82, (6) between Tupelo, MS, and Memphis, TN, over U.S. Hwy 78, (7) between Clarksdale, MS, and Tupelo, MS, over MS Hwy 6, (8) between the MS–LA State line and the MS–AL State line over U.S. Hwy 80 (also Interstate Hwy 20), (9) between Clarksdale, MS, and Gulfport, MS, over U.S. Hwy 49 (also U.S. 49E and U.S. 49W), (10) between Tchula, MS, and Okolona, MS, from Tchula, over MS Hwy 12 to Ackerman, MS, then over MS Hwy 15 to junction with MS Hwy 32, then over MS Hwy 32 to Okolona, and return over the same route, (11) between Lexington, MS, and the junction of MS Hwy 17 and U.S. Hwy 51 (also Interstate Hwy 55), over MS Hwy 17 (also Interstate Hwy 55), (12) between Canton, MS, and Philadelphia, over MS Hwy 16, (13) between the MS–AL State line and New Orleans, LA, over U.S. Hwy 11 (also Interstate Hwy 59 and 10), (14) between Magee, MS, and Laurel, MS, over MS Hwy 28, (15) between Fayette, MS, and Hazlehurst, MS, over MS Hwy 28, (16) between Washington, MS, and Summit, MS, over U.S. Hwy 98, (17) between New Orleans, LA, and MS–AL State line, over U.S. Hwy 90 (also Interstate Hwy 10), (18) between Clarksdale, MS, and Greenville, MS, over MS Hwy 1, (19) between Cleveland, MS, and Rosedale, MS, over MS Hwy 8, (20) between Clarksdale, MS, and Dundee, MS, from Clarksdale over MS Hwy 6 to Friars Point, MS, then over unnumbered road through Powell, MS, to Dundee, and return over the same route, (21) between junction U.S. Hwy 61 and MS Hwy 6 and West Helena, AR, from junction U.S. Hwy 61 and MS Hwy 6 over MS Hwy 6 to the MS–AR State line, then over AR Hwy 6 to West

Helena, and return over the same route. (22) between Greenville, MS, and El Dorado, AR, over U.S. Hwy 82, (23) between El Dorado, AK, and Smackover, AR, over AR Hwy 7, (24) between Fordyce, AR, and junction U.S. Hwy 65 and U.S. Hwy 165 near Dermott, AR, from Fordyce over AR Hwy 8 to Warren, AR, then over AR Hwy 4 to Monticello, AR, then over U.S. Hwy 165 to junction U.S. Hwy 65, and return over the same route, (25) between Hamburg, AR, and Lake Village, AR; from Hamburg over AR Hwy 81 to Star City, AR, then over AR Hwy 114 to Gould, AR, then over U.S. Hwy 65 to Lake Village, and return over the same route, (26) between West Helena, AR, and Dumas, AR; from West Helena over U.S. Hwy 49 to junction AR Hwy 1, then over AR Hwy to the Arkansas River, then over AR Hwy 54 to Dumas, and return over the same route, and (27) between Memphis, TN, and Helena, AR; from Memphis over Hwy 79 to Marianna, AR, then over AR Hwy 1 to Barton, AR, then over U.S. Hwy 59 to Helena, and return over the same route, serving all intermediate points in MS on routes (1) through (21) above, and all other points in MS as off-route points, serving all intermediate points in AR on routes (22) through (27) above, and the off-route points of Marvelle, Shuler, Eudora, and Hampton, AR, and the facilities of Michigan Chemical Company near El Dorado, AR. Note.—Applicant intends to join the requested routes with existing regular routes at Jackson, Hazelhurst, Summit, Gulfport, Fayette and Roxie, MS, to conduct operations to and from points in MS and New Orleans, LA. (Hearing site: Memphis, TN, or Jackson, MS.)

MC 70557 (Sub-11F), filed May 9, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *paper and paper products, furniture, wood pulp, electric lighting fixtures* and (2) *equipment, materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between the facilities of Scott Paper Company, in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Miami, FL.)

Note.—Dual operations may be involved.

MC 70557 (Sub-12F), filed May 17, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *non-alcoholic carbonated beverages*, and (2) *equipment, materials, and supplies* used in the manufacture of non-alcoholic carbonated beverages, between the facilities of Shasta Beverage Co., at Houston, TX, on the one hand, and, on the other, points in LA, restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Houston, TX.)

Note.—Dual operations may be involved.

MC 100666 (Sub-474F), filed May 14, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *composition board and lumber*, between the facilities of Champion International Corporation, at or near Catawba, Charleston, Orangeburg, and Silverstreet, SC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Dallas, TX.)

MC 102616 (Sub-995F), filed May 8, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillion Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *commodities*, in bulk, in tank vehicles, between the facilities of the Henderson County Riverport Authority, in Henderson County, KY, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, MI, MO, MS, OH, TN, VA, WI, and WV. (Hearing site: Louisville, KY, and Evansville, IN.)

MC 105656 (Sub-13F), filed May 9, 1979. Applicant: TOM PASQUALE d.b.a. PASQUALE TRUCKING, P.O. Box 295, Logansport, IN 46947. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *frozen foods*, from the facilities of Stouffer Corporation, at Cleveland and Solon, OH, to points in IN, IL, IA, KS, KY, MI, MN, MO, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 107496 (Sub-1215F), filed May 17, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *petrochemicals*, in bulk, from St. Louis, MO, to points in IA, IL, KS, KY, MI, MN, MO, MS, OH, OK, TN, and TX. (Hearing site: Des Moines, IA, or St. Louis, MO.)

MC 109376 (Sub-14F), filed May 9, 1979. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting (1) *rough iron and steel castings*, from the facilities of Grede Foundries, In., at or near (a) Reedsburg, Waukesha, and Milwaukee, WI, and (b) Hutchinson and Wichita, KS, to points in IA, IL, MI, MN, IN, OH, PA, WI, NY, MO, and KS and (2) *foundry materials and supplies*, in the reverse direction. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 109537 (Sub-5F), filed May 14, 1979. Applicant: HERRON TRANSFER CO., a corporation, 1026 Franklin St., Salem, OH 44460. Representative: Paul F. Berry, 275 E. State St., Columbus, OH 43215. Transporting (a) *machinery, earthenware, chinaware, plumbing fixtures and fittings*, and (b) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (a) above, (1) between points in Columbiana County, OH, on the one hand, and, on the other, points in OH, KY, VA, and DC, (2) between Ford City, PA, on the one hand, and, on the other, points in IL, IN, MI, WV, VA, KY, MD, DE, NJ, NY, ME, NH, CT, VT, RI, MA, and DC, and (3) between Newburgh, NY, on the one hand, and, on the other, points in PA, NJ, OH, WV, KY, IN, IL, MI, DE, MD, VA, CT, MA, VT, NH, ME, RI, and DC. (Hearing site: Columbus, OH.)

MC 109736 (Sub-47F), filed May 10, 1979. Applicant: CAPITOL BUS COMPANY, d.b.a. CAPITOL TRAILWAYS, 1061 South Cameron Street, Harrisburg, PA 17104. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, serving the Washington Metropolitan Area Transit Authority New Carrolton Terminal, New Carrolton, MD, and the Washington National Airport, Arlington County, VA, as off-route points in connection with applicant's otherwise authorized regular route operations. (Hearing site: Harrisburg or York, PA.)

MC 112617 (Sub-433F), filed May 14, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Company, at or near Chocolate Bayou, Texas City, and Houston, TX, to those points in the United States in and east of

LA, AR, MO, IA, and MN. (Hearing site: Louisville, KY, or Washington, DC.)

MC 114457 (Sub-513F), filed May 9, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *glass containers*, from Dunkirk, IN, to La Crosse, WI. (Hearing site: LaCrosse, WI, or St. Paul.)

MC 114897 (Sub-131F), filed May 17, 1979. Applicant: WHITFIELD TANK LINES, INC., 124 West Thomas (P.O. Box 7676), Phoenix, AZ 85011. Representative: B. Seth Green (same address as applicant). Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from points in OK, El Paso and Lubbock, TX, and points in AZ, and NM. (Hearing site: El Paso, TX, or Santa Fe, NM.)

MC 115826 (Sub-477F), filed May 17, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *such commodities* as are dealt in by retail department stores (except commodities in bulk in tank vehicles), from Ft. Worth and Dallas, TX, and Kansas City, MO, to Denver, CO, restricted to the transportation of traffic originating at or destined to the facilities of Montgomery Ward & Co. (Hearing site: Denver, CO.)

MC 115826 (Sub-478F), filed May 17, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *such commodities* as are dealt in by wholesale, retail, chain grocery and food business houses (except commodities in bulk), from points in the United States (except AK and HI), to points in CO. (Hearing site: Denver, CO.)

MC 117676 (Sub-10F), filed May 9, 1979. Applicant: HERMS TRUCKING, INC., 620 Pear St., Trenton, NJ 08468. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting (1) *charcoal briquets, fireplace logs*, and *hickory chips* (except in bulk), from the facilities of The Kingsford Company, at (1) Dothan, AL, (b) Burnside, KY, and (c) Ridgely and Parsons, WV, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture of the commodities in (a) above, in the reverse direction. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 118457 (Sub-34F), filed May 14, 1979. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 11104 West Becher St., West Allis, WI 53227. Representative: David V. Purcell, 111 East Wisconsin Ave., Milwaukee, WI 53202. Transporting *pork products*, in vehicles equipped with mechanical refrigeration, from Bloomington, IL, and Dayton and Washington Court House, OH, to Green Bay and Plymouth, WI, and Frontenac, KS, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 121336 (Sub-6F), filed May 14, 1979. Applicant: SUPERIOR FAST DRAYAGE, a corporation, d.b.a. SUPERIOR EXPRESS, 611 North Mission Rd., Los Angeles, CA 90033. Representative: David M. Westurn, P.O. Box 60100, Terminal Annex, Los Angeles, CA 90060. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), moving on bills of lading of freight forwarders as defined by 49 U.S.C. § 10102(8) (formerly Section 402(a)(5)) of the Interstate Commerce Act, between points in San Francisco, Marin, San Mateo, Santa Clara, Alameda, Contra Costa, and Santa Cruz Counties, CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 124117 (Sub-36F), filed May 14, 1979. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting (1) *paper and paper products*, and *woodpulp* (except commodities in bulk), from the facilities of Bowater Southern Paper Corporation, at or near Calhoun, TN to (a) points in KY, IL, IN, MO, MN, OK, WI, and those in MI, on and south of MI Hwy 21, (2) *materials, equipment and supplies* used in the manufacture of the commodities described in (1) above (except commodities in bulk), in the reverse direction of (a), and (3) *paper and paper products, and woodpulp* (except commodities in bulk), from the facilities of Bowater Southern Paper Corporation, at St. Louis, MO, to points in IL and MO. (Hearing site: Nashville, TN.)

MC 125777 (Sub-246F), filed May 17, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gray, IN 46403. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *silicon carbide scrap*, from those points in the United States in and east of TX, AR, MO, IA, and MN, to points in AL, and (2) *sand*, from points in GA and FL, to points in AL. (Hearing site: Chicago, IL.)

MC 136246 (Sub-25F), filed May 17, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting (1) *anhydrous ammonia and* (2) *liquid fertilizer* (except anhydrous ammonia), in bulk, from the facilities of Phillips Petroleum Company, at or near Aurora and Hoag, NE, to points in CO, KS, IA, MN, NE, OK, SD, and WY. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 136246 (Sub-26F), filed May 17, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *liquid fertilizer*, in bulk, in tank vehicles, from Perry, NE, to points in CO and KS. (Hearing site: Houston, TX, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 138157 (Sub-149F), filed May 9, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting (1)(a) *adhesives, adhesive cement, metal articles, building materials, polyurethane*, and *plastic articles*, and (b) *materials, equipment*, and *supplies* used in the manufacture, distribution, and installation of the commodities named in (1)(a) above, (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of Kinkead Industries, Inc., at or near Pittsburg, KS, on the one hand, and, on the other, points in the United States (except AK and HI), and (2)(a) *polyurethane, plastic* and *fiberglass articles*, and (except commodities in bulk), (b) *materials, equipment*, and *supplies* used in the distribution and installation of the commodities named in (2)(a) above, from Odessa, MO, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 138157 (Sub-154F), filed May 14, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *hospital supplies*, (except commodities

in bulk) from McGaw Park, IL, Edison, NJ, Obetz, OH, Norcross, GA, and Grand Prairie, TX, to points in CA, WA, and OR, or restricted to the transportation of traffic originating at the facilities of American Hospital Supply Division of American Hospital Supply Corp., and destined to the indicated destinations. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 138157 (Sub-159F), filed May 14, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting (1) *nutritional food supplements, personal care products, household products* and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except in bulk), between Atlanta, GA, Dallas, TX, Norman, OK, Hayward, CA, Chicago, IL, and Lyndhurst, NJ, on the one hand, and, on the other, points in the United States (except AK & HI), restricted to the transportation of traffic originating at or destined to the facilities of Shaklee Corp. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138206 (Sub-21F), filed May 14, 1979. Applicant: TRULINE CORPORATION, 4455 South Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting (1) *gypsum products*, from points in Clark County, NV, to points in UT, and (2) *gypsum board paper*, from Commerce, CO, to points in Clark County, NV. (Hearing site: Las Vegas, NV.)

MC 138257 (Sub-2F), filed May 14, 1979. Applicant: BESTWAY TRANSPORT, INC., 4900 Holabird Ave., Baltimore, MD 21224. Representative: Robert L. Cope, 1730 M St., NW, Suite 501, Washington, DC 20036. Transporting *bottles*, between Baltimore and Havre De Grace, MD, and Keyser, WV, on the one hand, and, on the other, points in CT, DE, GA, MA, MD, NJ, NY, OH, PA, WV, VA, and DC. (Hearing site: Washington, DC.)

MC 138257 (Sub-3F), filed May 14, 1979. Applicant: BESTWAY TRANSPORT, INC., 4900 Holabird Ave., Baltimore, MD 21224. Representative: Robert L. Cope, 1730 M St., NW, Suite 501, Washington, DC 20036. Transporting *building materials, equipment, and supplies*, between Baltimore on the one hand, and, on the other, points in CT, DE, GA, MA, MD, NJ, NY, OH, PA, WV, VA, and DC. (Hearing site: Washington, DC.)

MC 138627 (Sub-73F), filed May 14, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *precast concrete products and accessories*, from Oshkosh, WI, to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, and TN. (Hearing site: Chicago, IL, and Omaha, NE.)

MC 138736 (Sub-13F), filed May 14, 1979. Applicant: FBM TRUCKING, INC., P.O. Box 513, Fayetteville, GA 30214. Representative: Dorothy Meatows, Hwy 54 East, Fayetteville, GA 30214. Transporting (1) unfinished synthetic *fabric or piece goods*, (2) *synthetic fiber*, (3) unfinished *woven cotton fabric*, from points in AL, GA, NC, SC, TN, and VA to the facilities of Pacific Upholstery Supply Corp., at Gardena, CA. (Hearing site: Atlanta, GA.)

MC 139857 (Sub-2F), filed April 2, 1979. Applicant: T. W. TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Transporting *wine and malt beverages*, from points in Los Angeles, Orange, San Mateo, Santa Clara, Fresno, Madera, Alameda, Stanislaus, Solano, Napa, and San Francisco Counties, CA, to those points in WA in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, WA, and points in Benewah, Kootenai, Boundary, Shoshone, Clearwater, and Idaho Counties, ID. Conditions: (1) The person or persons who it appears may be engaged in common control must either file an application under 49 U.S.C. § 11343 formerly section 5(2) of the Interstate Commerce Act or submit an affidavit indicating why no such approval is necessary, and (2) issuance of a certificate is conditioned upon coincidental cancellation at applicant's written request et Permit MC-136992 Sub 1. (Hearing site: Seattle or Spokane, WA.)

MC 145617 (Sub-1F), filed May 11, 1979. Applicant: MID-NORTHERN TRANSFER CO., Box 141, Grand Ridge, IL 61325. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, between the facilities of Thatcher Glass Manufacturing Company, Div. of Dart Industries, Inc., at Streator, IL, on the one hand, and, on the other, Chicago, Kankakee, and Peoria, IL, restricted to the transportation of traffic having a prior or subsequent movement by rail, under continuing contract(s) with Thatcher Glass Manufacturing Company, Div. of Dart Industries, Inc., of Elmira, NY. (Hearing site: Chicago, IL.)

MC 145636 (Sub-3F), filed May 9, 1979. Applicant: BOB BRINK, INC., 165 Stueben St., Winona, MN 55987. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting (1) *plastic articles* (except expanded), and (2) *commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526 (a)(6) formerly Section 203 (b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities named in (1) above, from the facilities of Fiberite Corp., at Winona, MN, to Phoenix and Scottsdale, AZ, Denver, CO, Jefferson City, MO, Carson City, NV, Tulsa, OK, Ogden and Salt Lake City, UT, Seattle, WA, and points in CA and TX. (Hearing site: Minneapolis or St. Paul, MN.)

MC 145657 (Sub-1F), filed May 14, 1979. Applicant: RAY A. LEWIS, d.b.a. H and W TRANSPORT COMPANY, S. Main St., Cedartown, GA 30125. Representative: Frank W. Quinn, Redmond Rd., P.O. Box 162, Rome, GA 30161. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *carpeting* and (2) *materials* used in the manufacture of carpeting (except in bulk, or tank vehicles), between the facilities of the Seaboard Coastline Railroad, at Cedartown, GA, on the one hand, and, on the other, the facilities of WWG Industries, at Rome and Plainville, GA, under a continuing contract(s) with W.W.G. Industries of Rome, GA. (Hearing site: Rome or Atlanta, GA.)

MC 147176, filed May 14, 1979. Applicant: BOBBY STEVENS HAULING CONTRACTORS, INC., P.O. Box 207, Fortson, GA 31808. Representative: R. Napier Murphy, 700 Home Federal Bldg., P.O. Box 4987, Macon, GA 31203. Transporting *road building materials and aggregates*, from points in GA to points in Autauga, Barbour, Bullock, Butler, Calhoun, Chambers, Chilton, Clay, Cleburne, Coffee, Coosa, Crenshaw, Dale, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Pike, Randolph, Russell, Talladega, and Tallapoosa Counties, AL. (Hearing site: Macon, GA.)

Note.—Dual operations may be involved.

MC 147917F, filed April 24, 1979. Applicant: MELNI BUS SERVICE, INC., 622 Anacapa Street, P.O. Box 838, Santa Barbara, CA 93102. Representative:

William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in San Luis Obispo, Santa Barbara, Fresno, and Ventura Counties, CA, and extending to points in the Unites States (except AK and HI). (Hearing site: Los Angeles, CA.)

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Decided: October 12, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 730 (Sub-440F), filed May 16, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 No. Via Monte, Walnut Creek, CA 94596. Representative: E. E. Reddick (same address as applicant). Transporting *malt beverages, empty paperboard or pulpboard shipping pallets, glass bottles and advertising material,* between the facilities of Anheuser Busch, Inc., at or near Newark, NJ; St. Louis, MO; Columbus, OH; Williamsburg, VA; Tampa, FL; Jacksonville, FL, and Merrimack, NH, on the one hand, and, on ther other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: St. Louis, MO, or San Francisco, CA.)

MC 2900 (Sub-373F), filed May 18, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408-R, Jacksonville, FL 32203. Representative: John Carter (same address as applicant). Transporting *foodstuffs,* from Kansas City, KS, and Independence, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 2900 (Sub-383F), filed May 25, 1979. Applicant: RYDER TRUCK LINES, INC., Ranger Division, 2050 Kings Road, P.O. Box 2408-R, Jacksonville, FL 32203. Representative: John Carter (same address as applicant). Transporting *automobile gear frames,* from Reading, PA, to Janesville, WI, restricted to the transportation of traffic originating at the named origin and destined to the named designation. (Hearing site: Philadelphia, PA.)

MC 8771 (Sub-54F), filed May 24, 1979. Applicant: SAW MILL SUPPLY, INC., 3599 Old Gettysburg Road, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *iron and steel articles,* from the facilities of Northwestern Steel & Wire Co., at or near Sterling and Rock Falls, IL, to points in OH, MI, VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Washington, DC.)

MC 22311 (Sub-14F), filed May 14, 1979. Applicant: A LINE INC., 8135 Monroe St., Munster, IN 46321. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Transporting (1) *iron, steel, zinc, lead, and products* of iron, steel, zinc and lead (except commodities in bulk), *construction materials, supplies, and equipment (except commodities in bulk),* from the facilities of or utilized by Penn-Dixie Steel Corporation, Inc., at or near Blue Island and Joliet, IL, Fort Wayne and Kokomo, IN, Lansing and Grand Rapids, MI, Columbus and Toledo, OH, and Centerville, IA, 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 and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL.)

MC 35320 (Sub-317F), filed May 11, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box No. 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *hazardous materials,* serving the facilities of the Atlantic Research Corporation, at or near Yorktown, VA, Seal Beach, CA, Bremerton, WA, Charleston, SC, and Camden, AR, as off-route points in connection with carrier's otherwise authorized regular-route operation. (Hearing site: Washington, DC, or Richmond, VA.)

Note.—Insofar as this authority allows the transportation of dangerous commodities it is limited to expire in 5 years.

MC 35320 (Sub-328F), filed May 24, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of General Color & Chemical Co., Inc., at or near Minerva, OH, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Akron, OH, or Washington, DC.)

MC 47171 (Sub-127F), filed May 17, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *toilet preparations, swabs, and raw materials* used in the manufacture of toilet preparations and swabs between Royston and Savannah, GA, on the one hand, and, on the other, points in MA, NJ, NY, and PA. (Hearing site: Washington, DC.)

MC 41951 (Sub-43F), filed May 25, 1979. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *foodstuffs* (except commodities in bulk), from Hallwood, VA, to points in CT, DE, MA, MD, NC, NJ, NY, PA, RI, and VA. (Hearing site: Washington, DC, or Cambridge, MD.)

MC 52750 (Sub-23F), filed November 24, 1979. Applicant: BLUE LINE TRANSPORTATION CO., INC., P.O. Box 11125, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients,* between points in OR, WA, and ID, on the one hand, and, on the other, points in CA. (Hearing site: Portland, OR.)

MC 59150 (Sub-156F), filed May 18, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting (1) *adhesives, building materials, composition boards, mineral fiber products, paper, wood fiber products, gypsum and gypsum products, lime* (except liquid in bulk), and (2) *such materials and supplies* as are used in the manufacture, installation, and distribution of the commodities named in (1) above, (except in bulk), between the facilities of the United States Gypsum Company, at points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: Chicago, IL, or Atlanta, GA.)

MC 61231 (Sub-146F), filed May 18, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *tires, tire tubes, wheels, wheel weights, and tire valves,* from Des Moines, IA, to points in AZ, CO, IL, IN, KS, MI, MO, MT, ND, NE, OK, SD, TN, TX, and WI. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 61440 (Sub-170F), filed May 18, 1979. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N. W. 63rd Street, Oklahoma City, OK 73157. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. 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 Monroe, The Calculator Company, at or near Lexington, SC, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Oklahoma City, OK.)

MC 65660 (Sub-13F), filed May 16, 1979. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., 66 Third Street, Masury, OH 44438. Representative: C. R. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Medina, OH, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 67450 (Sub-87F), filed May 16, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *prepared and preserved foodstuffs* (except frozen), *cooking oils, shortening, and matches*, from Toledo, OH, to Buffalo, NY. (Hearing site: Chicago, IL.)

MC 75320 (Sub-214F), filed May 15, 1979. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: Phineas Stevens, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, comodities in bulk, and those requiring special equipment), serving junctions U.S. Hwy 82 and U.S. Hwy 75, at or near Sherman, TX for purpose of joinder only. (Hearing site: Jackson, MS, or Springfield, MO.)

MC 90870 (Sub-26F), filed May 21, 1979. Applicant: RIECHMANN ENTERPRISES, INC., Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. Transporting *zinc, zinc dross, zinc residue, and skimmings*, between the facilities of St. Joe Zinc Co., at Beaver County, PA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Washington, DC.)

MC 104421 (Sub-30F), filed May 17, 1979. Applicant: ECONOLINES, INC., P.O. Box 623, D.T.S., Omaha, NE 68101. Representative: Roger W. Norris (same address as applicant). Transporting *such commodities* as are dealt in and used by manufacturers and distributors of plumbing and electrical fixtures, supplies, and equipment (except commodities which, because of their size or weight, require the use of special equipment, and except commodities in bulk), between points in Dodge and Washington Counties, NE, on the one hand, and, on the other, points in AZ, AR, FL, ID, KY, LA, MS, MT, NV, NM, ND, OK, OR, SD, TN, TX, UT, WA, and WY. (Hearing site: Omaha, NE.)

MC 106401 (Sub-64F), filed April 9, 1979. Applicant: JOHNSON MOTOR LINES, INC. P.O. Box 31577, Charlotte, NC 28231. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. 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 Charlotte, NC, and Parkersburg, WV, over Interstate Hwy 77, (2) between Statesville, NC, and Bluefield, WV, over U.S. Hwy 21, (3) between Winston-Salem, NC, and Huntington, WV, over U.S. Hwy 52, (4) between Bluefield, WV, and Erie, PA, over U.S. Hwy 19, (5) between Huntington, WV, and Erie, PA, from Huntington over Interstate Hwy 64 to junction Interstate Hwy 79, at Charleston, WV, then over Interstate Hwy 79 to Erie, PA, and return over the same route, (6) Between Huntington, WV, and junction Interstate Hwy 70 and U.S. Hwy 19, from Huntington over WV Hwy 2 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction of Interstate Hwy 70 and U.S. Hwy 19, and return over the same route, and (7) between Parkersburg and Clarksburg, WV, over U.S. Hwy 50, restricted in (1) through (6) above to the transportation of traffic moving from, to, or through points in NC. (Hearing site: Charlotte, NC or Charleston, WV.)

Note.—Service is authorized hereinabove as follows: (a) at intermediate points on the designated routes in NC, (b) at points in WV as intermediate or off-route points, and (c) at points in PA, on and west of U.S. Hwy 219, as intermediate or off-route points.

MC 108341 (Sub-152F), filed May 17, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New Nork, NY 10048. Transporting (1) *new construction, road building, earth moving, excavating, loading, maintenance, logging, mining, pipelaying, and industrial equipment*, (2) *tractors* (except truck tractors), (3) *generators and engines*, and (4) *attachments, assessories, parts*, and *supplies* for the commodities in (1), (2), and (3) above (except commodities in bulk), between Portsmouth, VA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 111401 (Sub-564F), filed May 16, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting *chlorinated camphene* (toxaphene), in bulk, in tank vehicles, from Waco, TX, to Altus, OK. (Hearing site: Dallas, TX, or Atlanta, GA.)

MC 115831 (Sub-15F), filed May 21, 1979. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *sulfate black liquor* (soap skimmings), from points in NC to points in SC. (Hearing site: Raleigh, NC.)

MC 115841 (Sub-715F), filed May 21, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), from points in TN, to points in AR, IA, KS, MN, MO, NC, NE, OK, TX, VA, and WV. (Hearing site: Nashville, TN, or Washington, DC.)

MC 117730 (Sub-57F), filed May 21, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park

Ridge, IL 60068. Transporting (1) *foodstuffs* and *food seasonings* (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) when moving in mixed loads with the commodities in (1) above, (a) from the facilities of Oscar Mayer & Co., Inc., at Madison and Jefferson, WI, to the facilities of Oscar Mayer & Co., Inc., at Goodlettsville, TN, and (b) from the facilities of Oscar Mayer & Co., Inc., and its subsidiaries, Claussen Pickle Co. and Quality Control Spice Co., at points in IA, IL, and WI, to Kansas City, MO, and points in TX on and east of Interstate Hwy 35, restricted in (a) and (b) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Madison, WI, or Chicago, IL.)

MC 117940 (Sub-335F), filed May 8, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Hwy 12, Maple Plain, MN 55359. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring the use of special equipment, and foodstuffs), (1) from the facilities of Queen City Shippers Association, Inc., at points in NJ, to points in OH, (2) from the facilities of Ohio Valley Cooperative Association, and (3) from the facilities of or used by Nationwide Cooperative Association, at points in OH, to points in AZ, CA, CO, FL, GA, ID, MA, MN, MD, MO, NV, NJ, NY, OR, PA, TX, UT, and WA, restricted in (1), (2), and (3) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Cincinnati, OH.)

MC 119741 (Sub-185F), filed May 24, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc., at Schuyler and Fremont, NE, to points in MI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 119741 (Sub-186F), filed May 24, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *rubber and rubber products,* from the facilities of Denman Rubber Manufacturing Co., at or near Leavittsburg, OH, to points in IL, KS, MO, and NE, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Cleveland, OH.)

MC 119991 (Sub-29F), filed May 18, 1979. Applicant: YOUNG TRANSPORT, INC., P.O. Box 3, Logansport, IN 46947. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Transporting (1) *iron, steel, zinc, lead, and articles or products of the named commodities* (except in bulk), *springs, and construction materials, supplies, and equipment* (except in bulk), from the facilities of Penn-Dixie Steel Corp., at or near Kokomo, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to those points in the United States in and east of MN, SD, NE, CO, and NM; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of commodities named in (1) above (except in bulk), in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations (except traffic moving in foreign commerce). (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 121470 (Sub-24F), filed May 16, 1979. Applicant: TANKSLEY TRANSFER CONPANY, a corporation, 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting (1) *such commodities* as are manufactured or dealt in by manufacturers of containers and accessories (except commodities in bulk); and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), between the facilities of Werthan Industries, at or near Nashville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

MC 123061 (Sub-127F), filed May 21, 1979. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 1283 E. South Temple, #501, Salt Lake City, UT 84102. Transporting *hides,* between points in NV, NM, CO, WY, MT, ID, UT, CA, OR, and WA. (Hearing site: Salt Lake City, UT, or Boise, ID.)

MC 124211 (Sub-361F), filed May 23, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting (1) *cutlery, plastic and wooden articles, straws, and bar and restaurant supplies* (except foodstuffs and commodities in bulk), from Los Angeles, CA, Jacksonville, FL, Houston, TX, Lewistown, UT, and Appleton, WI, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Los Angeles, CA.)

MC 124711 (Sub-91F), filed May 21, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper (same address as applicant). Transporting *petroleum products,* in bulk, in tank vehicles, from the facilities of Mobil Oil Corporation, at or near Augusta, KS, to points in AR. (Hearing site: Dallas, TX, or Wichita, KS.)

MC 124821 (Sub-47F), filed May 16, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *paper and paper products,* and *materials* and *supplies* used in the manufacture and distribution of paper and paper products, between the facilities of International Paper Company, at or near Jay, ME, on the one hand, and, on the other, those points in NY on and east of Interstate Hwy 81, and those points in PA on and east of a line beginning at the NY-PA State line and extending along Interstate Hwy 81 to Harrisburg, PA, then along Interstate Hwy 83 to the PA-MD State line, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Harrisburg, PA.)

MC 128021 (Sub-43F), filed April 25, 1979. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen AL 36401. Transporting (1) *charcoal, charcoal briquets, vermiculite, active carbon, and hickory chips,* and (2) *charcoal lighter fluid, charcoal grills,*

and accessories for charcoal grills, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at and destined to the facilities of Husky Industries, Inc. (Hearing site: Atlanta, GA, or Montgomery, AL.)

Note.—Dual operations may involved.

MC 128741 (Sub-10F), filed May 8, 1979. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., 4108 Progressive Ave., Ste. 1, Lincoln, NE 68504. Representative: Scott T. Robertson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting (1)(a) *golf carts*, and (b) *parts, attachments, and accessories* for golf carts, and (2)(a) *industrial vehicles*, and (b) *parts, attachments, accessories*, and *trailers* for industrial vehicles, between Anaheim, CA., on the one hand, and, on the other, points in the United States (except AK and HI).

MC 129480 (Sub-40F), filed May 17, 1979. Applicant: TRI-LINE EXPRESSWAYS LTD., 550, 71st Avenue, S.E., Calgary, Alberta, Canada T2H OS6. Representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Transporting *glass*, from the facilities of Libbery-Owens-Ford Co., at Lathrop, CA, to ports of entry on the international boundary line between the United States and Canada. (Hearing site: Denver, CO.)

MC 135070 (Sub-65F), filed May 24, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs and restaurant equipment, materials, and supplies* (except commodities in bulk), from the facilities of Sambo's Restaurants, Inc., at or near Carpenteria and San Francisco, CA, to Florence, KY. (Hearing site: Los Angeles, CA, or Dallas, TX.)

Note. Dual operations may be involved.

MC 135070 (Sub-66F), filed May 24, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *frozen foods*, from the facilities of Pet Incorporated, Frozen Foods Division, at or near Chickasha and Tulsa, OK, to points in AR, LA, MI, and TX. (Hearing site: St. Louis, MO, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135231 (Sub-33F), filed May 14, 1979. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lead shot*, from Dayton, NV, and ports of entry on the international boundary line between the United States and Canada at NY and VT, to Anoka, MN. (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 135231 (Sub-34F), filed May 14, 1979. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *ammunition, small arms, and materials, supplies, and equipment* used in the manufacture and distribution of ammunition and steel junction boxes (except commodities in bulk), from Anoka, MN, to points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 135861 (Sub-51F), filed May 21, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *toilet preparations and soap*, from Burbank, CA, to points in TX, under continuing contract(s) with Andrew Jergens Company, of Burbank, CA. (Hearing site: Dallas, TX, or Los Angeles, CA.)

MC 136301 (Sub-8F), filed May 14, 1979. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 1506, Ft. Myers, FL 33902. Representative: John P. Bond, 2766 Douglas Road, Miami, FL 33133. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (1) between the facilities of Vlasic Foods, Inc., at or near Bridgeport, Imlay City, and Memphis, MI, Millsboro, DE, and Greenville, MS, and (2) from the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, to those points in the United States in and east of MI, WI, IL, KY, TN, MS, and LA, under continuing contract(s) with Vlasic Foods, Inc., of Detroit, MI. (Hearing site: Washington, DC, or Detroit, MI.)

MC 138741 (Sub-79F), filed May 21, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *roofing, siding, building and construction materials, accoustical and sound control materials, asbestos products, and insulating materials* (except commodities in bulk), and (2) *equipment, machinery, materials and supplies* used in the manufacture, packaging, storage, distribution, and installation of the commodities named in (1) above, (except commodities in bulk), between Mobile, AL, Denver, CO, Savannah, GA, Joliet, IL, Mt. Vernon, IN, Minneapolis, MN, Annapolis, Kansas City, and St. Louis, MO, Erie, PA, Dallas, TX, and Kremlin and Pembine, WI, on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, PA, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities and supplies of the GAF Corporation. (Hearing site: Washington, DC.)

MC 143621 (Sub-24F), filed May 21, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue North, P.O. Box 5748, Nashville, TN 37208. Representative: Sidney T. Stanley (same address as applicant). Transporting *zinc, zinc alloy, and zinc products*, from the facilities of Jersey Miniere Zinc Company, in Montgomery County, TN, to points in the United States (except AK and HI). (Hearing Site: Nashville, TN.)

MC 143701 (Sub-13F), filed May 16, 1979. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 73-I, Metairie, LA 70033. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting (1) *roofing*; and (2) *materials and supplies* used in the manufacture of roofing, from the facilities of Delta Roofing Mills, Inc., a division of Republic Gypsum, Inc., at or near Slidell, LA, to points in AL, AR, FL, GA, MS, and TX. (Hearing Site: New Orleans, LA, or Washington, DC.)

MC 144140 (Sub-36F), filed May 18, 1979. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers, converters and distributors of (1) *paper and paper products*; (2) *cellulose or synthetic materials and products*, and (3) *consumer, service and specialty products* (except commodities in bulk), between the facilities of Kimberly-Clark Corporation, at Corinth, MS, 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 facilities of Kimberly-Clark Corporation, at or near Corinth, MS. (Hearing Site: Tampa, FL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145070 (Sub-3F), filed May 18, 1979. Applicant: PROGRESSIVE PRODUCE CO., d.b.a. PATHFINDER TRUCKING, 1206 E. Sixth Street, Los Angeles, CA 90021. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *bananas and agricultural commodities* exempt from regulation under Title 49, Section 10526(a)(6) of the US Code when transported in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, ID, OR, UT, and WA, restricted to the transportation of traffic having a prior movement by water. (Hearing Site: Los Angeles, CA.)

MC 145321 (Sub-1F), filed April 2, 1979. Applicant: RAY L. and CHERYLE RICHTER, d.b.a. WOOD-PLY MATERIALS TRADING AND TRANSPORT CO., 3110 SW Iowa, Portland, OR 97201. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, plywood, veneer, and shakes*, from points in Baker, Benton, Clackamas, Clastop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, and Yamhill Counties, OR, and Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Franklin, Grays Harbor, Island, Jefferson, King Kitsap, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Pend Oreille, Pierce, San Juan, Skamania, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom and Yakima Counties, WA, to points in Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler and Yamhill Counties, OR and Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Franklin, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Pend Oreille, Pierce, San Juan, Skamania, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom and Yakima Counties, WA, under continuing contract(s) with (1) Alpine Veneers, Inc., (2) Jim Evans Forest Products, (3) Northern Yards, Inc., and (4) Sunrise Forest Products Co., all of Portland, OR, and (5) Exterior Wood, of Washougal, WA. (Hearing Site: Portland, OR, or Seattle, WA.)

MC 145781 (Sub-2F), filed May 21, 1979. Applicant: L & L TRANSPORTATION, INC., Grand View Village, 1700 Swanson Drive, No. 80, Rock Springs, WY 82901. Representative: Vincent J. Horn, Jr., 200 City Center Building, Casper, WY 82601. Transporting *machinery, equipment, and supplies* used in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products, and byproducts; and *machinery, materials, equipment, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in WY, CO, MT, ID, NV, SD, ND, and UT, restricted against the transportation of complete oil drilling rigs. (Hearing site: Casper, WY, or Salt Lake City, UT.)

MC 145950 (Sub-22F), filed April 27, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Hesiley, 805 McLachlen, Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *such commodities* as are dealt in by (a) grocery and food business houses, (b) soy products, (c) paste and flour products, and (d) dairy based products, and (2) *materials, supplies, and ingredients* used in the manufacture, distribution, and sale of the commodities in (1) above, between the facilities of Ralston Purina Company, at or near (i) San Diego, CA, (ii) Sparks, NV, (iii) Denver, CO, (iv) Flagstaff, AZ, and (v) Oklahoma City, OK, on the one hand, and, on the other, points in the United State (except AK and HI). (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 146071 (Sub-11F), filed May 18, 1979. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting (1) *tractor exhaust pipes, exhaust pots, mufflers* and *materials, equipment*, and *supplies* used in the manufacture or distribution of the commodities named above, from the facilities of Nelson Muffler Co., Division of Nelson Industries, at or near Arcadia, Black River Falls, Mineral Point, Neilsville, Viroque, and Wautoma, WI, to points in the United States (except AK and HI); and (2) *materials, supplies*, and *equipment* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 146501 (Sub-2F), filed May 18, 1979. Applicant: SPEEDWAY CARRIERS, INC., 923 North Roosevelt, Aberdeen, SD 57401. Representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982, Bismarck, ND 58501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cabinets*, from ports of entry on the international boundary line between the United States and Canada in MT and ND to points in the United States (except AK and HI), under continuing contract(s) with H. T. H. Cabinets, Ltd., of Calgary, Alberta, Canada. (Hearing site: Billings, MT, or Bismarck, ND.)

MC 146571 (Sub-2F), filed May 24, 1979. Applicant: DONALD A. BENSON, d.b.a. BENSON TRUCKING, R.D. 1, Box 44, Mansfield, PA 16933. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. Transporting *malt beverages, from Rochester and Syracuse, NY, to points in PA and OH. (Hearing site: Harrisburg, PA, or Washington, DC.)*

MC 146601 (Sub-4F), filed March 7, 1979. Applicant: POTEAT MOTOR LINES, INC., 522 12th Ave., S.W., Hickory, NC 28601. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204. Transporting (1) *textiles and textile products*, from points in Caldwell, Catawba, Cabarrus, Cleveland, Burke, Gaston, Iredell, Lincoln, McDowell, Rowan, Mecklenburg, and Rutherford Counties, NC, and Cherokee, Greenville, Spartanburg, Union, and York Counties, SC, to points in Union and Snyder Counties, PA, and those points in PA on the east of a line beginning at the MD-PA State line and extending along U.S. Hwy 11 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the NY-PA State line, including points on the highways specified, and points in Albany, Bronx, Columbia, Dutchess, Fulton, Greene, Herkimer, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Renesselaer, Rockland, Richmond, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, and Westchester Counties, NY, and points in NJ, CT, RI, MA, and the Town of Manchester, NH, (2) *fabrics or cloth*, from points in CT, RI, MA, NJ, and Union and Snyder Counties, PA, and those points in PA on and east of a line beginning at the MD-PA State line and

extending along U.S. Hwy 11 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the NY–PA State line, including points on the highways specified, and points in Albany, Bronx, Columbia, Dutchess, Fulton, Greene, Herkimer, Kings, Montgomery, Nassau, New York, Orange Putnam, Queens, Rensselaer, Rockland, Richmond, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, and Westchester Counties, NY, and the Town of Manchester, NH, to points in Catawba County, NC, (3) *chemicals* used in the manufacture of textiles and textile products, from Philadelphia, PA, to those points in NC on and west of U.S. Hwy 1, (4) *iron and steel articles*, from Baltimore, MD, and Philadelphia, PA, to points in Catawba and Yancey Counties, NC, and (5) *pulpboard and fibreboard*, from Baltimore, MD, to those points in NC on and west of U.S. Hwy 1. (Hearing site: Charlotte, NC.)

MC 146821 (Sub-2F), filed May 24, 1979. Applicant: RON BESTEMAN PRODUCE CORP., 2240 Byron Center Road, Wyoming, MI 49509. Representative: Ron Besteman (same address as applicant). Transporting *frozen potato products*, from the facilities of Mid-America Potato Co., at or near Grand Rapids, Lake Odessa and Martin, MI, to points in IL, IA, IN, OH, PA, KY, MO, WI, NY, NJ, VA, and WV. (Hearing site: Grand Rapids or Lansing, MI.)

MC 147320F, filed May 10, 1979. Applicant: B.F.F. TRUCKING, 1037 Downey Road, P.O. Box 596, La Conner, WA 98257. Representative: Susan W. Carlson, 1215 Norton Bldg., Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foods*, (a) from Bellingham, WA, to Los Angeles, CA, and (b) from Los Angeles, Patterson, Oxnard, and Salineas, CA, and Portland, Salem, Woodburn, and Albany, OR, to Bellingham, WA; and (2) *wine* (except in bulk), from Madera, Fresno, Lodi, Elk Grove, San Jose, Modesto, and Oakland, CA, to Mt. Vernon, WA, under continuing contract(s) with (1) Bellingham Frozen Foods, Inc., of Bellingham, WA, and (2) Van Gasken Distributors, Inc., of MT. Vernon, WA. (Hearing site: Bellingham or Seattle, WA.)

MC 147431F, filed May 16, 1979. Applicant: M.L.D. AND SONS INDUSTRIES, Route 20 East, P.O. Box 217, Bellevue, OH 44811. Representative: Marion L. Dougherty (same address as applicant). Transporting *iron and steel articles and rolling mill parts*, between points in OH and MI. (Hearing site: Cleveland or Columbus, OH.)

MC 147440F, filed May 11, 1979. Applicant: NATHAN R. BEHNE, d.b.a. BEHNE TRUCK LINE, P.O. Box 307, Sherburn, MN 56171. Representative: Bruce A. Rasmussen, 2116 Second Avenue South, Minneapolis, MN 55404. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *snow blowers, wood furnaces, wood splitters, trailers, and agricultural machinery*, from the facilities of Schweiss Incorporated, at or near Sherburn, MN, to points in CO, ID, IL, IN, IA, KS, KY, MD, MI, MO, MT, NE, NY, OH, PA, SD, WI, and WY, under continuing contract(s) with Schweiss Incorporated, of Sherburn, MN. (Hearing site: Minneapolis, MN.)

MC 123481 (Sub-5F), filed May 11, 1979. Applicant: BROWN LINE, INC., 22 First Street West, Kalispell, MT 59901. Representative: Charles A. Webb, Suite 800 South, 1800 M Street NW., Washington, D.C. 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) Between Kalispell, MT, and Shelby, MT: From Kalispell, MT over U.S. Hwy 93 to Whitefish, MT, then over U.S. Hwy 93 to junction MT Hwy 40, then over MT Hwy 40 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Shelby, MT, and return over the same route, serving all intermediate points, and (2)(a) Between Kalispell, MT, and Sandpoint, ID: From Kalispell, MT over U.S. Hwy 2 to Troy, MT, then over MT Hwy 56 to junction MT Hwy 200, then over MT Hwy 200 and ID Hwy 200 to Sandpoint, ID, and return over the same route, serving all intermediate points, and (b) between Kalispell, MT, and Sandpoint, ID: From Kalispell, MT over U.S. Hwy 93 to junction MT Hwy 28, then over MT Hwy 28 to Plains, MT, then over MT Hwy 200 and ID Hwy 200 to Sandpoint, ID, and return over the same route, serving all intermediate points and the off-route points of Elmo, Lonepine, and Hot Springs, MT. (Hearing site: Kalispell, MT.)

MC 147441F, filed May 18, 1979. Applicant: SCENIC MINNESOTA LINES, INC., P.O. Box 1, St. Cloud, MN 56301. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage, and express, newspapers and mail* in the same vehicles as passengers, between Mora, MN, and Minneapolis, MN over MN Hwy 65, serving all intermediate points. (Hearing site: Minneapolis, MN.)

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Decided: October 15, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 25869 (Sub-154F), filed May 21, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE. Representative: Donald L. Stern, Suite 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *ingredients* used in the manufacture of pet foods (except commodities in bulk, in tank vehicles), from points in CO, NE, and IA to Rockford, IL. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 52709 (Sub-364F), filed May 16, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (Same address as applicant). Transporting *truck parts, truck accessories, and materials* used in the manufacture of trucks, (a) between the facilities of White Motor Corp., at Ogden, UT, on the one hand, and, on the other, points in CA, IL, IN, IA, KY, MI, NY, OH, OR, PA, and VA, and (b) between the port of entry on the international boundary line between the United States and Canada at or near Oroville, WA, on the one hand, and, on the other, points in AZ, CA, CO, IL, IN, IA, KY, MI, OH, OR, NY, PA, UT, and VA, restricted in (b) above to the transportation of traffic moving in foreign commerce. (Hearing site: Cleveland, OH, or Denver, CO.)

Note.—The person, or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a), formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 64808 (Sub-42F), filed May 16, 1979. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *aluminum articles, and materials, equipment, and supplies* used in the manufacture, distribution, and sale of aluminum articles (except commodities in bulk, in tank and dump vehicles), between the facilities of Alcan Aluminum Corporation, at or near Fairmont, WV, on the one hand, and, on the other, those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 97658 (Sub-2F), filed May 14, 1979. Applicant: NORTHAMPTON & BOSTON EXPRESS SERVICE, INC., Deerfield Industrial Park, South Deerfield, MA 01373. Representative: James M. Burns, Johnson's Bookstore Building, 1383 Main Street, Suite 413, Springfield, MA 01103. 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 Bennington and Windham Counties, VT, Cheshire County, NH, Providence County, RI, MA, and CT. (Hearing site: Springfield or Boston, MA.) Condition.—Applicant seeks, in part, by this application, to convert its Certificate of Registration No. MC-97658 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. Issuance of a certificate is conditional upon applicant's written request for coincidental cancellation of its Certificate of Registration in No. MC-97658 (Sub-No. 1).

MC 103498 (Sub-63F), filed May 21, 1979. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *wallboard and insulation board,* from the facilities of National Gypsum Company, at Mobile, AL, to points in AR, KS, MO, OK, LA, and TX. (Hearing site: Mobile, AL, or Dallas, TX.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 103798 (Sub-41F), filed May 21, 1979. Applicant: MARTEN TRANSPORT, LTD, Rural Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *foodstuffs* (except in bulk), from the facilities of The Creamette Company, at Minneapolis and New Hope, MN, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 106398 (Sub-908F), filed May 16, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *building materials and building components,* from Stockton CA, to points in the United States (except AK and HI). (Hearing site: Sacramento, CA.)

MC 106398 (Sub-910F), filed May 16, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *building materials and building components,* from St. Louis, MO, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 106398 (Sub-912F), filed May 15, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *trailers and clod feed conveyors,* from Oregon, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 108119 (Sub-156F), filed May 18, 1979. Applicant: E.L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 63010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company, at or near Romeo, MI, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations, except that the restriction shall not apply to traffic moving in foreign commerce. (Hearing site: Detroit, MI.)

MC 118959 (Sub-223F), filed May 16, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. 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 Kimberly-Clark Corporation, at Corinth, MS 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 named facilities. (Hearing site: Chicago, IL, or Washington, DC.)

MC 118959 (Sub-224F), filed May 18, 1979. Applicant: JERRY LIPPS, INC., 130 So. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 So. LaSalle St., Chicago, IL 60603. Transporting *household appliances,* from the facilities of Norge Company, Division of Magic Chef, at Herrin, IL, to Cape Girardeau, MO, restricted to the transportation of traffic having a subsequent movement by rail. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 124159 (Sub-12F), filed May 17, 1979. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *prepared food products* from the facilities of Barrel O'Fun, Inc., at or near Perham, MN, to points in IL, IA, MT, ND, SD, WI, and WY, and (2) *prepared food products and materials and supplies* used in the manufacture and distribution of prepared food products, from points in the United States (except AK and HI) to the facilities of Barrel O'Fun, Inc., at or near Perham, MN. (Hearing site: Fargo, ND.)

Note.—Dual operations may be involved.

MC 125708 (Sub-172F), filed May 18, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd St., East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madision Blvd., McLean, VA 22101. Transporting *metal articles* (1) from points in OH, PA, NJ, IL, MD, KY, IA, IN, NY, and WV, to Norcross, GA, Birmingham, AL, Greenville and Greensboro, NC, and Richmond, VA, and (2) from Norcross, GA, to points in FL, SC, NC, MS, TN, LA, AR, and VA. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 128988 (Sub-102F), filed May 18, 1979. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith, 15580 South 169 Highway, Olathe, KS 66061. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *outdoor recreational equipment, and heating and air conditioning apparatus,* and (2) *parts* for commodities in (1) above, from the facilities of The Coleman Company, Inc., at or near New Braunfels, TX, to points in the United States (except AK and HI); and (3) *materials and supplies* used in the manufacture of commodities in (1) above, in the reverse direction, under continuing contract(s) with The Coleman Company, Inc., of Wichita, KS. (Hearing site: Kansas City, MO.)

MC 134498 (Sub-5F), filed May 16, 1979. Applicant: FREEWAY TRANSPORT, INC., 635 S.E. 11th Avenue, Portland, OR 97214. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *bananas and agriculture commodities* otherwise exempt from regulation under 49 U.S.C. 10526(a)(6), when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in OR and WA, restricted to the transportation of traffic having a

prior movement by water. (Hearing site: Los Angeles, CA.)

MC 138308 (Sub-73F), filed May 18, 1979. Applicant: KLM INC., Old Highway 49 So., P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *new furniture parts* (a) from Pontotoc, MS, to San Bernardino, CA, Kankakee, IL, Charlotte, NC, Binghamton, NY, and Dallas, TX, and (b) from Meridian, MS, to Kankakee, IL, Charlotte, NC, and Dallas, TX, restricted in (a) and (b) above to the tranportation of traffic originating at and destined to the facilities used by Kroehler Manufacturing Co. (Hearing site: Jackson, MS, or Washington, DC.)

MC 139349 (Sub-13F), filed May 18, 1979. Applicant: E Z FREIGHT LINES, a corporation, Gould Street & E. 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bakery goods, bread crumbs, edible flour, edible grain, beverage preparations, and syrups* (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 Evansville, IN, on the one hand, and, on the other, those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Modern Maid Foods Products, of Garden City, NY. (Hearing site: Newark, NJ.)

MC 143179 (Sub-15F), filed May 21, 1979. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bonded synthetic fiber*, from St. Louis, MO, to points in IL, MN, and WI, under continuing contract(s) with Mid America Fiber Co., Inc., of St. Louis, MO. (Hearing site: Omaha, NE.)

MC 143708 (Sub-2F), filed May 18, 1979. Applicant: DUNES BULK TERMINAL COMPANY, INC., 3965 North Meridian St., Indianapolis, IN 46208. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *corn products*, in bulk, in tank vehicles, (1) from Indianapolis, IN, to points in MO, and (2) from Cedar Rapids, IA, to Indianapolis, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145338 (Sub-4F), filed May 16, 1979. Applicant: MEDICAL EMERGENCY TRANSPORTATION CORP., d.b.a. METCOR, P.O. Box 386, Califon, NJ 07830. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *radiopharmaceuticals, radiochemicals, diagnostic test kits*, and *medical devices*, and (2) *accessories* for the commodities in (1) above, from Newark International Airport, at Newark, NJ, LaGuardia Airport and John F. Kennedy International Airport, at New York, NY, and Philadelphia International Airport, at Philadelphia, PA, to New York, NY, points in New Castle, DE, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam, and Dutchness Counties, NY, Philadelphia, Delaware, Montgomery, Bucks, Lehigh, and Northhampton Counties, PA, and points in NJ and CT, restricted to the transportation of traffic having a prior movement by air and further restricted to shipments not exceeding 300 pounds from one consignor to one consignee on any one day, under continuing contract(s) with Amersham Corporation, of Arlington Heights, IL. (Hearing site: New York, NY.)

MC 146479 (Sub-3F), filed May 16, 1979. Applicant: HARRISON CARRIERS, INC., P.O. Box 367, Harrison, NY 10528. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Transporting (1) *sporting goods and sports apparel*, and (2) *materials and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above (except commodities in bulk), between points in CO, NJ, NY, and MA, 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 used by Raichle Molitor, Inc. (Hearing site: Albany, NY, or Washington, DC.)

Note.—Dual operations may be involved. The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 146479 (Sub-5F), filed April 27, 1979. Applicant: HARRISON CARRIERS, INC., P.O. Box 367, Harrison, NY 10528. Representative: David M. Marshall, 101 State Street, Suite, 304, Springfield, MA 01103 Transporting (1) *fruit, fruit products, and condiments*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (2) above (except commodities in bulk), between Yuba City, CA, Markham, WA, Bordentown, NJ, North East, PA, Kenosha, WI, and points in MA, 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 Ocean Spray Cranberries, Inc. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Dual operations may be involved. The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343 (a) or submit an affidavit indicating why such approval is unnecessary.

MC 146568 (Sub-2F), filed May 2, 1979. Applicant: PHOENIX BIRD, INC., Suite 118, 1 Neshaminy Plaza, Street Road and Bristol Pike, Cornwells Heights, PA 19020. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs, toilet preparations, and health care items*, from Ft. Washington, PA, Lewes and Millsboro, DE, Durlington and Pennsauken, NJ, and Washington, DC, to points in CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NC, OH, OK, SC, TN, and TX, under continuing contract(s) with Wm. H. Rorer, Inc., of Ft. Washington, PA. (Hearing site: Washington, DC.)

MC 146889 (Sub-2F), filed May 16, 1979. Applicant: JAY K. REYNOLDS, Rte. 7, Box 225, Rogersville, TN 37857. Representative: William E. Phillips, Citizens Union Bank Bldg., Rogersville, TN 37857. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed and feed ingredients*, from the facilities of Hubbard Milling Company, at Louisville, KY, to those points in TN in and east of Robertson, Davidson, Williamson, Maury, Marshall, and Lincoln Counties, TN, under continuing contract(s) with Hubbard Milling Company, of Louisville, KY. (Hearing site: Knoxville or Kingsport, TN.)

MC 147138F, filed May 3, 1979. Applicant: FLORIDA CITRUS GROVES CORPORATION, Route 2, 197 Box 104, Clermont, FL 32711. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal containers and*

container ends, from Lima, OH, to Kokomo, IN, under continuing contract(s) with Libby, McNeill & Libby, of Chicago, IL. (Hearing site: Orlando, FL.)

Note.—Applicant shall conduct separately its for-hire carriage and other business operations. It shall maintain separate accounts and records for each operation. And it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time.

MC 147428F, filed May 16, 1979. Applicant: ABRAHAM WOIDISLAWSKY AND MALCOLM SKALETSKY, a partnership, dba LIMELIGHT LIMOUSINE, 456 Woodhaven Plaza, Philadelphia, PA 19116. Representative: Robert F. Fortin, 10th Floor, 3 Penn Center Plaza, 15th & Market Streets, Philadelphia, PA 19102. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 14 passengers (not including the driver) in one vehicle at one time, in non-scheduled door-to-door service between Philadelphia, PA, on the one hand, and on the other, Atlantic City, NJ, and New York, NY. (Hearing site: Washington, DC.)

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Decided: October 3, 1979.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 1334 (Sub-25F), filed May 18, 1979. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85005. Representative: William H. Shawn, Suite 501, 1730 M St., 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, household goods as defined by the Commission, and commodities in bulk), between Moenkopi, AZ, and the AZ–NM State line, over AZ Hwy 264, serving all intermediate points, and serving Ft. Definance, Bermuda City, Chinle, and Many Farms, AZ, as off-route points. (Hearing site: Phoenix or Window Rock, AZ.)

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 4405 (Sub-605F), filed May 15, 1979. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *trailers and trailer chassis,* (except those designed to be drawn by passenger automobiles) in initial movements, in truckaway service, and (2) *steel articles, truck bodies and frames,* and (3) *trailer parts and attachments* used for the commodities in (1) above, from Albuquerque, NM, to points in the United States (except AK and HI). (Hearing site: Albuquerque, NM.)

MC 10345 (Sub-101F), filed May 18, 1979. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 2400 West St. Joseph St., P.O. Box 13006, Lansing, MI 48901. Representative: Albert F. Beasley, 311 Investment Bldg., 1511 K St., NW, Washington, DC 20005. Transporting *automobiles,* in secondary movements, in truckaway service, between the facilities of Oldsmobile Division of General Motors Corporation, in Lansing, MI, on the one hand, and, on the other, points in AL, AZ, CA, CO, DE, FL, GA, ID, LA, ME, MN, MS, MT, NV, NM, NC, OR, SC, UT, WA, WY, and those in TX on, south, and west of a line beginning at El Paso, TX, and extending along U.S. Hwy 80 to junction US. Hwy 81, then along U.S. Hwy 81 to Laredo, TX. (Hearing site: Washington, DC.)

MC 58035 (Sub-20F), filed May 17, 1979. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Transporting *photographic equipment, materials, supplies and products,* (1) From the facilities of Eastman Kodak Company, at or near Rochester NY, to the facilities of Eastman Kodak Company, at or near San Ramon, Palo Alto, Whittier and Hollywood, CA; Dallas, TX; and Oak Brook, IL; (2) from the facilities of Eastman Kodak Company, at or near Windsor, CO, to the facilities of Eastman Kodak Company, at or near Palo Alto, CA; Dallas, TX; Dayton, NJ; and Oak Brook, Il; (3) between the facilities of Eastman Kodak Company, at or near Windsor, CO, and San Ramon and Whittier, CA; (4) between the facilities of Eastman Kodak Company, at or near Windsor, CO, and Rochester, NY, and (5) from the facilities of Eastman Kodak Company, at or near Dallas, TX, to Denver, CO, and to the facilities of Eastman Kodak Company, at or near Windsor, CO. (Hearing site: Denver, CO.)

MC 59655 (Sub-25F), filed May 18, 1979. Applicant: SHEEHAM CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *malt beverages* and *materials, equipment and supplies* used in the manufacture and sale of malt beverages, between Rochester, NY, on the one hand, and, on the other, Torrington, CT, and Danvers and Westfield, MA. (Hearing site: Albany, NY, or Washington, DC.)

MC 73165 (Sub-480F), filed May 16, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *iron and steel wire,* and *iron and steel cable,* from the facilities of Florida Wire and Cable Company, at or near Jacksonville and Sanderson, FL, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: Tampa or Jacksonville, FL.)

MC 80265 (Sub-4F), filed March 23, 1979, previously published in the Federal Register of August 14, 1979. Applicant: FRED L YORK, 4888 Hamilton-Trenton Rd., Hamilton, OH 45011. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles,* and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of paper and paper articles (except commodities in bulk), between St. Louis, MO, and points in IL, IN, MI, OH, WI, and IA, under a continuing contract(s) with Champion International Corporation, at Hamilton, OH. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—This republication corrects the commodity.

MC 105045 (Sub-108F), filed May 18, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3977, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (1) *material-handling equipment, winches, compaction equipment, road making equipment, rollers, mobile cranes, and highway freight trailers,* and (2) *parts, attachments and accessories* for the commodities named in (1) above, between the facilities of the Hyster Company, at or near Danville, Kewanee, and Peoria, IL, Berea, KY, and Crawfordsville, IN, on the one hand, and on the other, points in NJ and DE. (Hearing site: Washington, DC.)

MC 106674 (Sub-392F), filed May 18, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *particleboard, fiberboard, and built-up woods,* from Stuart and

Waverly, VA, and Spring Hope, NC, to those points in and east of MN, IA, MO, AR; and LA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-396F), filed May 17, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *canned goods* and *non-alcoholic beverages*, from Byhalia, MS, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 111375 (Sub-111F), filed May 16, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite #1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AR, AZ, IA, ID, IL, IN, KS, MI, MN, MO, MT, ND, NE, OH, SD, TX, UT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 111545 (Sub-284F), filed May 18, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). Transporting *(1) contractors equipment, industrial equipment, mining machinery, and self-propelled articles, and (2) materials, and supplies used in the distribution and manufacture of commodities described in (1) and (2) above (except commodities in bulk)*, between the facilities of Joy Manufacturing Company, at Franklin, PA, Birmingham, AL, Claremont, NH, Buffalo, NY, Michigan City, IN, Wilson, NC, New Philadelphia, OH, Colorado Springs, CO, Denver, CO, and Wheeling, WV, 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 above-named facilities. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 112184 (Sub-67F), filed May 18, 1979. Applicant: THE MANFREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Road, Newbury, OH 44065. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paint and paint products*, in bulk, in tank vehicles, from Mount Clemens, MI to Cleveland, OH, under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA. (Hearing site: Columbus, OH.)

Note.—Dual operations are involved.

MC 116544 (Sub-175F), filed May 18, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *such commodities as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AZ, AR, FL, GA, IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MS, MT, NC, ND, NE, NY, OH, PA, SC, SD, TN, TX, UT, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)*

MC 117574 (Sub-335F), filed May 20, 1979. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting (1) *lumber, particleboard, and built-up woods*, from points in Patrick County, VA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC; and (2) *material, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) (except commodities in bulk), in the reverse direction. (Hearing site: New Orleans, LA, or Washington, DC.)

MC 117765 (Sub-254F), filed March 14, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. Mac Arthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *malt beverages*, in containers, from Peoria, IL, and St. Louis, MO, to Dodge City, KS. (Hearing site: OKlahoma City, OK.)

MC 118535 (Sub-140F), filed May 17, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Bulter, MO 64730. Representative: Wilburn L. Williamson, The Oil Center, Suite 615E, 2601 N.W. Expressway, Oklahoma City, OK 73112. Transporting (1) *chemicals and chemical compounds* (except in bulk), (a) from Ringwood, IL, to points in LA and TX; (b) from Weeks Island, LA, to Ringwood and Elk Grove, IL; (2) *containers*, from Weeks Island, LA, to Ringwood, IL, and (3) *salt and salt products* and *materials and supplies* used in the agricultural, water treatment, food processing, grocery and institutional supply industries in mixed loads with salt products, from Weeks Island, LA, to points in AR, MS, OK, TN, and TX. (Hearing site: Kansas City, MO.)

MC 119765 (Sub-77F), filed April 13, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *such commodities as are dealt in or used by grocery, hardware, and department stores* (except foodstuffs), from the facilities of Boyle-Midway, Division of American Home Products Corporation, at Chicago, IL, to points in AR, IA, KS, MN, MO, NE, and OK. (Hearing site: Chicago, IL, or Omaha, NE.)

Note.—Dual operations are involved.

MC 119894 (Sub-14F), filed May 21, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Azar Bldg., Glen Burnie, MD 21061. Representative: G. F. Morgan, Jr. (same address as applicant). Transporting *paper, pulpboard, and fibreboard*, from Big Island, VA, to points in NC and SC. (Hearing site: Lynchburg, VA.)

MC 123054 (Sub-28F), filed May 17, 1979. Applicant: R & H CORPORATION, 295 Grand Avenue, Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Transporting (1) *glass containers* and *closures for glass containers*, and (2) *materials, equipment*, and *supplies* used in the manufacture and distribution of glass containers (except commodities in bulk in tank vehicles, and those which because of size and weight require the use of special equipment), between those points in the United States in and east of MI, IN, KY, TN, and MS (except FL), restricted to the transportation of traffic originating at or destined to the facilities of Glass Containers Corporation. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 124774 (Sub-113F), filed May 17, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *iron and steel articles*, from points in CT, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, WI, and DC, to the facilities of Phillips Manufacturing Co., Inc., at Omaha, NE. (Hearing site: Omaha, NE.)

MC 126244 (Sub-6F), filed May 17, 1979. Applicant: ADAMS CARAGE COMPANY, INC., P.O. Box 3043, Macon, GA 31205. Representative: Archie B.

Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building board, wall board, and insulation board*, and (2) *materials and supplies* used in the manufacture, installation and distribution of the commodities in (1) above, (except commodities in bulk), between Pensacola, FL, on the one hand, and, on the other, points in AL, GA, NC, SC, and TN, under continuing contract(s) with Armstrong Cork Company, of Lancaster, PA; and (3) *building board, wall board* and *insulation board, carpeting, mats, matting, rugs*, and *hard surface floor covering*, and (4) *materials equipment, and supplies* used in the manufacture, installation and distribution of the commodities in (3) above, (except commodities in bulk), from points in AL, FL, NC, SC, and TN, to Macon, GA, under continuing contract(s) with Armstrong Cork Company, of Lancaster, PA. (Hearing site: Atlanta, GA.)

MC 129124 (Sub-24F), filed May 17, 1979. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, (100 Pine Street), Harrisburg, PA 17108. Transporting (1) *clay and refractory products*, and (2) *materials used in the manufacture of refractory products*, in bulk, in dump vehicles, between points in Armstrong, Clearfield and Somerset Counties, PA, on the one hand, and on the other, points in MD. (Hearing site: Pittsburgh, PA or Harrisburg, PA.)

MC 133095 (Sub-255F), filed May 18, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting *plastic containers*, and *materials, equipment and supplies* used in the manufacture and distribution of plastic containers, (except commodities in bulk) between points in Passaic and Morris Counties, NJ, Grand Rapids and Kentwood, MI, Olive Branch, MS, and Memphis, TN, on the one hand, and on the other, those points in the United States in and east of MN, IA, NE, CO, and NM. (Hearing site: New York, NY.)

MC 13684 (Sub-30F), filed May 18, 1979. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, WA 98422. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *charcoal, charcoal briquettes, lighter fluid, hickory chips, fuel wood logs, and barbecue supplies*, from White City and Grants Pass, OR, to points in AZ, CA, CO, ID, MT, NV, NM, UT, WA, and WY. (Hearing site: Medford, OR, or Seattle, WA.)

MC 135924 (Sub-13F), filed May 18, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *tires and tire products*, from Byron and Akron, OH, to Hibbing, MN. (Hearing site: Minneapolis, MN.)

MC 138875 (Sub-194F), filed May 18, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *doors, door hardware*, and *accessories* for doors, (except commodities in bulk), from points in OR and WA, to points in UT, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: Portland, OR, or Boise, ID.)

MC 138875 (Sub-195F), filed May 18, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *metal storage cabinets* and *steel shelving*, from points in IL, PA, TN, and TX to points in UT. (Hearing site: Salt Lake City, UT, or Boise, ID.)

MC 138875 (Sub-196F), filed May 18, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *asphalt*, in rolls, from points in WY, to points in ID and OR. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-197F), filed May 18, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *frozen bakery products*, from the facilities used by Ore-Ida Foods, Inc., at Lake City, PA, and Massillon, OH, to points in AZ, CA, ID, NV, OR, UT, and WA, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 139495 (Sub-452F), filed May 17, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *such commodities* as are dealt in or used by food and drug stores (except commodities in bulk), from the facilities of The Procter & Gamble Distributing Co., at or near Cape Girardeau and St. Louis, MO, Chicago, IL, and Green Bay, WI, to those points in the United States in and west of MN, WI, IA, MO, AR, and LA, (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-453F), filed May 18, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *floor coverings* and *materials, equipment, and supplies* used in the installation and maintenance of floor coverings (except commodities in bulk, in tank vehicles), from points in Los Angeles and Yolo Counties, CA, to points in AZ, CO, ID, MT, NV, MN, OR, TX, UT, and WA. (Hearing site: DC.)

MC 140024 (Sub-151F), filed May 17, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don Bryce (same address as applicant). Transporting *alcoholic beverages* (except in bulk), in vehicles equipped with mechanical refrigeration, from Lawrenceburg, IN, Clermont, KY, Detroit, MI, and points in CA and IL, to Pueblo, CO, restricted to the transportation of traffic originating at the named origins and destined to the named destination. (Hearing site: Denver or Pueblo, CO.)

MC 140665 (Sub-54F), filed May 11, 1979. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *such commodities* as are dealt in or used by department, hardware, drug, and food stores (except commodities in bulk), from points in WA to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Seattle, WA, or Washington, DC.)

MC 141205 (Sub-19F), filed May 17, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 South Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crude oil, scrubber oil* and *condensates*, from Clay Basin, in Daggett County, UT, to the North Baxter Pipeline station, at or near Rock Springs, WY, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141774 (Sub-24F), filed April 25, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *charcoal, charcoal briquets, vermiculite, active carbon, hickory chips, charcoal lighter fluid, and charcoal grills,* between points in MS, KY, AL, FL, TN, GA, NC, SC, and MO, restricted to the transportation of traffic originating at or destined to the facilities of Husky Industries, Inc. (Hearing site: Washington, DC, or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 141804 (Sub-221F), filed May 18, 1979. Applicant: Western Express, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, defined by the Commission, commodities in bulk, and commodities requiring special equipment), from those points in the United States in and east of ND, SD, NE, KS, OK, and TX, to points in CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-223F), filed May 18, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant.) Transporting *motor vehicle parts* and *motor vehicle accessories,* between points in CA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles or San Francisco, CA.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 30 days from the date of publication.

MC 141804 (Sub-231F), filed May 18, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 917861. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Transporting *general commodities* (except those of unusual value, classes A and B explosives, households goods, defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX.

MC 145875 (Sub-3F), filed May 17, 1979. Applicant: SWAIN AND SONS TRANSPORTS, INC., 208 Poplar Ave., Memphis, TN 38103. Representative: William R. Swain, Jr. (same address as applicant). Transporting *crude synthetic rubber,* from the facilities of Exxon Chemical Company, at Baton Rouge, LA, to the facilities of Mohawk Rubber Company, at Helena, AR, and Uniroyal Chemical Company, at Geismar, LA. (Hearing site: Memphis, TN.)

MC 146214 (Sub-2F), filed April 27, 1979. Applicant: JAKE BAUMAN, JAKE BAUMAN TRUCKING, R.R. No. 1, Congerville, IL 61729. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *farm equipment,* (2) *wood burning systems,* and (3) *truck bumper cushions,* from Goodfield, IL, to points in the United States (except AK and HI), and (4) *materials and supplies* used in the manufacture of the commodities in (1), (2) and (3) above, from Des Moines, Fairfield, Perry, and Davenport, IA, to Goodfield, IL, under continuing contract(s) with DMI, Inc., of Goodfield, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 146335 (Sub-2F), filed May 8, 1979. Applicant: JACK ELLIOTT PROCTOR, d.b.a. PROCTOR TRUCKING CO., 4717 Bethany Dr., Garland, TX 75040. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pre-fabricated sheet metal,* (2) *woodburning fireplaces,* and (3) *flue pipe* used in the installation of fireplaces, from the facilities of National Fireplace Corporation, at Richardson, TX, to points in LA, MS, MO, OK, TX, AL, and AR, under continuing contract(s) with National Fireplace Corporation, of Richardson, TX. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 146484 (Sub-1F), filed May 18, 1979. Applicant: F. J. CRIKOS TRUCKING, INC., 141 Helman Lane, Cotati, CA 94928. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *wine,* in containers, from the facilities of Geyser Peak Winery, at Geyserville, CA, to points in WA, under continuing contract(s) with Geyser Peak Winery, of Geyserville, CA. (Hearing site: San Francisco, CA, or Spokane, WA.)

MC 146534 (Sub-2F), filed May 17, 1979. Applicant: DEAN HUGHS, P.O. Box 98, New Berlin, IL 62670 Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting (1) *coffee makers,* and (2) *parts and accessories* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Bunn-O-Matic Corporation at or near (a) Springfield, IL, and (b) Creston, IA, under continuing contract(s) with Bunn-O-Matic, of Springfield, IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 147144F, filed May 10, 1979. Applicant: INTERNATIONAL CARRIERS, INC., 4300 N.W. 37th Ave., Miami, FL 33142. Representative: Ronald N. Cobert, 1730 M St, NW—Suite 501, Washington, DC 20036. 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 the facilities by Piggy Back Shippers Association of Florida, Inc., at or near Jersey City, NJ, Chicago, IL, and Boston, MA, to points in FL. (Hearing site: Miami, FL, or Washington, DC.)

MC 147204F, filed May 8, 1979. Applicant: JACK'S TRUCK RENTAL, INC., Route 3, Box 61, Holts Summit, MO 65043. Representative: Chester Surface (same address as applicant). 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 Cedar City, Moberly, and Jefferson City, MO, on the one hand, and, on the other, points in Audrain, Boone, Callaway, Cole, Cooper, Chariton, Camden, Benton, Maries, Monroe, Moniteau, Miller, Morgan, Montgomery, Osage, Pettis, and Randolph Counties, MO restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Kansas City, or St. Louis, MO.)

MC 147325F, filed May 21, Applicant: ALBERT L. LYNCH, d.b.a. LYNCH TRUCK SERVICE, 2624 Arrowhead Dr., Springfield, IL 62702. Representative: (same as applicant). Transporting *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as

defined by the Commission, furniture, cement, limestone, mineral filler, and commodities in bulk), between Chicago, Oakbrook, Joliet, and Springfield, IL, and St. Louis, MO. (Hearing site: Washington, DC.)

Passengers

MC 144885 (Sub-1F), filed May 17, 1979. Applicant: CARLOS M. LOPEZ AND JAIRO A. LOPEZ, d.b.a. TRICENTENNIAL TOURS AND TRANSPORTS, 162 Temple St., New Haven, CT 06502. Representative: Thomas W. Murrett, 342 North Main St., West Harford, CT 06117. Transporting *passengers and their baggage,* in special and charter operations, (1) between points in New Haven and Fairfield Counties, CT, on the one hand, and, on the other, New York, NY, and Newark Airport, Newark, NJ, and (2) beginning and ending at points in New Haven and Fairfield Counties, CT, and extending to points in NY (except New York, NY, and its commercial zone), NJ (except Newark Airport, Newark, NJ), MA, and RI, restricted to the transportation of not more than (15) passengers in any one vehicle, not including the driver. (Hearing site: New Haven or Hartford, CT.)

Passenger Authority

MC 147024 (Sub-2F), filed May 17, 1979. Applicant: CHERRY LAND EXPRESS, INC., 16141 Center Rd., Traverse City, MI 49684. Representative: George R. Thompson, 402 E. Front St., Traverse City, MI 49684. Transporting *passengers and their baggage,* beginning and ending at Cherry Capital Airport, at Traverse City, MI, and extending to points in Mason, Leelanau, Benzie, Manistee, Wexford, Lake, Osceola, Missaukee, Grand Traverse, Kalkaska, Antrim, Crawford, Charlevoix and Otsego Counties, MI, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Lansing, MI.)

[FR Doc. 79-32882 Filed 10-24-79; 8:45 am]
BILLING CODE 7035-01-M

Rock Island Railroad; Public Hearing

October 22, 1979.

On October 11, 1979, the Interstate Commerce Commission announced dates and sites for 17 public hearings to consider the need for continued directed service over the Rock Island Railroad. These hearings are to gather public input concerning the September 26, 1979 order of the Commission directing the Kansas City Terminal Railway Company to operate the Rock Island services.

One of the hearings is being held in Little Rock, Arkansas on October 22, 1979. The Commission has decided to conduct an additional hearing in Little Rock on October 31, 1979. The site will be the same: Sheraton Motor Inn, 6th and Ferry—Room B, Little Rock, Arkansas. The hearing will begin at 9:00 a.m.; an evening session will be held at 7:30 p.m.

Persons who wish to testify at the hearings should call the ICC's Section of Rail Services Planning toll free number—800-424-5204—between 7:30 a.m. and 5:00 p.m. (Central-Time) to arrange a convenient time to testify. Information about the hearings also may be obtained from the Section of Rail Services Planning at (202-275-0831).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-32861 Filed 10-24-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 208
Thursday, October 25, 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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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., October 30, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed Dealer Option Regulations.
Discussion of Position Limits in Precious Metals.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-2086-79 Filed 10-23-79; 2:54 am]
BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2:00 p.m., October 30, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters/proposed administrative disciplinary proceeding; offer of settlement.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-2087-79 Filed 10-23-79; 2:54 pm]
BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, October 22, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation with respect to payment for legal services rendered and expenses incurred by Casey, Lane & Mittendorf, New York, New York in connection with the liquidation of Franklin National Bank, New York, New York.

Recommendations with respect to an appeal from a denial of a request for records under the Freedom of Information Act.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: October 22, 1979.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson
Executive Secretary

[S-2084-79 Filed 10-23-79; 2:54 pm]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, October 22, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation with respect to an appeal from a denial of a request for records under the Freedom of Information Act.

Recommendations regarding the liquidation of assets acquired by the Corporation from United States National Bank, San Diego, California (Case Nos. 44,095-NR, 44,096-NR, and 44,097-NR).

Legal Division memorandum re: liquidation of Franklin National Bank, New York, New York.

Recommendation with respect to lodging for 1980 Training Center students.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(7), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(7), (c)(9)(B), and (c)(10)).

Dated: October 22, 1979.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-2085-79 Filed 10-23-79; 2:54 pm]
BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 4:00 p.m., October 29, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Town & Country Bank, a proposed new bank, to be located at 12535 Seal Beach Boulevard, Seal Beach, California, for Federal deposit insurance.

Bank of Westminster, a proposed new bank, to be located at 8251 Westminster Avenue, Westminster, California, for Federal deposit insurance.

Central Bank of West Greeley, a proposed new bank, to be located at 3640 W. 10th Street, Greeley, Colorado, for Federal deposit insurance.

Horizon Mutual Savings Bank, Bellingham, Washington, a proposed new bank, for Federal deposit insurance coincident with conversion of a Federal savings and loan association into a mutual savings bank.

Applications for consent to establish branches:

Delaware Trust Company, Wilmington, Delaware, for consent to establish a branch at 3920 Kennett Pike, Greenville, Delaware.

Harmonia Savings Bank, Elizabeth, New Jersey, for consent to establish branches at

Springfield and Snyder Avenues, Berkeley Heights, New Jersey and at the Fairway Plaza Shopping Center, U.S Route 9, Old Bridge Township, New Jersey.

Applications for consent to merge and establish branches:

Peoples Bank of Hancock, Hancock, Maryland, an insured State nonmember bank, for consent to merge with Antietam Bank Company, Hagerstown, Maryland, an insured State nonmember bank, under the charter and title of Peoples Bank of Hancock, and to establish the sole office of Antietam Bank Company as a branch of the resultant bank.

First State Bank of Oregon, Milwaukie, Oregon, an insured State nonmember bank, for consent to merge, under its charter and title, with The Community Bank, Lake Oswego, Oregon and with First State Interim Bank of Oregon, Milwaukie, Oregon, and to establish the two offices of The Community Bank as branches of the resultant bank.

First-Citizens Bank and Trust Company of South Carolina, Columbia, South Carolina, an insured State nonmember bank, for consent to merge, under its charter and title, with The Bank of Trenton, Trenton, South Carolina, and to establish the sole office of The Bank of Trenton as a branch of First-Citizens Bank and Trust Company of South Carolina.

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 44,077-L—The Hamilton Bank & Trust Co., Atlanta, Georgia.

Case No. 44,087-L—Franklin National Bank, New York, New York.

Case No. 44,093-NR—United States National Bank, San Diego, California.

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)).

Memorandum and Resolution re: Delinquent Bank Reports.

Memorandum re: Summary Audit dated June 15, 1979.

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) and (c)(6)).

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) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-2082-79 Filed 10-23-79; 10:49 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 3:00 p.m., October 29, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed purchase and assumption transaction or consolidation:

American National Bank & Trust Company of Chicago, Chicago, Illinois, and Mercantile National Bank of Chicago, Chicago, Illinois.

The First National Bank & Trust Company of Hamilton, Hamilton, Ohio and First National Bank of Middletown, Monroe, Ohio.

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.

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.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-2081-79 Filed 10-23-79; 10:49 am]

BILLING CODE 6714-01-M

7

October 22, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2:00 p.m. October 29, 1979.

PLACE: 825 North Capitol Street N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Docket No. TC80-10, Alabama-Tennessee Natural Gas Company.

(2) Docket Nos. TC80-1 and RP72-6, El Paso Natural Gas Company.

(3) Docket No. TC80-7, Michigan-Wisconsin Pipe Line Company.

(4) Docket Nos. TC80-3 and TC80-4, Midwestern Gas Transmission Company.

(5) Docket No. TC80-14, Mississippi River Transmission Corporation.

(6) Docket No. RP76-52, Northern Natural Gas Company.

(7) Docket No. TC80-26, Southern Natural Gas Company.

(8) Docket No. TC80-2, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.

(9) Docket No. TC80-25, National Fuel Gas Supply Company.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357-8400.

[S-2080-79 Filed 10-23-79; 8:45 am]

BILLING CODE 6450-01-M

8

[USITC SE-79 -38B and -39A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 58600 (10/10/79) and 44 FR 59739 (10/16/79).

PREVIOUSLY ANNOUNCED TIMES AND DATES OF THE MEETING: 10:00 a.m., Tuesday, October 23, 1979, and 10:00 a.m., Friday, October 26, 1979.

CHANGE IN THE MEETING: Amendments to notices as follows:

To delete item No. 4—Petitions and complaints, if necessary:

(a) Powered tire changers (Docket No. 598) from the agenda for the meeting of Tuesday, October 23, 1979, and

Add item No. 2—Petitions and complaints, if necessary:

(a) Powered tire changers (Docket No. 598) to the agenda for the meeting of Friday, October 26, 1979.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-2079-79 Filed 10-22-79; 5:04 pm]

BILLING CODE 7020-02-M

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, November 1, 1979. [NM-79-39]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: The first item of the agenda will be open to the public; the second item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Recommendations* to the Federal Aviation Administration regarding the American Airlines DC-10 accident at Chicago, Illinois, on May 25, 1979.

2. *Opinion and Order*—Petition of McHenry, Dkt. SM-2310; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

October 23, 1979.

[S-2068-79 Filed 10-23-79; 3:28 pm]

BILLING CODE 4910-58-M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: October 22, 1979 (changes).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Monday, October 22 (changes); 1:00 p.m.

1. Briefing on Proposed Enforcement Action re TMI (approximately 2 hours, closed—exemption 10).
2. Discussion of Extension of Pat Down Search (approximately 1 hour, public meeting). (Meeting at approximately 3:00 p.m.)

ADDITIONAL INFORMATION: By a vote of 5-0 on October 22 the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the Briefing on Proposed Enforcement Action re TMI, scheduled that day, be held on less than one week's notice to the public. The Discussion of Personnel Matter, announced for 10/22, was cancelled.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-2083-79 Filed 10-23-79; 12:33 pm]

BILLING CODE 7590-01-M

11

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9:00 a.m., November 1, 1979.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion Open to the Public

(1) National and field service meeting expenses, 1978-1979.

(2) Questionnaire on employer status of railroad contractors.

Portion Closed to the Public

(3) Appeal of denial of period of disability and of earlier annuity beginning date, Charles W. Broughton.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board. COM No. 312-751-4920. FTS No. 387-4920.

[S-2069-79 Filed 10-23-79; 3:52 pm]

BILLING CODE 7905-01-M

federal register

Thursday
October 25, 1979

Part II

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Petroleum Refinery Claus Sulfur Recovery Plants

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1331-5]

Standards of Performance for New Stationary Sources; Petroleum Refinery Claus Sulfur Recovery Plants; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action deletes the requirement that a Claus sulfur recovery plant of 20 long tons per day (LTD) or less must be associated with a "small petroleum refinery" in order to be exempt from the new source performance standards for petroleum refinery Claus sulfur recovery plants. This action will result in only negligible changes in the environmental, energy, and economic impacts of the standards.

EFFECTIVE DATE: October 25, 1979.

ADDRESS: All comments received on the proposal are available for public inspection and copying at the EPA Central Docket Section (A-130), Room 2903B, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The docket number is OAQPS-79-10.

FOR FURTHER INFORMATION CONTACT: Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION:

Background

On March 15, 1978, EPA promulgated new source performance standards for petroleum refinery Claus sulfur recovery plants. These standards did not apply to Claus sulfur recovery plants of 20 LTD or less associated with a small petroleum refinery, 40 CFR 60.100 (1978). "Small petroleum refinery" was defined as a "petroleum refinery which has a crude oil processing capacity of 50,000 barrels per stream day or less, and which is owned or controlled by a refiner with a total combined crude oil processing capacity of 137,500 barrels per stream day or less," 40 CFR 60.101(m) (1978).

On May 12, 1978, two oil companies filed a Petition for Review of these new source performance standards. One issue was whether the definition of "small petroleum refinery" was unduly restrictive.

On March 20, 1979, EPA proposed to amend the definition of "small petroleum refinery" by deleting the requirement that it be "owned or controlled by a refiner with a total combined crude oil processing capacity of 137,500 barrels per stream day (BSD) or less," 44 FR 17120. This proposal would have had a negligible effect on sulfur dioxide (SO_2) emissions, costs, and energy consumption. The oil company petitioners agreed to dismiss their entire Petition for Review if the final regulation did not differ substantively from this proposal.

EPA provided a 60 day period for comment on the proposal and the opportunity for interested persons to request a hearing. The comment period closed May 21, 1979. EPA received six written comments and no requests for a hearing.

Summary of Amendment

The promulgated amendment deletes the requirement that a Claus sulfur recovery plant of 20 LTD or less must be associated with a "small petroleum refinery" in order to be exempt from the new source performance standards for such plants. Thus, the final standard will apply to any petroleum refinery Claus sulfur recovery plant of more than 20 LTD processing capacity. This amendment will apply, like the standards themselves, to affected facilities, the construction or modification of which commenced after October 4, 1976, the date the standards of performance for petroleum refinery Claus sulfur recovery plants were proposed.

Environmental, Energy, and Ecomonic Impacts

The promulgated amendment will result in a negligible increase in nationwide sulfur dioxide emissions compared to the proposed amendment and the existing standard. The promulgated amendment will also have essentially no impact on other aspects of environmental quality, such as solid waste disposal, water pollution, or noise. Finally, the promulgated amendment will have essentially no impact on nationwide energy consumption or refinery product prices.

Summary of Comments and Rationale

All six comments received were from the petroleum refinery industry. Two commenters expressed agreement with the proposal. The other four also were not opposed to the proposal, but felt the definition of "small petroleum refinery" was still too restrictive, as explained below.

Two of the four argued for deletion of the 50,000 BSD refinery size cutoff and also that sulfur recovery plant size was not only a function of refinery size (as they felt EPA had apparently assumed in establishing the refinery size cutoff), but depended on such factors as the crude oil sulfur content and actual crude oil throughput.

The other two commenters, each planning to construct small Claus sulfur recovery plants, objected that the environmental benefits of subjecting small Claus sulfur recovery plants to the standards was not substantial even when a Claus sulfur recovery plant was associated with a petroleum refinery of more that 50,000 BSD capacity. EPA agrees. Accordingly, EPA believes it is appropriate under the circumstances to delete the refinery size requirement.

Thus, the promulgated standard would exempt from coverage by the standards any Claus sulfur recovery plant of 20 LTD or less. Alternatively, the standards of performance for petroleum refinery Claus sulfur recovery plants would apply to all plants of more than 20 LTD processing capacity.

Deletion of the refinery size requirement from the standards will not result in a significant increase in the emissions of SO_2 from petroleum refinery Claus sulfur recovery plants. This is due to the small number of small Claus sulfur recovery plants (i.e., 20 LTD or less capacity) that are likely to be built at refineries of more than 50,000 BSD and the fact that most of these exempted plants will still be required by State regulations to achieve 99.0 percent control of SO_2 (compared to the 99.9 percent control required for large Claus sulfur recovery plants). In many cases the exempted Claus sulfur recovery plants would be required to achieve greater than 99.0 percent control of SO_2 due to prevention of significant deterioration (PSD) requirements. This change will also result in a negligible decrease in costs and essentially no impact on energy and economic impacts, compared to the proposed amendment.

Docket

Docket No. OAQPS-79-10, containing all supporting information used by EPA, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, Room 2903B (see ADDRESS Section of this preamble).

The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with

the statement of basis and purpose of the promulgated rule and EPA responses to comments, the contents of the dockets will serve as the record in case of judicial review [Section 307(d)(a)].

Miscellaneous

The effective date of this regulation is October 25, 1979. Section 111(b)(1)(B) of the Clean Air Act provides that standards of performance become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal on October 4, 1976 (41 FR 43866).

EPA will review this regulation four years from the date of promulgation. This review will include an assessment of such factors as the need for integration with other programs the existence of alternative methods, enforceability, and improvements in emission control technology.

It should be noted that standards of performance for new stationary sources established under Section 111 of the Clean Air Act reflect: "* * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated." [Section 111(a)(1)]

Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. Accordingly, standards of performance should not be viewed as the ultimate inachievable emission control. In fact, the Act requires (or has potential for requiring) the imposition of a more stringent emission standard in several situations.

For example, applicable costs do not play as prominent a role in determining the "lowest achievable emission rate" for new or modified sources locating in nonattainment areas, i.e., those areas where statutorily mandated health and welfare standards are being violated. In this respect, Section 173 of the Act requires that a new or modified source constructed in an area which exceeds the National Ambient Air Quality Standard (NAAQS) must reduce emissions to the level which reflects the "lowest achievable emission rate" (LAER), as defined in Section 171(3), for such category of source. The statute defines LAER as that rate of emissions based on the following, whichever is more stringent:

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(B) the most stringent emission limitation which is achieved in practice by such class or category of source. In no event can the emission rate exceed any applicable new source performance standard [Section 171(3)].

A similar situation may arise under the prevention of significant deterioration of air quality provisions of the Act (part C). These provisions require that certain sources [referred to in Section 169(1)] employ "best available control technology" [as defined in Section 169(3)] for all pollutants regulated under the Act. Best available control technology (BACT) must be determined on a case-by-case basis, taking energy, environmental, and economic impacts and costs into account. In no event may the application of BACT result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to Section 111 (or 112) of the Act.

In all events, State implementation plans (SIP's) approved or promulgated under Section 110 of the Act must provide for the attainment and maintenance of NAAQS designed to protect public health and welfare. For this purpose, SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources.

Finally, States are free under Section 116 of the Act to establish even more stringent emission limits than those established under Section 111 or those necessary to attain or maintain the NAAQS under Section 110. Accordingly, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under Section 111; and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

Section 317 of the Clean Air Act requires the Administrator to, among other things, prepare an economic assessment for revisions to new source performance standards determined to be substantial. Executive Order 12044 requires certain analyses of significant regulations. Since this amendment lacks the economic impact and significance to require additional analyses, it is not subject to the above requirements.

Dated: October 16, 1979.

Douglas M. Costle,

Administrator.

Part 60 of chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. § 60.100 is amended by revising paragraph (a), as follows:

§ 60.100 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fuel gas combustion devices, and all Claus sulfur recovery plants except Claus plants of 20 long tons per day (LTD) or less. The Claus sulfur recovery plant need not be physically located within the boundaries of a petroleum refinery to be an affected facility, provided it processes gases produced within a petroleum refinery.

(b) * * *

2. § 60.101 is amended by revoking and reserving paragraph (m), as follows:

§ 60.101 Definitions

* * * * *

(m) [Reserved]

(Sec. 111, 301(a), Clean Air Act as amended [42 U.S.C. 7411, 7601(a)].)

[FR Doc. 79-32778 Filed 10-24-79; 8:45 am]

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Federal Register

Thursday
October 25, 1979

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

Fishermen's Protective Act; Implementation

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

Fishermen's Protective Act

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Final Rule.

SUMMARY: These final regulations implement Section 10 ("Section 10") of the Fishermen's Protective Act of 1967, as amended by Pub. L. 95-376 (the "Act"). Section 10 establishes the Fishing Vessel and Gear Damage Compensation Fund (the "Fund") to pay for damage, loss, or destruction of fishing vessels and gear of United States fishermen occurring in any fishery subject to the exclusive management authority of the United States. Fishing vessel damage, loss, or destruction is compensable under Section 10 only if it is attributable to foreign fishing vessels, while fishing gear damage, loss, or destruction is compensable if it is attributable to foreign vessels, U.S. domestic vessels, or acts of God.

Although Section 10 makes certain fishing vessel loss, damage, or destruction eligible for Fund compensation, these regulations largely exclude fishing vessel compensation under the theory that marine casualty insurance is commercially available for fishing vessel casualties. The Fund receives its capital largely from a surcharge on fees paid by foreign fishermen operating in the U.S. Fishery Conservation Zone (the "FCZ"). Only casualties occurring in fisheries subject to the exclusive management authority of the United States are eligible for Fund compensation. Since many casualties to fixed U.S. fishing gear will be unobserved by the applicant or the applicant's crew, these final regulations establish several presumptions under which unobserved casualties to fixed U.S. fishing gear will be compensated as casualties attributable to foreign vessels or acts of God. No presumptions are established for casualties attributable to domestic vessels. An act of God has been very narrowly defined in these final regulations. Only weather and sea conditions greater than one standard deviation above the historical mean for the place and season of the casualty are regarded as conditions severe enough to be compensable as acts of God. Since one standard deviation above the historical mean will eliminate 83⅓% of all conditions, only the most severe 16⅔% of all conditions are considered acts of God. Casualties caused by human action or inaction (regardless of the severity of weather and sea conditions) are not considered acts of God. Willfully false or misleading statements or representations in a claim are criminal offenses punishable by a fine of up to $25,000, imprisonment for up to one year, or both.

EFFECTIVE DATE: These regulations are effective November 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Grable or Ms. Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Telephone (202) 634-4688.

SUPPLEMENTARY INFORMATION:

Introduction

The previous Section 10 program allowed the Secretary of Commerce (the "Secretary") to make loans to domestic fishermen whose vessels or gear were damaged by foreign fishing vessel operations in the FCZ. These loans were cancellable if it was determined that the applicant was not at fault in causing the casualty for which the loan had been made. Rules governing the administration of the previous Section 10 program are published as Subpart B of 50 CFR Part 258.

Pub. L. 95-376 amended Section 10 to broaden the type of casualties eligible for compensation, change the method of compensation, and provide a new source of program funding. Since Pub. L. 95-376 substantially amended the existing Section 10 program, the National Marine Fisheries Service (the "NMFS") on February 12, 1979, proposed a new Subpart C to 50 CFR Part 258 to implement the required changes (see 44 FR 8905). Public comment on Subpart C has been analyzed and these regulations represent final adoption of the new Subpart C.

Regulatory Analysis

The Assistant Administrator for Fisheries made an initial determination that these regulations are not significant under Executive Order 12044. The Assistant Administrator has also determined that these regulations do not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Response to Public Comments

We received 15 comments in response to the Notice of Proposed Rulemaking. Some comments, while approving of the proposed rulemaking, raised questions or made suggestions that resulted in a number of changes in the final regulations. The comments and the resulting modifications will be discussed below.

Section 258.21 Definitions.

(e) The Coast Guard suggested that the definition of "Commercial shipping lane" be more specifically defined as "vessel tractlines shown on pilot charts published by the U.S. Defense Mapping Agency Hydrographic Center or vessel traffic separation lanes as depicted on U.S. National Ocean Survey nautical charts." The definition has been changed as suggested.

Section 258.22 Eligibility.

(c), (d) *Area of operation of vessels eligible for compensation of losses.* Several comments requested inclusion of compensation for gear casualties within the territorial sea. Section 10 specifically limits compensation to those casualties occurring in a fishery subject to the exclusive fishery management authority of the United States. Under certain conditions, the Secretary of Commerce may preempt state regulations of fisheries in the territorial sea. Under no circumstances, however, may the United States exert exclusive fishery management authority over a fishery which is located completely within the territorial sea. These regulations, therefore, have been drafted to include compensation for all casualties occurring in fisheries subject to the exclusive management authority of the United States and exclude all casualties occurring within the territorial sea when the United States does not exert exclusive management authority over the fishery in which the casualty occurred.

(d) *Casualty to fishing gear.* Reports submitted to us have indicated that gear damage has been caused by discarded fishing gear. This section has, therefore, been expanded to include compensation for fishing gear casualties caused by discarded fishing gear.

(e) *Reporting requirement.* Several comments expressed concern over the number of reports which would be necessitated if fixed gear were required to be reported to the Coast Guard as a prerequisite to submitting a claim. It was also pointed out that the reporting to the Coast Guard of fixed gear locations was not customary practice in some areas. This section was, therefore, modified to require reporting only if a Fishery Management Plan or other Federal regulation requires it. There are voluntary reporting programs sponsored by NMFS and the Coast Guard and fishermen are encouraged to use those

programs since the number of gear conflicts tends to be minimized if the location of such gear conflicts tends to be minimized if the location of such gear has been reported to the Coast Guard for broadcast to other vessels in the area. The existence of a gear deployment report also provides documentation of measures taken by a prudent person to avoid gear conflicts. Such a record may be important in the pursuit of United States subrogation rights against parties alleged to have caused damages or losses.

Section 258.23 Applications.

(e) *Affidavit of vessel master.*

(3) Loran C coordinates were added as an optional method to report the location of casualties. Many of the claims received to date have used Loran C coordinates and NMFS is able to transpose them into longitude-latitude coordinates.

(f) *Affidavit of owner.*

(2) In many cases purchase invoices for lost, damaged or destroyed gear are not available. If invoices are not available, receipts, tax returns, or other proof of ownership may be accepted.

(g) *Estimates.* The number of estimates has been reduced from three to two because of the difficulties experienced by some fishermen in obtaining three estimates.

(i) *Efforts to retrieve gear.* Since the intent of the Fund is to provide compensation only to the extent that losses cannot otherwise be avoided, this requirement has been added to encourage fishermen to continue their efforts to retrieve lost gear under those circumstances where it is reasonable to assume the gear may be recovered.

Section 258.24 Burden of proof and presumptions.

(b)(1)(ii) *Acts of God.* Several comments raised questions concerning the severity of weather and sea conditions which would qualify as acts of God. Provisions relating to acts of God have been changed in response to these comments. Only weather and sea conditions greater than one standard deviation above the historical mean for the place and season of a casualty will be considered an act of God. Anything less than one standard deviation above the historical mean will be considered a normal operating contingency. The Office of Oceanic and Atmospheric Services of the National Oceanic and Atmospheric Administration will, for each claim which may have been attributable to an act of God, establish the historical mean at the place and season of the casualty, evaluate actual weather and sea conditions at the place and season of the casualty, and decide whether the actual weather and sea conditions were more severe than one standard deviation above the historical mean.

Section 258.25 Amount of compensation.

This section has been changed to provide that the lower of the two required estimates indicating current replacement cost for the lost, damaged, or destroyed fishing gear will be used as the basis for determining depreciated replacement cost.

The final regulations did not incorporate comments on the following issues.

(1) *Simplification of the complex application process.* Several comments requested simplification of the application process. Section 10 is quite comprehensive in the criteria which must be met in order to qualify for compensation. In order to protect the Fund against fraudulent and other ineligible claims, all pertinent information concerning an incident for which a claim is made must be submitted. This requirement is no more burdensome than those of other compensation programs. Consequently, the application process remains extensive.

(2) *Administration of claims received.* Several comments stated that the claims could be handled more expeditiously and by more knowledgeable persons if the claims were submitted to regional offices of the NMFS. The best use of very limited personnel resources requires central administration at the present time.

(3) *Presumptions for unobserved fishing gear casualties.* Some comments stated that the conditions upon which the presumptions for unobserved fishing gear casualties were based were too stringent, while others stated they were not stringent enough. Since many casualties to fixed fishing gear will not be observed by the applicant or his crew, the choice was either to (1) exclude such unobserved fixed fishing gear casualties from the possibility of compensation or (2) apply presumptions which would allow deserving, but unobserved, fixed fishing gear casualties to be compensated. The presumptions chosen represent a reasonable balance between the two options. While it is recognized that the chosen presumptions may, in some cases, prevent compensation of claims which should have been compensated and may, in other cases, allow compensation of claims which should not have been compensated, they represent a fair compromise of a difficult evidentiary problem.

The conditions upon which the presumptions are based are fairly stringent. The presumption for acts of God comes into play only for unusually severe weather and sea conditions. The stringency involved in the presumption for acts of God is necessary to limit compensation for casualties based upon the presumption for acts of God to those consistent with demonstrable probabilities. An act of God may still be established by direct evidence in the event the claimant cannot gain the aid of the presumption. The presumption for casualties attributable to foreign vessels is less stringent. Nevertheless, it is possible for fixed U.S. fishing gear, while unobserved, to be damaged or destroyed by foreign vessels and still not meet the presumption since the Federal Government does not always know the position or activities of all foreign vessels in the FCZ. Since there is no objective way for NMFS to determine whether or not it might be reasonable to believe that an unobserved casualty to fixed U.S. fishing gear was attributable to domestic vessels, no presumption has been established for attributing casualties to the activities of domestic vessels. Thus, all casualties based upon the actions of domestic vessels must be specifically proven.

(4) *Inventory of gear.* Another issue was whether an annual gear inventory should be filed with NMFS as a condition precedent to compensation. This was considered but not adopted because of its potential to produce exorbitant amounts of paperwork for both the program user group and NMFS. It was, instead, determined that an inventory current as of a date immediately preceding the casualty could be submitted along with a claim for compensation.

Accordingly, with the indicated changes, the previously proposed regulations are adopted as set forth hereafter.

Dated: October 22, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

50 CFR Part 258 is amended by adding the following:

Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God

Sec.

258.20 Purpose and scope.
258.21 Definitions.
258.22 Eligibility.
258.23 Applications.

Sec.
258.24 Burden of proof and presumptions.
258.25 Amount of compensation.
258.26 Initial determination.
258.27 Final determination.
258.28 Subrogation.
258.29 Payment.
258.30 Penalties.

Authority: Pub. L. 95-376, 92 Stat. 715 (22 U.S.C. 1980). Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God.

§ 258.20 Purpose and scope.

(a) This subpart contains the regulations for compensating the owners or operators of United States fishing vessels or fishing gear for casualties occurring after January 1, 1979. Eligible vessel casualties are those which are attributable to any foreign vessel (or its crew or fishing gear). Eligible fishing gear casualties are those which are attributable to acts of God or any other vessel (or its crew or fishing gear), whether or not such vessel is a vessel of the United States.

(b) For regulations governing casualties occurring before January 1, 1979 see Subpart B.

§ 285.21 Definitions.

Unless the context otherwise requires, in this subpart:

(a) "Act of God" means any act, event, or circumstance:

(1) Which is occasioned exclusively by natural causes; and

(2) Whose effect could not reasonably have been prevented, avoided, or ameliorated by human care, skill, or foresight (either before or after the act, event, or circumstance) of a type, degree, and timeliness which would normally be expected from an ordinarily prudent person in the same situation and under the prevailing circumstances.

(b) "Assistant Administrator" means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

(c) "Casualty(ies)" means loss, damage, or destruction of fishing vessels which is attributable to foreign vessels (or their crew or fishing gear) or loss, damage, or destruction of fishing gear which is attributable to any other vessels (or their crew or fishing gear) or acts of God.

(d) "Chief, FSD" means Chief, Financial Services Division, National Marine Fisheries Service.

(e) "Commercial shipping lane" means any area designated for commercial shipping traffic by vessel tracklines shown on pilot charts published by the U.S. Defense Mapping Agency Hydrographic Center or vessel traffic separation lanes as depicted on U.S. National Ocean Survey nautical charts.

(f) "Fishery" means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation, management, and utilization and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(2) Any fishing for such stocks.

(g) "Fishery conservation zone" means the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976, as amended.

(h) "Fishing" means:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (h) (1) through (3) of this section. Fishing does not include any scientific research activity conducted by a scientific research vessel.

(i) "Fishing gear" means any equipment or appurtenance which is:

(1) Used for, or of a type which is normally used for, fishing by a fishing vessel, whether or not attached to the vessel; and

(2) Not considered a part of the fishing vessel for the purpose of recovery under a commercial policy of full hull and machinery and protection and indemnity insurance.

(j) "Fishing vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(k) "Foreign vessel" means a vessel other than a vessel of the United States, regardless of such vessel's trade or use.

(l) "United States fishery" means any fishery subject to the exclusive fishery management authority of the United States under the Fishery Conservation and Management Act of 1976, as amended.

(m) "United States fishing vessel" means any fishing vessel which is a vessel of the United States.

(n) "Unobserved fishing gear casualty" means a fishing gear casualty which was not observed by the applicant or any agent or employee of the applicant.

(o) "Vessel of the United States" means any vessel documented under the laws of the United States or registered under the laws of any State, regardless of such vessel's trade or use.

§ 258.22 Eligibility.

(a) *Applicants.* Only the owner or operator of a United States fishing vessel or fishing gear is eligible for compensation under this subpart.

(b) *Dates.* Casualties occurring after January 1, 1979, are eligible for compensation under this subpart. See Subpart B of this part for regulations governing casualties occurring before January 1, 1979.

(c) *Casualty to fishing vessels.* A casualty to a United States fishing vessel is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to any foreign vessel.

(d) *Casualty to fishing gear.* A casualty to fishing gear is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to an act of God or any other vessel (or its crew or fishing gear, even if such gear was not attached to the vessel), whether or not such vessel is a foreign vessel.

(e) *Reporting requirement.* A casualty to fixed fishing gear attributable to any other vessel is not eligible for compensation unless the claimant has met all mandatory reporting requirements regarding gear deployment set forth in any applicable Fishery Management Plan or other Federal regulation. Fishermen are encouraged to participate in voluntary gear reporting programs. A record of gear deployment broadcast to other vessels may be considered evidence of prudent care on the part of a fisherman to notify other vessels in a particular area of the presence of that fisherman's gear.

(f) *Insurance.* Compensation under this Subpart will not be made for any part of a casualty which would have been recoverable under a commercial policy of full hull and machinery and protection and indemnity insurance, regardless of whether or not such insurance was in effect. The Fund will, however, compensate for United States fishing vessel casualties caused by foreign vessels (or their crew or fishing gear) to the extent of a reasonable deductible under full hull and machinery and protection and indemnity insurances (even if such insurances were not in effect).

(g) *Commercial shipping lanes.* No casualty occurring in a commercial shipping lane is eligible for compensation under this subpart unless

it is clear that the cause of the casualty was an act of God.

§ 258.23 Applications.

(a) *Who may apply.* Applications under this subpart shall be submitted by the owner or operator whose United States fishing vessel or fishing gear suffered the casualty for which compensation is sought.

(b) *Where to apply.* Applications shall be submitted to the Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235.

(c) *Time requirement.* Applications must be submitted to the Financial Services Division within 60 calendar days of the date the owner or operator became aware of the casualty. Applications sent by mail must be postmarked during that 60 day period. Applications made later than 60 days are not eligible.

(d) *Contents.*

(1) Applications may be submitted on forms provided by the Financial Services Division when such forms are available. Until such forms are available, applications shall include the information required by paragraphs (d) through (k) of this section.

(2) Each application shall be signed by the applicant and shall state the applicant is the owner or operator of the United States fishing vessel or fishing gear involved in the casualty.

(3) Each application shall include as attachments the affidavits and estimates required by this section. For the purposes of this section, an affidavit is a written statement sworn to or affirmed before a notary public or other official empowered to administer oaths.

(e) *Affidavit of vessel master.* Each application shall include an affidavit of the master of the United States fishing vessel which suffered, or whose fishing gear suffered, the casualty for which compensation is sought. If more than one master was involved at any material time before, during, or after the casualty, the application shall include an affidavit from each master. The affidavit shall set forth a full statement of all facts and circumstances before, during, and after the incident resulting in the casualty for which compensation is sought, including:

(1) A full description of the nature of the fishing operations resulting in the casualty. The description of casualties to fixed fishing gear shall ordinarily include a diagram and accompanying explanation showing the various components of the gear involved in the casualty and how they were arranged while operating.

Example. The description for a casualty to fixed fishing gear should describe:

(i) how the gear was fixed, anchored, or otherwise prevented from drifting and with what size, weight, type, construction material, and number of anchors or other means of fixation;

(ii) how many pots, traps, or other units of gear of what size, weight, type, and construction material were fixed to the gear; how they were fixed; and at what intervals;

(iii) how the gear was buoyed with what size, shape, type, and construction material buoys, and how many buoys were used at what intervals on the gear set;

(iv) what size, weight, type, grade, and construction material lines, ropes, or cables were used;

(v) what provisions were made to ensure the gear could be seen by other vessels;

(vi) what provisions were made to ensure the gear could be located and retrieved;

(vii) at what depth the gear operated, its length, and what area it covered;

(viii) what weather or sea conditions the gear was designed to withstand; and

(ix) any other relevant details of the casualty.

(2) A full description of the nature and extent of loss, damage, or destruction involved in the casualty, including photographs of the damage where possible.

(3) The time, date, and location (in latitude and longitude coordinates or Loran C readings) of the incident resulting in the casualty.

(4) If the casualty were not observed at the time it happened, include:

(i) the time, date, and location when the gear was first deployed;

(ii) the time, date, and location when the gear was last observed to be in a sound state (if different from the time and date of its deployment);

(iii) the time, date, and location when knowledge of the casualty first became known; and

(iv) a full statement (to the best of applicant's knowledge) of the weather and sea conditions (or any other conditions which could be construed as an act of God) which existed during the period after deployment and before first knowledge of the casualty.

(5) If the casualty were observed at the time it happened, a full description of the act of God or vessel which caused the casualty (for instance, unusual weather conditions if the cause were an act of God; or the other vessel's size, type, flag, name, number, color of house or hull, and other identifying characteristics if the cause were the action of another vessel, and a full description of such vessel's, and/or its crew's, actions before, during, and after the casualty).

(6) A full description of the actions of the applicant's United States fishing vessel and its crew before, during, and after the casualty, including all circumstances involving deployment of any fishing gear involved in the casualty and locating and retrieving it or all attempts at locating and retrieving it.

(7) A full statement of the reasons for belief that the casualty was caused by another vessel or by an act of God rather than by natural conditions constituting less than an act of God ("act of God" as defined in Section 258.21) or by other ineligible causes (for example, defective deployment, defective retrieval, or other circumstances which constitute normal operating contingencies).

(8) A full inventory of all property involved in the casualty, including: the number of all components lost, damaged, or destroyed; their size, type, grade and construction material; their age; their useful economic life; whether the damage was total or repairable (and, if a combination of both, what components were totally damaged or lost and what components were retrieved in what condition, etc.).

(f) *Affidavit of the owner.* Each application shall also include an affidavit of the owner of the United States fishing vessel or fishing gear involved in the casualty. A single affidavit of the vessel master and owner may be submitted if the vessel master is also the owner of the property concerned. Each affidavit shall include:

(1) A complete inventory of all fishing gear owned by the applicant of a type similar to any fishing gear involved in the casualty for which a claim for compensation is being made. The inventory shall be current as of a date immediately preceding the casualty (the lost, damaged, or destroyed fishing gear must be included in the inventory). The age and remaining useful economic life of each unit of fishing gear in the inventory shall be specified.

(2) The date, place, and cost of acquisition of all fishing gear and components lost, damaged, or destroyed in the casualty. Purchase invoices or other acceptable proof of ownership for such gear shall be submitted.

(g) *Estimates.* Each application shall include two estimates, from commercial sources, acceptable to the Chief, FSD, of the property lost, damaged, or destroyed and its repair cost if it is repairable.

(h) *Witnesses.* Each application shall include:

(1) The name, address, and telephone number of each known witness to the casualty; and

(2) An affidavit from any material witness to the casualty setting forth any material information possessed by such witness.

(i) *Efforts to retrieve fishing gear.* A full description of the actions taken to retrieve the fishing gear involved in the casualty must accompany the claim. The applicant is responsible for reporting any fishing gear retrieved to the Chief, FSD, whether before or after a decision is made on a claim.

(j) *Other evidence.* The Chief, FSD, may require an applicant to submit affidavits, information, explanations, or estimates in addition to those specified in this section.

(k) *Filing fee.* Each application shall include a check or money order made payable to the National Marine Fisheries Service for the filing fee. The filing fee is one percent (1%) of the replacement and/or repair (whichever is applicable) cost of the property lost, damaged, or destroyed (but in no event shall the filing fee exceed $1,000). The replacement and/or repair cost used to calculate the filing fee is the lower of the two estimates required by § 258.23(g) to be included in the application. The filing fee is non-refundable.

(l) *Incomplete and abandoned applications.* As soon as practicable after receipt of an incomplete or improperly completed application, the Chief, FSD, shall notify the applicant. The 60-day processing time, within which an Initial Determination shall be made under § 258.26, does not begin to run until an application is determined by the Chief, FSD, to be both proper and complete in all respects. If the applicant without good cause fails to correct a deficiency within 60 calendar days following the date of notification of the deficiency, the application shall be considered abandoned.

(1) *Amendment of applications.* An application may be amended any time after submission, but prior to the Initial Determination specified in § 258.26. The Chief, FSD, shall make an Initial Determination on the application, as amended, within 60 days from the receipt of the amendment.

§ 258.24 Burden of proof and presumptions.

(a) *Burden of proof.* The applicant has the burden to prove the cause of the casualty by a preponderance of the evidence. An applicant seeking compensation for a casualty to fishing gear has the burden to prove that the gear was deployed, and attempts to retrieve it were, in conformance with customary usage and practice and otherwise constituted the actions of an ordinarily prudent person.

(b) *Presumptions.*

(1) Unobserved fishing gear casualties.

(i) *Attributable to foreign vessels.*

(A) Upon the filing of an application for compensation for an unobserved fishing gear casualty, the Chief, FSD, shall compile available data concerning foreign vessel activity in the vicinity of the casualty between the date when the deployed gear was last seen in a sound state and the date upon which knowledge of the casualty was first gained.

(B) There is a presumption that an unobserved fishing gear casualty was attributable to a foreign vessel if the Chief, FSD, determines that the data compiled under paragraph (A) show that foreign vessel was in close proximity to the fishing gear, or a sufficient number of foreign vessels were in the general vicinity of the fishing gear, between the date when the deployed gear was last seen in a sound state and the date of its retrieval or attempted retrieval to enable a determination that it is reasonable to believe that the casualty could have been attributable to foreign vessels.

(ii) *Attributable to acts of God.*

(A) The following procedure will be used in determining whether or not there is a presumption that an observed fishing gear casualty was attributable to an act of God:

(1) The Office of Oceanic and Atmospheric Services of the National Oceanic and Atmospheric Administration will compute the historical mean of weather and sea conditions for the general location, and during the season, of the casualty.

(2) The same office will determine the actual weather and sea conditions at the general location, and at the time, of the casualty.

(3) The same office will compare the actual weather and sea conditions with the historical mean.

(4) If the actual weather and sea conditions were in excess of one standard deviation above the historical mean for the area on the date of the casualty, there is a presumption that the casualty was attributable to an act of God.

(5) The Office of Oceanic and Atmospheric Services will also make a determination about the availability of weather and sea conditions forecasts, which may be a relevant factor in the amount of compensation pursuant to the provisions of § 258.25(e) for otherwise qualified acts of God.

(c) *Non-qualifying casualties.*

(1) Unobserved fishing gear casualties which do not qualify for the presumptions of § 258.24(b) shall be judged upon the evidence made available by the claimant. If the presumptions in § 258.24(b) are not met because of the inability of the Chief, FSD, to collect the necessary information, the Chief, FSD, shall make a determination based upon the evidence made available by the claimant.

(d) *Unobserved fishing gear casualty attributable to domestic vessels.* There is no presumption for unobserved fishing gear casualties attributable to vessels of the United States.

(e) *Observed casualties.* The presumptions for unobserved fishing gear casualties shall not apply to observed fishing vessel or fishing gear casualties.

§ 258.25 Amount of compensation.

(a) *General.* The amount of compensation under this subpart is the amount of casualty under paragraph (b) of this section minus the sum of any deduction for the negligence of the applicant under (e) of this section and any insurance proceeds under paragraph (f) of this section.

(b) *Amount of compensation.* If the property concerned is determined by the Chief, FSD, to be repairable at a cost less than its depreciated replacement cost, the amount of the casualty is the repair cost. The amount of the casualty for property which is totally (actually or constructively) lost or destroyed is its depreciated replacement cost.

(c) *Depreciated replacement cost.* For purposes of this section the depreciated replacement cost is the present replacement cost of the property (at the time the claim is submitted) involved in the casualty, depreciated (on a straightline basis over the property's economically useful life) so as to exclude that portion of the replacement cost which represents the property's already used economically useful life. The present replacement cost is the lower of the two submitted estimates required to be submitted under § 258.23(g).

(d) *Economically useful life remaining.*

(1) If the age, condition, and value of individual units of fishing gear involved in the casualty cannot be established to the satisfaction of the Chief, FSD, the Chief, FSD, shall use the average remaining economically useful life for all units identified in the inventory required by § 258.23 in calculating the depreciated replacement cost.

(2) If the average remaining economically useful life of fishing gear

involved in the casualty is less than the average remaining economically useful life of all the property in the inventory required by § 258.23, the average remaining economically useful life of the fishing gear in the casualty will be used as the basis for calculating the depreciated replacement cost.

Example No. 1

(i) Applicant claims to have lost 100 crab pots with various remaining economically useful lives averaging 2.5 years. The applicant's fishing gear inventory shows that the applicant owns 500 crab pots (including the 100 involved in the casualty) with various remaining economically useful lives averaging 3.5 years.

(ii) The replacement cost of the 100 pots involved in the casualty will be depreciated as if they each had a remaining economically useful life of 2.5 years.

(iii) If the present replacement cost of the pots is $500 each and they have an economically useful life when new of 5 years, the depreciated replacement cost of each pot will be $250 (or 50% of the replacement cost), since 2.5 years (or 50% of their new economically useful life) was regarded as remaining at the time of the casualty.

(iv) Thus, the compensation would be 100 pots at a depreciated replacement cost of $250 each, for a total of $25,000.

(3) If the average remaining economically useful life of the fishing gear involved in the casualty is more than the average remaining economically useful life of all the fishing gear in the inventory required by Section 258.23, the average remaining economically useful life of all the fishing gear in the inventory will be used as the basis for calculating the depreciated replacement cost.

Example No. 2

If the 100 lost crab pots described in example No. 1 under (2) above had an average remaining economically useful life of 4 years (instead of 2.5 years), then the 3.5-year average remaining economically useful life of all the fishing gear in the inventory would be used as the basis for depreciating the cost of the replacement pots. Since 3.5 years is 70% of the new economically useful life (5 years) of the pots, the compensation would be $35,000 (70% of $500 equals $350 times 100 pots equals $35,000).

(e) *Comparative negligence.* In calculating the amount of compensation under this subpart, the amount of casualty under paragraph (b) of this section will be reduced proportionally to the extent that any negligence of the applicant (or the applicant's agents) contributed to the cause or extent of the casualty.

Example: If the applicant's total damages were $25,000 and 10 percent (10%) of the damages were the result of the applicant's negligence, the applicant would receive $22,500 in compensation. If the negligence of the applicant had caused 90% of the loss, $2,500 in compensation would be received.

(f) *Insurance proceeds.* For purposes of calculating the amount of compensation under this subsection, the amount of compensation under paragraph (b) of this section will be reduced by the amount the applicant has, or reasonably would have, received from a commercial policy of full hull and machinery and protection and indemnity insurance, whether or not such insurance was in effect at the time the casualty occurred. Recovery will be allowed for a reasonable deductible as set forth in section 258.22(f).

§ 258.26 Initial determination.

(a) *Time.* Within 60 days of the receipt of a properly completed application, the Chief, FSD, shall make an initial determination of the amount of any compensation to be paid the applicant.

(b) *Contents.* An initial determination shall state:

(1) If the application is disapproved, the reasons therefor; or

(2) If the application is approved, the amount of compensation and the basis upon which the amount was determined.

(c) *Notice.* The initial determination, along with the subrogation agreement (where applicable) provided for in § 258.28, shall be mailed to the applicant.

§ 258.27 Final determination.

(a) *Final determination.* Unless appealed under subsection (b), the initial determination of the Chief, FSD, shall become final 30 days after its issuance under section 258.26.

(b) *Appeal.* Any applicant may, within 30 days after the date of issuance of an initial determination under section 258.26, file with the Assistant Administrator at 3300 Whitehaven Street, Washington, D.C. 20235 a written request for review of the initial determination.

(c) *Additional evidence.* The applicant may submit to the Assistant Administrator written data relating to the initial determination no later than 30 calendar days after the filing of a petition under paragraph (b) of this section.

(d) *Appellate determination.* The Assistant Administrator shall issue a final determination on an appealed application within 60 days of the submission of any written data by the applicant under paragraph (c) of this section. A copy of the final determination shall be mailed to the applicant.

§ 258.28 Subrogation.

(a) After approval of an applicant's claim, but before compensation is disbursed, the applicant shall (when applicable to the cause to which the causalty was attributed) execute a subrogation agreement in a form satisfactory to the Chief, FSD, which:

(1) Assigns to the United States all rights which the applicant may have to proceed against any party who may be liable for damages with respect to any part of a casualty for which compensation is being made hereunder, and;

(2) Gives, as a condition of continuing to retain the compensation, the applicant's undertaking to assist the Chief, FSD, in any reasonable way to pursue collection of the subrogated rights.

§ 258.29 Payments.

(a) *Amount.* The Chief, FSD, shall compensate the applicant in the amount calculated under § 258.25 minus the approval fee as determined according to paragraph (b) of this section. Payment shall be made to the applicant upon receipt (where required) of a properly executed subrogation agreement under § 258.28.

(b) *Approval fee.* The approval fee is 4 percent (4%) of the amount of compensation calculated under 258.25, but in no case shall the sum of the approval fee and the filing fee under § 258.23(k) exceed $1,000.

§ 258.30 Penalties.

Persons who willfully make any false or misleading statement or representation for the purpose of obtaining compensation under this subpart are subject to criminal prosecution pursuant to the provisions of 22 U.S.C. 1980(g), which provides penalties, upon conviction, of a fine of not more than $25,000, or imprisonment for not more than one year, or both. Any evidence of false or misleading statements or representations will be promptly forwarded to the U.S. Department of Justice for action.

[FR Doc. 79-32962 Filed 10-24-79; 8:45 am]
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federal register

Thursday
October 25, 1979

Part IV

Department of the Interior

Fish and Wildlife Service

Endangered Species Determinations; Coryphantha sneedii var. leei (Lee Pincushion Cactus) and Echinocereus triglochidiatus var. arizonicus (Arizona Hedgehog Cactus)

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination That Coryphantha sneedii var. leei Is a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Coryphantha sneedii* var. *leei* (Lee pincushion cactus), a native plant of New Mexico, to be a Threatened species. The plants are in demand by cactus collectors, and removal by commercial suppliers and private collectors has caused a decline in the natural populations. A population has also been damaged by road construction. This determination will extend to this cactus the protection provided by the Endangered Species Act of 1973, as amended.

DATE: This rulemaking becomes effective on November 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235-2771.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant taxa to Congress on January 9, 1975. This report, designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered by the Smithsonian Institution to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within, as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the Federal Register (41 FR 24523-24572) to determine approximately 1,700 vascular plant taxa to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plants was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the above mentioned Federal Register publication.

Coryphantha sneedii var. *leei* was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal. A public hearing on this proposal was held on July 22, 1976, in El Segundo, California. A second public hearing was held on July 12, 1979, in Albuquerque, New Mexico for five New Mexico cacti proposed as Endangered species, including this *Coryphantha*. In the June 24, 1977, Federal Register, the Service published a final rule (42 FR 32373-32381, codified at 50 CFR Part 17) detailing the permit regulations to protect Endangered and Threatened plant species. The rule established prohibitions and permit procedures to grant exceptions to the prohibitions under certain circumstances.

The Department has determined that this listing does not meet the criteria for significance in the Department regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

In keeping with the general intent of Section 4(b)(1)(C) of the Act, a summary of all comments and recommendations received is published in the Federal Register prior to adding any plant species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). Some of these comments had addressed the general problems of conservation of cacti.

Additionally, many comments on the cactus trade were received in response to the June 7, 1976, proposed rule (41 FR 22915) on prohibitions and permit provisions for plants under Sections 9(a)(2) and 10 of the Act. These comments are summarized in the June 24, 1977, Federal Register final rule (42 FR 32373-32381) on plant trade prohibitions and permit provisions. Several persons at the recent public hearing in New Mexico indicated lack of familiarity with these prohibitions and permit provisions. Requests for copies of these final trade regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 703/235-1903.

With the July 2, 1979, Federal Register notice (44 FR 38611) for the second public hearing on certain proposed southwestern cacti comments on the taxon were again solicited, with an official comment period of July 2 through July 23, 1979. The Governor of New Mexico was notified of the proposal to list *Coryphantha sneedii* var. *leei* as an Endangered species. Although the Governor himself submitted no comment on the proposed action, the New Mexico Natural Resources Department recommends the species be listed as Endangered, without Critical Habitat, indicating that collectors are the most serious threat. The New Mexico Department of Agriculture briefly reported on the survival status of the cactus and also indicated specific areas for the taxon should not be designated. It indicated that before listing the taxon as Endangered, the possible inadequacy of the laws and their implementation should be considered, and that listing might increase threats to the cactus. The Service is aware that listing under the Act might be harmful; however, in balance, it considers that providing the provisions of the Act to this taxon is more likely to prove beneficial than allowing continued inadequate management for the cactus.

Six other written comments were received concerning this variety. The U.S. Forest Service, Region 3, recommended the taxon be listed as Endangered. The Southwest Region Office of the Bureau of Reclamation indicated concern that there was a lack of supporting data for the listing, and a lack of detailed information on Critical Habitat for the cactus. Extensive information on the cactus is on file and available in the Service's Albuquerque Regional Office and Washington Office of Endangered Species; it is not prudent to determine Critical Habitat for the cactus because it would increase threats to it, as explained further below. A professional botanist has written in concurrence with contracted status information received by the Service, which also recommended Endangered status. A private citizen, in a statement endorsed by the Conservation Committee of the Cactus and Succulent Society of America, recommended the variety be listed as Endangered because only a few hundred plants were known in the wild. A former nurseryman and current editor of the *Cactus and Succulent Journal* (U.S.) commented on the need to encourage trade and commerce in cultivated cacti, citing *Coryphantha sneedii* var. *leei* as an

example of a cactus extensively propagated from a few legally obtained wild specimens; he hoped the permit system would not impede activities which are not harmful to wild populations.

The Service has determined that this taxon should be listed as Threatened rather than Endangered because it is in a National Park where land use and taking are subject to strict control, because known collecting has been limited, and because more individual plants have been located through recent field work, although the total numbers known are still small. As a consequence of this designation, the somewhat less strict prohibitions and permit system for Threatened plant species should facilitate legitimate commerce and trade in cultivated plants, while still fully protecting those in the wild.

At the July 12, 1979, public hearing in Albuquerque, New Mexico, three persons knowledgeable on New Mexico cacti expressed support for listing this cactus as Threatened rather than Endangered; none opposed the listing. Two of those commenting recommended a different scientific name for the cactus. The Service has decided generally to use names from work resulting in the most comprehensive scientific treatment on the cactus family for the United States: L. Benson, *The Cacti of the United States and Canada*, Stanford University Press, *in press*. This choice is made to facilitate communication among those concerned with the conservation of cacti; it does not preclude other scientific opinions. The provisions of the Act apply to specimens of this cactus in the taxonomic circumscription representated by *Coryphantha sneedii* var. *leei*, or to specimens under any other name with that same circumscription. Known, but not necessarily all synonyms of this cactus, are indicated below.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Coryphantha sneedii* (Britton et Rose) Berger var. *leei* (Rose ex Bödeker) L. Benson (Lee pincushion cactus; synonyms: *Escobaria leei*, *Mammillaria leei*) is in danger of becoming extinct in the foreseeable future throughout its limited range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Coryphantha sneedii* var. *leei* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* This cactus is known only from a few populations within Carlsbad Caverns National Park, Eddy County, New Mexico. A road has been graded through one population.

(2) *Overutilization for commercial, sporting, scientific or educational purposes.* The potential for severe damage to the taxon by collectors is great, because of its few limited populations. Some are adjacent to trails and the road. The degree of past collecting damage to the taxon is unknown, but it has been offered for sale recently from collections perhaps obtained in the wild.

(3) *Disease or predation* (including grazing). Not applicable to this taxon.

(4) *The inadequacy of existing regulatory mechanisms.* Although collecting of plants is prohibited within National Parks, the prohibition is difficult to enforce. The Endangered Species Act offers additional protection for the taxon as indicated in part below, which will reinforce the National Park Service regulations (36 CFR 2.20). New Mexico State Law, Chapter 76, Article 5, Section 21, requires an application to sell collected wild plants and designation of the wild source area; section 76-8-2 also requires landowner consent before removal of protected cacti near highways. All native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. However, this Convention only regulates export of the taxon, and therefore does not regulate internal trade in the cactus or habitat destruction.

(5) *Other natural or man-made factors affecting its continued existence.* This cactus appears to be restricted to soil from a particular rock type in the area. In cultivation, the plant is readily propagated from offsets, and therefore readily available; there is no sound reason for cactus hobbyists to seek wild plants.

Effects of the Rulemaking

Section 7(a) of the Act, as amended, provides: The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7 of the Act. This rule requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this taxon. New rules implementing the 1978 Amendments to Section 7 of the Act are being prepared now by the Service.

Endangered and Threatened species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The principal regulations which pertain to Threatened plant species are found at §§ 17.71 and 17.72 (42 FR 32380-32381) and are summarized below.

All provisions of Section 9(a)(2) of the Act, as implemented by Section 17.71 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, or to deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale this taxon in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June 24, 1977 (42 FR 32373-32381, codified in 50 CFR Part 17), provide for the issuance of permits, under certain circumstances, to carry out otherwise prohibited activities involving Threatened plants, such as trade in specimens of cultivated origin.

Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which requires a permit for export. The Service will review *Coryphantha sneedii* var. *leei* to determine whether it should be considered under the Convention on

Nature Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

National Environmental Policy Act

An Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Coryphantha sneedii var. *leei* has already been reduced in numbers and is threatened by taking. Publication of Critical Habitat maps would make this taxon more vulnerable to further taking and increase the enforcement burden of the Park Service. Therefore it would not be prudent to determine Critical Habitat.

Coryphantha sneedii var. *leei* was proposed on June 16, 1976 (41 FR 24570). The Service is proceeding at this time with a final rule to determine this species to be Threatened pursuant to the Endangered Species Act of 1973, as amended. This rule is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; 87 Stat. 884).

The primary author of this rule is Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235–1975).

Regulation Promulgation

Accordingly, §17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Add in alphabetical order by family, genus, species, the following plant:

§ 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion of range endangered			
Cactaceae—Cactus family:						
Coryphantha sneedii var. *leei*	Lee pincushion cactus	U.S.A. (New Mexico)	Entire	T	60	NA

Dated: October 15, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-32948 Filed 10-24-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Determination That Echinocereus triglochidiatus var. arizonicus Is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Echinocereus triglochidiatus* var. *arizonicus* (Arizona hedgehog cactus), a native plant of Arizona, to be an Endangered species. The taking of plants for collections and landscaping and the potential loss of habitat through mining activities are threats to the continued existence of this taxon in its native habitat. This action will provide protection under the Endangered Species Act of 1973, as amended (hereinafter referred to as the Act).

DATE: This rulemaking becomes effective on November 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202/343–4646).

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant taxa to Congress on January 9, 1975. This report, designated as House Document No. 94–51, contained lists of over 3,100 U.S. vascular plant taxa considered by the Smithsonian Institute to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within, as well as any habitat which might be determined to be critical. On June 16, 1976, the Service published a proposed rulemaking in the Federal Register (41 FR 24523–24572) to determine approximately 1,700 vascular plant species to be Endangered Species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the above mentioned Federal Register publication.

Echinocereus triglochidiatus var. *arizonicus* was included in both the July 1, 1975, notice of review and the June 16, 1976 proposal. A public hearing on this proposal was held on July 22, 1976, in El Segundo, California. A second public hearing was held on July 11, 1979, in Phoenix, Arizona, for five Arizona cacti proposed as Endangered species, including this *Echinocereus*. In the June 24, 1977, Federal Register, the Service published a final rulemaking (42 FR 32373–32381, codified at 50 CFR) detailing the permit regulations to protect Endangered and Threatened plant species. The rulemaking established prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstance. The Department has determined that

this is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Summary of Comments and Recommendations

In keeping with the general intent of Section 4(b)(1)(C) of the Act, a summary of all comments and recommendations received is published in the Federal Register prior to adding any plant species to the List of Endangered and Threatened Wildlife and Plants. Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909–17916). Some of these comments had addressed the general problems of conservation of cacti.

Additionally, many comments on the cactus trade were received in response to the June 7, 1976, proposed rule (41 FR 2915) on prohibitions and permit provisions for plants under Section 9(a)(2) and 10(a) of the Act. These comments are summarized in the June 24, 1977, Federal Register final rule (43 FR 32373–32381) on plant trade prohibitions and permit provisions.

With the July 2, 1979, Federal Register notice (44 FR 38611) for the second public hearing on certain proposed southwestern cacti, comments were again solicited, with an official comment period of July 2 through July 23, 1979. The Governor of Arizona was notified of the proposal to list *Echinocereus triglochidiatus* var. *arizonicus* as an Endangered species. Although the Governor himself submitted no comment on the proposed action, the Arizona Commission of Agriculture and Horticulture concurred that *Echinocereus triglochidiatus* var. *arizonicus* be listed as an Endangered species.

Four written comments specific to this taxon were received in the 1979 comment period. The Southwest Regional Office of the Bureau of Reclamation indicated concern that there is a lack of supporting data for the listing, and a lack of detailed information on Critical Habitat for the cactus. Extensive information on the cactus is on file and available in the Service's Albuquerque Regional Office and Washington Office of Endangered Species; it is not prudent to determine Critical Habitat for the cactus because it would increase threats to it as explained in the rulemaking. The Arizona State Office of the Bureau of Land Management commented that a new population of *Echinocereus triglochidiatus* var. *arizonicus* was recently found in the Mescal Mountains and that this population does not appear to meet the criteria of an Endangered or Threatened species because "there is no present or threatened destruction or modification of its habitat". Upon further Service inquiry to the BLM, doubts were raised as to the identification of the population in the Mescal Mountains. That population is not consistently distinctive enough for positive identification as variety *arizonicus*. Different varieties within the species *Echinocereus triglochidiatus* intergrade extensively with one another. Mixed populations showing extensive variation but with some affinities toward var. *arizonicus* are not to be considered classical var. *arizonicus* and therefore will not be subject to the protection and restrictions of the Endangered Species Act. Two letters from professional botanists were received, both strongly supported listing this variety as an Endangered species. In addition, the Service has received a detailed contracted status report from the Museum of Northern Arizona with their recommendation that this cactus be listed as Endangered. A provisional U.S. Forest Service status report has been received; it points out the variability of populations with var. *arizonicus* affinities and the resultant difficulty of practical identification in regards to management applications. Again, until further data is available (chromosome counts, etc.) only known populations of this variety will be subject to the Endangered Species Act.

At the July 11, 1979, public hearing in Phoenix, Arizona, Dr. Arthur Phillips recommended that *Echinocereus triglochidiatus* var. *arizonicus* be final-listed as Endangered based on its limited geographical distribution and threats from collecting and habitat destruction. Kent Newlin of the Central Arizona Cactus and Succulent Society and the Boyce-Thompson Arboretum in Superior, Arizona, also recommended listing this varity as Endangered due to collecting pressure and expansion of the Pinto Valley mining area, which could destroy a sizeable portion of this species' habitat. Elinor Lehto, an Arizona State botanist, also recommended listing this taxon as Endangered.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Echinocereus triglochidiatus* Engelm. var. *arizonicus* (Rose ex Orcutt) L. Benson (Arizona hedgehog cactus; synonym: *Echinocereus arizonicus*) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Echinocereus triglochidiatus* var. *arizonicus* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* This cactus is known from only a few locations near the boundary between Gila and Pinal counties, Arizona. The potential for habitat destruction through mining activities here is a possible threat to this taxon as there are active copper mines found throughout this district.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* This taxon is in demand by collectors, and taking is the main threat to its survival. Its bright red flowers are attractive, and, especially during the flowering period, plants are collected by private individuals and commercial suppliers for landscaping and cacti collections. Newland (1979) reports a recent attempt to relocate a specific plant; all he found was a hole where the plant had been dug up.

(3) *Disease or predation* (including grazing). Significant insect damage has been noted by several people, Phillips (1979) and Fletcher (1979).

(4) *The inadequacy of existing regulatory mechanisms.* All members of the Cactaceae (cactus family) are protected under Arizona law, A.R.S. Chapter 7, Sec. 3–901 et seq., which prohibits their collection without a permit. All native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. However, this convention only regulates export of cacti, and therefore does not regulate internal trade in cacti, or habitat destruction. Forest Service regulations prohibit the taking of endangered plants on Forest Service lands, 36 CFR 261.9(b), and that Service's Region III is beginning to implement a permit system, pursuant to 36 CFR 261.1a, for collecting rare plants. The Endangered Species Act will afford additional and broader protection.

(5) *Other natural or man-made factors affecting its continued existence.* None.

Effects of the Rulemaking

Section 7(a) of the Act, as amended, provides:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, ensure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870–876) and codified at 50 CFR Part 402 to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this taxon. Rules implementing the 1978 amendments to Section 7 of the Act are now being prepared by the Service. Endangered and Threatened species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The principal regulations which pertain to Endangered plant species are found at Sections 17.61–17.63 and are summarized below.

All provisions of Section 9(a)(2) of the Act, as implemented by § 17.61 (42 FR 32373–32381), would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this cactus in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the Federal Register of June 24, 1977, (42 FR 32373–32381) codified in 50 CFR Part 17, provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving Endangered plants, such as trade in specimens of cultivated origin. Under U.S. Forest Service rules in 36 CFR 261.9, this listing also makes it illegal to remove, destroy, or damage individual plants of this taxon occurring on U.S. Forest Service lands.

Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the Convention of International Trade in Endangered Species of Wild Fauna and Flora, which requires a permit for export. The Service will review *Echinocereus triglochidiatus* var. *arizonicus* to determine whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

National Environmental Policy Act

An Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

> At the time any such regulation [to determine a species to be an endangered or threatened species] is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Echinocereus triglochidiatus var. *arizonicus* has already been reduced in numbers and is threatened by taking, an activity not prohibited by the Endangered Species Act of 1973. Publication of Critical Habitat maps would make this taxon more vulnerable to further taking and, therefore, the Service determines that it would not be prudent to determine Critical Habitat.

Echinocereus triglochidiatus var. *arizonicus* was proposed on June 16, 1976 (41 FR 24536).

The Service is proceeding at this time with a final rulemaking to determine this species to be Endangered pursuant to the Endangered Species Act of 1973, as amended. This rule is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

The primary author of this rule is Ms. Rosemary Carey, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Dr. A. M. Phillips, III, Dr. Barbara G. Phillips, Mr. L. T. Green, III, Ms. Jill Mazzoni, and Ms. Elaine Peterson compiled the Status Report and other provisional documents for this taxon.

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Add, in alphabetical order by family, genus, and species, the following plant:

§ 17.12. Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion of range endangered			
Cactaceae—Cactus family:						
Echinocereus triglochidiatus var. *arizonicus.*	Arizona hedgehog cactus	U.S.A. (Arizona)	Entire	E	59	NA

Dated: October 15, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Housing—Federal Housing Commissioner—

55002 9-24-79 / Mortgage insurance on loans for fee title purchase; mortgager eligibility to pay a discount
[Corrected at 40 FR 58503, October 10, 1979]

LEGAL SERVICES CORPORATION

55175 9-25-79 / Prohibition against discrimination on basis of handicap

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing October 23, 1979