11-13-79
Vol. 44 No. 220
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federal register

Tuesday
November 13, 1979

Highlights

Briefings on How to Use the Federal Register—For details on briefings in Washington, D.C. and Dallas, Texas, see announcement in the Reader Aids Section at the end of this issue.

65406 **Unemployment Compensation** Labor/ETA proposes to increase the monthy rates of remuneration used to compute the Federal wages of ex-servicemembers covered by the program; comments by 12-13-79

65381 **International Banking** Treasury/Comptroller provides for the regulation and supervision of foreign banks operating at Federal branches and agencies in the U.S.; effective 11-13-79

65560 **Nuclear Export Activities** State issues unified procedures applicable to major Federal actions (Part III of this issue)

65550 **Advanced Flight Training Simulators** DOT/FAA proposes to permit expanded training, checking and certification of flight crewmembers; comments by 1-14-80 (Part II of this issue)

65412 **Domestic Offshore Trades** FMC proposes guidelines for determining what constitutes a just and reasonable rate of return or profit for certain common carriers

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Highlights

65495 **Uniform Administrative Requirements for Grants-in-Aid** OMB gives interested parties an opportunity to comment on a waiver from certain standardized formats prescribed by circular A-102

65401 **Railroad Switching and Terminal Companies** ICC revises and simplifies accounting and reporting requirements

65398 **National Air Transportation System** CAB changes its automatic market entry procedures under certain circumstances; effective 12-10-79

65403 **Voluntary Meat and Poultry Plant—Quality Control** USDA/FSQS extends comment period until 12-13-79

65420 **Exempt Agricultural Commodities** ICC extends comment period to 11-21-79 regarding special procedures governing return hauls applications for motor carrier authority

65426 **1980 Annual Wholesale Trade** Commerce/Census plans to conduct survey

65400 **Calcium Oxide and Calcium Hydroxide** EPA removes chemicals from hazardous substance list

65412 **Improving Government Regulations** CSA publishes semiannual agenda of regulations

65566 **Improving Government Regulations** Labor/Secretary publishes second semiannual agenda of regulations selected for review or development (Part IV of this issue)

65428 **Certain Wool Textile Products From the Republic of Korea** CITA adjust import restraint levels

65517 **Antidumping** Treasury/Secretary issues tentative determination of sales at not less than fair value on melamine in crystal form from the Netherlands; effective 11-13-79

65515 **Antidumping** Treasury/Secretary issues notice of withholding appraisement on melamine in crystal form from Italy; effective 11-13-79

65516 **Antidumping** Treasury/Secretary issues notice of withholding appraisement on melamine in crystal form from Austria; effective 11-13-79

65521 **Sunshine Act Meetings**

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65560 **Part III, State**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

Onions Grown in South Texas; Expenses and Rate of Assessment; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction.

SUMMARY: This corrects FR Doc. 79-33958 published at page 63082 of the November 2, 1979, Federal Register. The budget for the South Texas Onion Committee should read $137,886, and not $137,866.

EFFECTIVE DATES: During fiscal period ending July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald S. Kuryloski (202) 447-6393.

Section 959.220 (44 FR 63082) is hereby corrected as follows:

At the end of paragraph (a), $137,866 is changed to read $137,886.

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

Dated: November 7, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-34968 Filed 11-9-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 4

Description of Office Organization, Procedures, Public Information

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends procedures of the Office of the Comptroller of the Currency for applications for permission to establish Federal branches (including Limited Federal branches) and Federal agencies of foreign banks, and establishes procedures for applications for permission to change the designation of the initial Federal branch or agency to any other Federal branch or agency. These procedures are being amended and established to implement, in part, the International Banking Act of 1978, and generally conform to those procedures that relate to national banks.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: James V. Elliott, Director, Bank Organization and Structure Division, Office of Comptroller of the Currency, Washington, D.C. 20219, 202-447-1184.

SUPPLEMENTAL INFORMATION: On September 17, 1978, the International Banking Act of 1978 (Pub. L. 95-369) was enacted. Section 4 of the Act provides that with the approval of the Comptroller of the Currency, foreign banks may establish Federal branches or Federal agencies in the United States. Procedures for some applications under the Act were adopted on April 4, 1979 (44 FR 20063). Those amendments provided for the filing of applications for Federal branches or Federal agencies. The Comptroller's General International Banking Act regulation (12 CFR Part 28), also published in today's Federal Register, sets forth the general parameters of the regulation and supervision of foreign banks operating at Federal branches and agencies in the United States, and provides that applications may be made for Limited Federal branches. This amendment to 4.7c revises that section to indicate that, for application procedures, a Federal branch includes a Limited Federal branch. Applications for Limited Federal branches are to be made in accordance with the procedures for a Federal branch.

In addition, 12 CFR Part 28 provides that foreign banks may apply to the Comptroller to change the designation of the initial Federal branch or Federal agency to any other Federal branch or Federal agency. New subpart 4.7f establishes procedures for such applications, which are identical to procedures for other applications.

The Administrative Procedures Act does not require public procedures and delayed effectiveness in connection with rules of agency organization, procedures or practice. The amendments will therefore become effective November 13, 1979.

Adoption of Amendment

12 CFR Part 4 is amended by revising § 4.7c and adding new § 4.7f as follows:

Sec.

* * * * *

4.7c Establishment of Federal branch (including a Limited Federal branch) or Federal agency of a foreign bank.

* * * * *

4.7f Change in designation of initial Federal branch or Federal agency of a foreign bank to any other Federal branch or Federal agency.

* * * * *

§ 4.7c Establishment of Federal branch (including a Limited Federal branch) or Federal agency of a foreign bank.

(a) *Application.* A foreign bank desiring to establish and operate a Federal branch (including a Limited Federal branch) or Federal agency should submit to the Comptroller of the Currency, Washington, D.C. 20219, an "Application to Establish a Federal Branch or Agency." This application and instructions are furnished by the Comptroller of the Currency or a Regional Administrator of National Banks upon request.

(b) *Investigation.* An investigation may be conducted to the extent necessary, including the gathering of information as provided in Part 5 of this chapter.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted. An approval will ordinarily be rescinded if the Federal branch or Federal agency has not commenced business within 18 months from the date of approval.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, a certificate will be issued evidencing approval for the establishment and operation of the Federal branch or Federal agency.

(e) *Disapproval.* (1) When a Federal branch or Federal agency application is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant.

(2) Requests for reconsideration of disapproved applications will not be accepted. A new application may be

filed at any time by submitting substantive new or additional information. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record. The normal filing fee will be required.

(f) *Opinions.* When the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry, an opinion will be published. If the Comptroller determines it to be in the public interest, the name of the applicant and other information deemed to be of a private and confidential nature will not be disclosed.

§ 4.7f Change in designation of initial Federal branch or Federal agency to any other Federal branch or Federal agency.

(a) *Application.* A foreign bank desiring to change the designation of its initial Federal branch or agency to any other branch or agency should submit to the Comptroller of the Currency, Washington, D.C. 20219, an "Application to Change the Designation of the Initial Federal Branch or Federal Agency." This application and instructions are furnished by the Comptroller of the Currency or a Regional Administrator of National Banks upon request.

(b) *Investigation.* An investigation may be conducted to the extent necessary, including the gathering of information as provided in Part 5 of this chapter.

(c) *Approval.* The Comptroller of the Currency determines whether or not approval of the application should be granted. An approval will ordinarily be rescinded if the change in designation of the initial Federal branch or Federal agency has not been accomplished within 18 months from the date of approval.

(d) *Certification.* If the determination of the Comptroller of the Currency is favorable, a certificate will be issued evidencing approval of the change in designation of the initial Federal branch or Federal agency.

(e) *Disapproval.* (1) When an application to change the initial designation of a Federal branch or Federal agency is disapproved, a written statement of the reasons for the disapproval will be furnished the applicant.

(2) Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information. To the extent relevant, the Comptroller will consider and incorporate the prior administrative record.

(f) *Opinions.* When the Comptroller determines that the decision represents a new or changed policy or presents issues of general importance to the public or the banking industry, an opinion will be published. If the Comptroller determines it to be in the public interest, the name of the applicant and other information deemed to be of a private and confidential nature will not be disclosed.

Dated: November 1, 1979.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 79-34864 Filed 11-9-79; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 5

Supplemental Application Procedures for Charters, Domestic Branches, Mergers, Relocations, Conversions, Domestic Operating Subsidiaries, Fiduciary Powers, Title Changes, and Changes in Designation of Initial Federal Branch or Federal Agency

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This rule expands the Comptroller's Supplemental Application Procedures to incorporate provisions for notices of filing application, written comments and requests for an opportunity to be heard in connection with applications of foreign banks for permission to change the designation of the initial Federal branch or Federal agency to any other Federal branch or Federal agency. These procedures are being established to implement, in part, the International Banking Act of 1978, and generally conform to those that relate to national banks.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: James V. Elliott, Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1184.

SUPPLEMENTAL INFORMATION: On September 17, 1978, the International Banking Act of 1978 (Pub. L. 95-369) was enacted. Section 4 of the Act provides that with the approval of the Comptroller of the Currency, a foreign bank may establish Federal branches or Federal agencies in the United States. Procedures for some applications under the Act were adopted on April 4, 1979 (44 FR 20064). However, that amendment did not provide for procedures on applications of a foreign bank to change the designation of the initial Federal branch or Federal agency to any other Federal branch or Federal agency. This amendment adds applications for permission to change the initial designation of a Federal branch or Federal agency to the scope section of Part 5, thereby providing that the same procedures apply to these applications as apply to other applications.

The Comptroller's general International Banking Act regulation (12 CFR Part 28), also published in today's Federal Register, sets forth the general parameters of the regulation and supervision of foreign banks operating at Federal branches and Federal agencies and refers to this Part 5 in connection with application procedures.

The Administrative Procedure Act does not require public procedures and delayed effectiveness in connection with rules of agency organization, procedures, or practice. Therefore, the amendment will become effective November 13, 1979.

Adoption of Amendment

12 CFR Part 5 is amended by revising § 5.1 as follows:

§ 5.1 Scope of part.

This part contains procedures by which the Comptroller of the Currency may reach informed decisions with respect to applications to charter national banks, to establish domestic branches of national banks, to merge or consolidate with or purchase the assets of another bank where the resulting bank is a national bank, to relocate offices of national banks, to convert state-chartered institutions to national banks, to acquire domestic operating subsidiaries, to exercise fiduciary powers, to change corporate titles, to establish, convert to or relocate Federal branches and Federal agencies of foreign banks, to change the designation of the initial Federal branch or Federal agency to any other Federal branch or Federal agency, and in other such cases as in the Comptroller's sole discretion shall be deemed appropriate. These procedures provide a method by which all persons interested in the subject matter of such applications may present their views. Nothing contained herein shall be construed to prevent interested persons from presenting their views in a more informal manner when deemed appropriate by the Comptroller, a Deputy Comptroller, or a Regional Administrator of National Banks, or to prevent the Comptroller or Regional Administrator from conducting such other investigation as may be deemed

appropriate. The procedures established by this Part, other than the notice provisions of § 5.2a, and written comment provision of § 5.4a, do not apply to applications for permission to establish a CBCT branch, unless the Comptroller shall specifically so direct. The initial Federal branch or Federal agency established in a state by a foreign bank shall be deemed the bank's head office in that state for the purposes of this Part.

Dated: November 1, 1979.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 79-34865 Filed 11-9-79; 8:45 am]

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12 CFR Part 28

Federal Branches and Agencies of Foreign Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This amendment adds a new Part 28 to Title 12 of the Code of Federal Regulations, pursuant to the International Banking Act of 1978 (Pub. L. 95-369), to provide for the regulation and supervision by the Comptroller of the Currency of foreign banks operating at Federal branches and agencies in the United States. Following the regulation, Interpretation § 28.101 contains a policy statement on the applicability of the national banking laws to Federal branches and agencies of foreign banks. Interpretation § 28.102 discusses specifically the applicability of the Community Reinvestment Act to foreign banks operating at insured Federal branches.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Glidden, Senior Attorney, Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880

SUPPLEMENTARY INFORMATION: On May 10, 1979, the Comptroller of the Currency published for comment (44 FR 27431) a proposed new regulation, 12 CFR Part 28, to provide for the licensing and supervision of Federal branches and agencies of foreign banks. Earlier, on March 15, 1979, the Comptroller had published for comment (44 FR 15728) a proposed policy statement on the applicability of the national banking laws to foreign banks operating at Federal branches and agencies in the United States. This policy statement, in modified form, is being adopted as Interpretation § 28.101 to follow 12 CFR Part 28. In addition, Interpretation § 28.102 explains that the applicability of the Community Reinvestment Act (12 U.S.C. 2901 *et seq.*) is limited to insured Federal branches.

The Comptroller received one law firm comment on the proposed statement of policy and comments from three law firms, three banks, and two state banking departments on the proposed regulation. Two of the comments on the proposed regulation were quite extensive and made several suggestions. The main points addressed by the comments, and the Comptroller's responses thereto, are summarized by topic below.

Discussion of Comments

1. *Applicability of laws.* The Comptroller's proposed policy statement asserted the following general rule: "Apart from the specific exemptions and qualifications contained in the International Banking Act, the Comptroller believes that foreign banks operating at Federal branches and agencies: (1) Can exercise the same rights and privileges that are available to national banks, and (2) the exercise of any such right or privilege must be subject to the same duties, restrictions, penalties, liabilities, conditions and limitations that apply to national banks at the same location." Section 28.4 of the proposed regulation formulated the rule in a similar manner: "Except as otherwise provided by the International Banking act or any rules, regulations or orders of the Comptroller, operations of a foreign bank at any Federal branch or agency shall be conducted with the same rights and privileges and subject to the same duties, restrictions, penalties, liabilities, conditions and limitations that would apply to a national bank at the same location."

One commenter took exception to both statements, suggesting instead that Federal branches and agencies, except as otherwise set forth in the IBA or rules or regulations of the Comptroller, should have the same rights and privileges as a national bank at the same location but be subject only to those duties, restrictions, etc., that are found in the National Bank Act. In other words, the full range of duties and conditions applicable to a national bank might ultimately be applied to Federal branches and agencies of foreign banks, but this result would be accomplished by the Comptroller's issuance of a series of rules or orders, on a case by case basis applying specific laws and regulations to these offices.

The commenter expressed the belief that such an approach would be consistent with the language, legislative history, and principles and structure of the IBA. National Bank Act duties would generally apply, but "insured bank" and "member bank" duties addressed in sections 6 and 7 of the IBA respectively, would apply only as provided for in the IBA or in supplemental rules and regulations of the Comptroller. Thus, for example, most of § 19 of the Federal Reserve Act would apply to Federal branches and agencies of foreign banks because section 7 of the IBA so states.

Three practical problems with the Comptroller's approach were suggested: (1) There would be confusion on the part of foreign banks and their counsel because of the vast body of laws and regulations that relate to national banks. (2) A foreign bank operating at a Federal branch or agency might be subject to duties even though it was not engaging in the type of banking business to which such duties were relevant. (3) The Comptroller's general statement of principle might apply a specific law or regulation to Federal branches and agencies of foreign banks even though such law or regulation, by its terms, did not cover such entities.

The Comptroller continues to believe, for the reasons stated in the preamble to the proposed policy statement, that the reference to the National Bank Act in section 4(b) of the IBA is merely descriptive of the national banking laws generally. Based upon the IBA and legislative history, including the obvious intent of Congress to place foreign banks operating at Federal branches and agencies on a basis of competitive equality with domestic banks, it seems appropriate to apply the same general types of duties and restrictions, as well as offer the same rights and privileges, to both national banks and Federal branches and agencies of foreign banks.

Even though the Comptroller and the commenter are starting at opposite ends of the spectrum, the end result should be similar after the passage of time. The Comptroller's operating principle is that all of the national banking laws that apply to national banks apply to Federal branches and agencies of foreign banks, except as otherwise provided by the IBA or rulings of the Comptroller. Specific rules or regulations may be issued from time to time to provide exemptions. The commenter would start from the premise that only the National Bank Act duties and restrictions apply to Federal branches and agencies, except as supplemented by the IBA or specific rules or regulations of the Comptroller. In either case, presumably, there would be a progression, through the issuance of rulings, to some middle ground so that only such laws and regulations apply to Federal branches and agencies as are

appropriate in the circumstances and given the nature of their banking business.

In the meantime, the Comptroller believes there will be a more orderly process of regulation and supervision if foreign banks operating at a Federal branch or agency assume at the outset that the national banking laws and regulations generally apply. When the Comptroller receives a request for an exemption from some specific duty, condition or restriction, the justification for such exemption will be assessed and a decision made in the context of the banking business conducted at Federal branches and agencies.

In response to the comment, two clarifications are in order. First, it should be understood that the duties, conditions, etc., that apply to national banks are imposed on Federal branches and agencies of foreign banks only to the extent that they are exercising the rights and privileges of a national bank. For example, if a Federal branch or agency does not make consumer loans, the Truth in Lending Act (15 U.S.C. 1601 *et seq.*) and the implementing regulation Z (12 CFR Part 226) are irrelevant to its operations. Similarly, if an office does not make real estate loans, it need not be concerned about the various laws and regulations relating to this subject. Stated affirmatively, the general rule is that a Federal branch or agency need comply only with those duties, etc., that are associated with the particular right or privilege being exercised.

Second, it should also be understood that no law or regulation, which by its terms is inapplicable to foreign banks operating at branches or agencies in the United States, will be rendered applicable by the Comptroller's Interpretation § 28.101 or § 28.4 of the final regulation. For example, in its recent revision of Regulation O (12 CFR Part 215), the Federal Reserve Board exempted foreign banks operating at branches or agencies in the United States from some of the restrictions on loans to insiders. This exemption is available to Federal branches and agencies of foreign banks under § 28.4 of the Comptroller's regulation and Interpretation § 28.101.

The policy statement, finalized as Interpretation § 28.101, and § 28.4 of the regulation, have been modified to embody the principles discussed above with greater clarity and precision.

2. *Reciprocity.* In the preamble to the proposed regulation, the Comptroller noted that in some states a foreign bank which applies for a state branch or agency must be able to demonstrate that the country under whose laws it was organized permits free or at least equivalent access to U.S. banks. Two commenters objected to the Comptroller's statment that such a reciprocity approach would not be considered binding upon the Comptroller's Office because it is incompatible with the the national treatment theme of the IBA, and, further, it is in the nature of a condition or limitation rather than a prohibition on foreign entry. Both commenters cited the McFadden Act on branching as evidence that Congress has traditionally left banking structure matters in the hands of the states. In addition, one commenter argued that the Comptroller's proposed construction of state law would undermine the competitive equality Congress intended for federal and state chartering options available to the foreign banks.

The Comptroller continues to believe that the views on reciprocity presented in the preamble to the proposed regulation are valid. Each application for a Federal branch or agency will be reviewed on the merits, once it is determined that state law does not prohibit such form of entry by foreign banks generally. The Congress has incorporated McFadden Act branching principles into IBA in two respects. First, under section 4 (h) a foreign bank with a Federal branch or agency in a state may establish additional branches or agencies in the state only if national banks can branch within that state. Second, section 5 provides that foreign banks can establish only agencies or limited branches (restricted to acceptance of only such deposits as are permissible for Edge Corporations) outside the foreign bank's "home state." The concept of reciprocity as between the U.S. and a foreign country is clearly a separate issue from the McFadden Act question.

Dual banking has always been characterized by differences among regulatory jurisdictions. This continues to be true of the dual chartering option that Congress has extended to foreign banks. For example, in section 4 of IBA Congress requires Federal agencies to maintain dollar deposits or investment securities on deposit with a member bank as a form of capital substitute. This amounts to a cost of doing business. In some states, there is no comparable requirement for state agencies of foreign banks.

In the IBA, Congress has asked for a general study of both the McFadden Act and the foreign treatment of U.S. banks. Based upon recommendations received, Congress may choose to modify the branching laws affecting all banks or the national treatment theme as applied to foreign banks. Until it does so, the Comptroller will not undermine the general approach embodied in IBA by trying to enforce a variety or reciprocity provisions—and the sometimes subtle administrative judgments which accompany them—of some of the states.

3. *Definition of "Federal agency".* Section 28.2(b) of the proposed regulation defined Federal agency as an office of a foreign bank "which can engage in the business of banking but cannot exercise fiduciary powers or accept deposits from citizens or residents of the United States." One commenter questioned whether this definition meant that a Federal agency *can* accept deposits from non-U.S. residents and citizens.

The Comptroller believes that foreign-source deposits may be accepted by Federal agencies. Section 1(b)(1) of IBA defines "agency" to be an office or place of business "at which credit balances are maintained incidental to or arising out of the exercise of banking powers, checks are paid, or money is lent but at which deposits may not be accepted from citizens or residents of the United States." In other words, the Comptroller's definition was taken directly from the statute. When it is stated in section 4(d) of the IBA that a foreign bank "shall not receive deposits" or exercise fiduciary powers at a Federal agency, this statement must be read in the context of the section 1 definition of agency. There is nothing in the Act or legislative history to indicate that Congress had any intention to discourage the acceptance of foreign-source deposits at various offices of foreign banks located in the United States.

4. *Capital equivalency deposit.* Section 28.6 of the proposed regulation required a foreign bank operating at a Federal branch or agency to keep on deposit with a member bank, in such amount as the Comptroller specifies, dollar deposits or investment securities of the type that may be held by national banks pursuant to 12 U.S.C. 24(7). One commenter suggested that the amount of capital equivalency should be lower for a Federal agency than for a Federal branch. Another commenter stated that the deposit should be referred to as a "pledge of assets", not a "capital equivalency deposit", to avoid confusion with state maintenance of assets rules. It was also suggested that dollar deposit should be deemed to include certificates of deposit issued by banking offices in the United States (including branches of foreign banks) and payable in the U.S.

Negotiable certificates of deposit, payable in the U.S. and issued by an unaffiliated banking office in the U.S.,

may be used by a foreign bank operating at a Federal branch or agency to satisfy the capital equivalency deposit requirement. The Comptroller prefers the term "capital equivalency deposit" because the assets being deposited do function as a substitute for capital for the Federal branch or agency and, further, this designation helps to avoid confusion with the pledge of assets that the FDIC requires for insured branches. The Comptroller has not at this time determined whether it is appropriate, as a general rule, to require a higher capital equivalency deposit of Federal branches than is required of Federal agencies.

5. *Exercise of fiduciary powers by Federal branches.* Two commenters stated that the exercise of trust powers by Federal branches of foreign banks should be permitted only in accordance with the laws of the state in which they are located.

The Comptroller generally agrees with this approach. National banks under 12 U.S.C. 92a may act in a fiduciary capacity "when not in contravention of State or local law * * *." A Federal branch of a foreign bank should have no greater privilege. However, when a state law provision imposes a condition of reciprocity vis-a-vis the home country of the foreign bank, for example, or conditions exercise of trust powers upon the right of examination by state authorities, such requirements would appear to be inconsistent with IBA and dual banking respectively.

6. *Service of process.* One commenter suggested that service of process on a foreign bank operating at a Federal branch or agency should be accomplished in conformity with the rules of court in the jurisdiction where such banking office is located. The Comptroller believes this suggestion is a good one and has revised § 28.11 of the regulation accordingly.

7. *Obligations of management.* One commenter questioned the import of § 28.12 of the proposed regulation, which essentially stated that the managerial personnel of a Federal branch or agency have the duty to diligently and honestly administer the affairs of the institution. The section, which remains as part of the final regulation, is intended to make it clear that persons responsibile for managing the affairs of a Federal branch or agency will be held to the same standards of duty and care as are applied to the officers and directors of a national bank.

8. *Regulation and supervision.* One writer commented as follows on proposed § 28.13: (1) Federal branches and agencies should not be subject to all reporting requirements imposed on national banks, but only such as are prescribed in the National Bank Act. (2) The Comptroller should not, in the regulation, merely assert that information relating to the affairs of a foreign bank operating at a Federal branch or agency shall be furnished upon request made by the Comptroller. Instead, proposed reporting forms and related information requirements should be published separately for comment. (3) Some procedure should be made available so that information submitted by foreign banks may, upon request and when appropriate, remain confidential.

As a general rule, Federal branches and agencies of foreign banks are subject to the same recordkeeping and reporting requirements that apply to national banks. Of course, the Federal branch or agency must keep records and make reports only if it is engaged in the business associated with such matters. For example, there is no need to file the "Trust Department Annual Report" described in the Comptroller's regulations at 12 CFR 4.11(b)(4) unless a Federal branch exercises fiduciary powers. Federal agencies cannot exercise such powers. As pointed out in the accompanying policy statement, Interpretation § 28.101, the Comptroller will require only such information and reports as are necessary to properly supervise the activities of foreign banks operating at Federal branches and agencies.

It is important to note that bank examinations, and information gathered as an incident to the examination process, are ordinarily confidential. See, 12 U.S.C. 481; 18 U.S.C. 1906; 12 CFR 4.18. The quarterly reports of condition filed by national banks pursuant to 12 U.S.C. 161 are required to be published in a newspaper of general circulation where the national bank is located. However, the Comptroller is contemplating allowing Federal branches and agencies to merely file their reports of condition with the Comptroller, such reports to be available to members of the public upon request. Furthermore, the reporting forms would contain a disclaimer to the effect that the report of condition relates only to the particular Federal branch or agency which is filing it, and should not be considered an accurate representation of the affairs of the parent foreign bank or other offices within the bank family.

Applications for a Federal branch or agency may cause the Comptroller to collect some information from the applicant foreign bank that may be of a sensitive nature. The applicant may request that certain portions of the application be treated in confidence. The Comptroller will, to the extent permitted by law, exercise discretion in the matter and will not disclose to the public personal information on individuals, trade secrets, marketing strategies and similar information for which established legal principles permit confidential treatment.

9. *Maintenance of assets rule.* In proposed § 28.9 of the regulation, the Comptroller reserved the right to impose an asset maintenance rule at some future date but indicated no such requirement would be adopted at the present time. One commenter pointed out that several of the states require branches or agencies of foreign banks to maintain assets in the state a certain percentage in excess of their liabilities to unaffiliated persons. As a matter of prudence, and to preserve competitive equality between Federal and state branches and agencies, the commenter urged the Comptroller to impose an asset maintenance rule. The commenter also indicated that there is little practical experience as to how satisfactory the asset maintenance rules will prove in the event of a foreign bank insolvency.

The Comptroller continues to believe that, for the present, the capital equivalency deposits, the reserve requirements to be imposed by the Federal Reserve Board, and in the case of insured Federal branches, the pledge of assets and the asset maintenance rule applied by the FDIC, provide sufficient protection to the banking system. The Comptroller has not foreclosed the option of imposing some sort of maintenance of assets rule, on a category of institutions or on a case by case basis, once more experience has been gained.

Other Issues

Proposed § 28.8 merely stated that an uninsured Federal branch could not receive deposits of under $100,000 unless the Comptroller determined the branch was not engaged in domestic retail deposit taking activities requiring deposit insurance protection. The FDIC has recently (44 FR 40056 *et seq.*) published a final regulation (12 CFR Part 346) which, among other things, describes the circumstances wherein a state branch which accepts initial deposits of under $100,000 is nevertheless exempt from mandatory deposit insurance. The Comptroller sees no reason at this time to depart from the approach of the FDIC. Therefore, § 28.8 of the final regulation has been revised and expanded to parallel the approach taken by the FDIC (*see*, 12 CFR 346.6) on the subject of mandatory deposit insurance.

Interpretation § 28.102 explains that the Community Reinvestment Act applies only to insured Federal branches of foreign banks, not to uninsured Federal branches or Federal agencies. A statement to this effect was contained in the Comptroller's policy statement, alluded to earlier, but it is deemed useful to highlight the conclusion by placing it in a separate interpretation following the regulation in 12 CFR Part 28.

Effective Date

This regulation and accompanying interpretations are effective November 13, 1979 because the Comptroller believes it is not in the public interest to further delay implementation of the federal charter option provided by the International Banking Act. Several foreign bank applications for licenses have been pending for a substantial amount of time.

DRAFTING INFORMATION: The principal drafter of this document was William B. Glidden, Senior Attorney, Comptroller of the Currency.

Adoption of Amendments

For the reasons stated above, the Comptroller amends 12 CFR by adding Part 28 and Interpretations § 28.101 and § 28.102, as follows:

PART 28—FEDERAL BRANCHES AND AGENCIES OF FOREIGN BANKS

Regulations

Sec.
28.1 Scope.
28.2 Definitions.
28.3 Applications.
28.4 General applicability of laws.
28.5 Limitations based upon capital stock and surplus of a foreign bank.
28.6 Capital equivalency deposits for Federal branches and agencies.
28.7 Reserves
28.8 F.D.I.C. insurance.
28.9 Maintenance of assets; surety bond; pledge of assets.
28.10 Maintenance of accounts, books and records.
28.11 Service of process.
28.12 Obligations of management.
28.13 Regulation and supervision by the Comptroller.

Interpretations

28.101 Policy statement on applicability of national banking laws to foreign banks operating at Federal branches and agencies in the United States.
28.102 Community Reinvestment Act applies to insured Federal branches.

Authority: Secs. 4 and 13(a) of the International Banking Act of 1978 (Pub. L. 95-369, 12 U.S.C. 3101 *et seq.*).

Regulations

§ 28.1 Scope.

This part implements the International Banking Act of 1978 (Pub. L. 95-369) and applies to the operations of foreign banks at Federal Branches and agencies in the United States.

§ 28.2 Definitions.

(a) "Credit balances", as distinct from deposits, consist of funds received at a Federal agency incidental to or arising out of the exercise of banking powers that are not intended to be deposits and that do not remain in the receiving institution after the transaction(s) to which they relate is completed.

(b) A "Federal agency" is an office or place of business, licensed by the Comptroller and operated by a foreign bank in any State of the United States, which can engage in the business of banking but cannot exercise fiduciary powers or accept deposits from citizens or residents of the United States. A Federal agency may, however, maintain credit balances.

(c) A "Federal branch" is an office or place of business, licensed by the Comptroller and operated by a foreign bank in any State of the United States, which can engage in the business of banking, including the exercise of fiduciary powers and the acceptance of deposits from citizens and residents of the United States.

(d) A "Limited Federal branch" is a Federal branch licensed by the Comptroller which, pursuant to an agreement between the parent foreign bank and the Federal Reserve Board, can receive only such deposits as would be permissible for an Edge Corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611). Except for this restriction, a Limited Federal branch can excercise the full range of powers available to any Federal branch.

(e) As a general rule of construction, the terms "foreign bank", "foreign country", and "State" have the meanings assigned to them by section 1 of the International Banking Act of 1978, Pub. L. 95-369, codified at 12 U.S.C. 3101.

§ 28.3 Applications.

(a) *Corporate applications.* A foreign bank may apply to the Comptroller of the Currency to establish a Federal branch or agency, to convert any State branch or agency or commercial lending company to a Federal branch or agency, to relocate a Federal branch or agency or change the designation of its initial Federal branch or agency to any other Federal branch or agency, in accordance with the regulations in 12 CFR Parts 4 and 5.

(b) *Application to exercise fiduciary powers.* A foreign bank shall not exercise fiduciary powers at a Federal branch unless it obtains approval of the Comptroller of the Currency in accordance with 12 CFR Part 4.7b. An application to exercise fiduciary powers may be submitted by a foreign bank at the time of filing for a Federal branch license or at any subsequent date.

(c) *Application to establish a Limited Federal branch.* Before submitting to the Comptroller an application to establish a Limited Federal branch, a foreign bank shall enter into an agreement with the Federal Reserve Board to receive at such branch only those types of deposits that would be permissible for an Edge Corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611).

§ 28.4 General applicability of laws.

Except as otherwise provided by the International Banking Act, other federal laws or regulations, or any rules or orders of the Comptroller, operations of a foreign bank at a Federal branch or agency shall be conducted with the same rights and privileges and shall be subject to the same duties, restrictions, penalities, liabilities, conditions, and limitations that would apply to a national bank at the same location.

§ 28.5 Limitations based upon capital stock and surplus of a foreign bank.

Any limitation or restriction based upon the capital stock and surplus of a national bank shall be deemed to refer, as applied to a Federal branch or agency, to the dollar equivalent of the capital stock and surplus of the foreign bank. A foreign bank's capital stock and surplus shall be defined in a manner that is consistent with Interpretive Ruling 7.1100(b) (12 CFR 7.1100(b)). Questions with respect to the types of accounts includable within a foreign bank's capital stock and surplus will be resolved by the Comptroller. If a foreign bank has more than one Federal branch or agency, the business transacted by all such branches and agencies shall be aggregated in determining compliance with limitations based upon the capital stock and surplus of the foreign bank. The foreign bank shall designate one office in the United States to maintain consolidated information on all Federal branches and agencies so that such compliance can be monitored.

§ 28.6 Capital equivalency deposits for Federal branches and agencies.

(a) *Deposit of certain assets.* Upon the opening of a Federal branch or agency

in any State and thereafter, a foreign bank shall keep on deposit with a member bank, in such amount as the Comptroller specifies, dollar deposits or investment securities of the type that may be held by national banks for their own account pursuant to 12 U.S.C. 24(7). The depository bank shall be located in the State where such Federal branch or agency is located and shall be subject to approval by the Comptroller if it is a national bank or by the Federal Reserve Board if it is a state member bank. The aggregate amount of deposited dollars and investment securities (calculated on the basis of principal amount or market value, whichever is lower) for each Federal branch or agency shall, at a minimum, equal the greater of (1) the amount of capital that would be required of a national bank being organized at the same location, or (2) 5 percent of the total liabilities of the Federal branch or agency, excluding (i) accrued expenses, and (ii) amounts due and other liabilities to branches, offices, agencies and subsidiaries of such foreign bank. The Comptroller may require, in individual cases or otherwise, that the capital equivalency deposits be increased to conform to generally accepted banking practices in the area where the Federal branch or agency is located.

(b) *Deposit arrangements.* The capital equivalency deposits shall be maintained pursuant to a deposit agreement entered into between the foreign bank and the depository bank on a contract form approved by the Comptroller. Funds deposited and investment securities placed in safekeeping at the depository bank to satisfy the capital equivalency requirements of the foreign bank shall be segregated on the books and records of the depository bank, shall not be diminished in aggregate value by withdrawal without the prior approval of the Comptroller, shall be pledged to the Comptroller, and shall be free from any lien, charge, right of setoff, credit or preference in connection with any claim of the depository bank against the foreign bank. So long as it continues business in the ordinary course the foreign bank shall be permitted to collect income on the securities and the funds so deposited and from time to time examine and exchange such securities.

(c) *Maintenance of capital equivalency ledger account.* Each Federal branch or agency shall maintain a capital equivalency account and shall record for each business day the amount of liabilities requiring capital equivalency coverage (total liabilities minus (1) accrued expenses, and (2) amounts due and other liabilities to offices, branches, agencies and subsidiaries of the foreign bank). On the last business day of each month, the average daily balance of such liabilities shall be computed. Based upon this computation, any increase in the capital equivalency deposits that may be necessary to maintain the ratio described in paragraph (a) of this section shall be made within the first two business days of the following month. If a foreign bank has more than one Federal branch or agency in a State, the capital equivalency deposits and the amount of liabilities requiring capital equivalency coverage shall be determined on an aggregate basis for all such Federal branches or agencies in the State.

§ 28.7 Reserves.

A Federal branch or agency shall be subject to such reserve requirements as may be prescribed by the Federal Reserve Board.

§ 28.8 F.D.I.C. Insurance.

(a) *General rule.* A Federal branch which accepts initial deposits of less than $100,000 must obtain deposit insurance unless it satisfies the exemption criteria set forth for State branches in the Federal Deposit Insurance Corporation's regulations in 12 CFR 346.6(a).

(b) *Limited Federal branches.* Limited Federal branches are not required to be insured.

(c) *Application for an exemption.* A foreign bank that proposes to accept at a Federal branch initial deposits of less than $100,000 and such deposits are not otherwise exempted under this section, may apply to the Comptroller for permission to operate without insurance. Such application should be written, authorized by the board of directors of the foreign bank, and submitted to the Comptroller's Office in Washington, D.C. The request should detail the kinds and sources of deposits the bank expects to receive at the Federal branch and explain why an exemption should be granted. The Comptroller will decide whether an exemption from mandatory deposit insurance is appropriate taking account of the size and nature of deposits and deposit accounts.

(d) *Notification to depositors.* Any Federal branch that is exempt from the insurance requirement pursuant to paragraphs (a) or (c) of this section shall: (1) Display conspicuously at each window or place where deposits are usually accepted a sign stating that deposits are not insured by the FDIC; (2) Include in bold face, conspicuous type on each negotiable certificate of deposit issued by the branch in an amount of less than $100,000 the statement "This deposit is *not* insured by the FDIC"; and (3) Include in bold face, conspicuous type on each signature card, passbook and instrument evidencing a deposit the statement "This deposit is *not* insured by the FDIC", or require each depositor to execute a statement that acknowledges the initial deposit and all future deposits at the branch are not insured by the FDIC. This acknowledgement shall be retained by the branch as long as the depositor maintains any deposit with the branch.

§ 28.9 Maintenance of assets; surety bond; pledge of assets.

In addition to any capital equivalency deposits and reserves that may be required pursuant to §§ 28.6 and 28.7, a foreign bank shall hold in each State in which it has a Federal branch or agency assets of such type and in such amount as the Comptroller may prescribe by general or specific regulation or ruling. Any insured Federal branch shall comply with any pledge of assets or surety bond requirements, or maintenance of assets rule, that may be imposed by the Federal Deposit Insurance Corporation.

§ 28.10 Maintenance of accounts, books and records.

Each Federal branch or agency shall maintain its accounts separate from those of the foreign bank and any other Federal branch or agency. It shall keep a set of accounts and records in English, reflecting all transactions on a daily basis. In addition, a foreign bank having more than one Federal branch or agency in a State shall also designate one of these offices to maintain consolidated asset, liability, and capital equivalency accounts for all Federal branches or agencies in such State.

§ 28.11 Service of process.

A foreign bank operating at any Federal branch or agency is subject to service of process at the location of each such Federal branch or agency.

§ 28.12 Obligations of management.

Individuals responsible for managing the affairs of a Federal branch or agency will be held to the same standards of loyalty and care as are applied to the officers and directors of a national bank.

§ 28.13 Regulation and supervision by the Comptroller.

A Federal branch or agency shall be examined at least once each calendar year, is subject to the recordkeeping and reporting requirements that apply to

national banks and shall comply with such additional requirements as may be prescribed by the Comptroller. A Federal branch or agency, and its parent foreign bank, shall furnish information relating to the affairs of the institution that the Comptroller may from time to time request.

Interpretations

§ 28.101 Policy statement on applicability of national banking laws to foreign banks operating at Federal branches and agencies in the United States.

1. *National banking laws.* Most of the national banking laws and their implementing rules and regulations are contained in Volumes 1 and 4 of Title 12 of the United States Code (12 U.S.C.) and in Chapters 1 and 2 of Title 12 of the Code of Federal Regulations (12 CFR). There are, of course, some relevant provisions of law contained in other portions of Title 12 and in other titles of the United States Code. The Comptroller's Manual for National Banks is indexed by topic and is a convenient source material for the body of laws, rules and regulations that apply to national banks, although it is not fully current nor complete. For example, the regulations promulgated by the Federal Reserve Board and published in Chapter 2 of 12 CFR, many of which are applicable to national banks, do not appear in the manual. The statutory and regulatory system that governs the activities of national banks has evolved over a century and is constantly subject to change. Any comprehensive list of inclusions, or exclusions, that might be compiled for foreign banks would have to be updated at least annually and would probably be no more helpful or easier to use than the Comptroller's Manual for National Banks.

Therefore, the Comptroller believes that it is most useful to summarize in a statement of policy the basic laws, and sometimes their implementing rules and regulations, that will apply to foreign banks operating at Federal branches and agencies. This statement is intended to provide information and guidance; it is not all-inclusive and does not have the force and effect of law. It is expected that managing personnel at Federal branches and agencies, and any counsel they may employ, will rely primarily on the Comptroller's Manual for National Banks, and Examination Handbooks which cross-reference provisions of statutes and regulations, to assure themselves that business is being conducted in accordance with applicable law. The manual and handbooks may be supplemented in specific instances by reference to other federal and state statutes and regulations. At least in the early phase of operations, bank management may wish to seek advice from Comptroller of the Currency officials in Washington, D.C., or in the appropriate regional office concerning any particular matter of law.

2. *General rule.* Apart from specific exemptions and qualifications contained in the International Banking Act or rulings of the Comptroller, foreign banks operating at Federal branches and agencies: (1) Can exercise the same rights and privileges that are available to national banks, and (2) the exercise of any such right or privilege must be subject to the same duties, restrictions, penalties, liabilities, conditions and limitations that apply to national banks at the same location.

It should be understood that certain duties and restrictions are associated with the exercise of specific rights or privileges. A Federal branch or agency is not affected by such duties if it does not exercise the rights and privileges. For example, a Federal branch or agency that makes no consumer loans need not be concerned about the Truth in Lending Act [15 U.S.C. 1601 *et seq.*] and its implementing Regulation Z [12 CFR § 226]. A Federal branch that does not exercise trust powers need not file an Annual Trust Report.

It should also be understood that if any particular law or regulation exempts branches or agencies of foreign banks from its provisions, then such exemption is valid and takes precedence over the general rule here stated. For example, Regulation O (12 CFR Part 215), as amended by the Federal Reserve Board, exempts foreign banks operating at branches and agencies in the United States from certain restrictions on loans to insiders.

The Comptroller will review requests from foreign banks operating at a Federal branch or agency seeking exemption from one or more of the national banking laws and regulations that apply to national banks. Such requests should contain a statement of why an exemption for Federal branches or agencies, as a class, would be appropriate in the circumstances. Any law or regulation that by its terms applies to branches or agencies of foreign banks will not be waived by the Comptroller.

3. *Rights and privileges.* Under the International Banking Act, Federal agencies cannot receive deposits from United States citizens or residents and cannot exercise fiduciary powers. Limited Federal branches can accept only such types of deposits as are permissible to Edge Corporations pursuant to 12 U.S.C. 615 and 12 CFR Part 211. Apart from these exemptions or qualifications, Federal branches and agencies can engage in the same type of business and exercise the same powers as a national bank, subject to the conditions and requirements contained in the statutes and any implementing rules and regulations promulgated by the federal banking authorities.

The basic corporate and banking powers exercisable by a national bank are stated in a general way in 12 U.S.C. 24. In addition, a national bank is specifically authorized, under prescribed conditions, to hold real estate (12 U.S.C. 29); incur indebtedness (12 U.S.C. 82); receive interest on loans and evidences of debt (12 U.S.C. 85 and 86); exercise trust powers (12 U.S.C. 92a); make real estate loans (12 U.S.C. 371); pay interest on time and savings deposits (12 U.S.C. 371b); accept drafts or bills of exchange drawn upon it (12 U.S.C. 372, 373); invest in an Edge Corporation (12 U.S.C. 618); and invest in a bank service corporation (12 U.S.C. 1861–1865).

4. *General duties, restrictions and conditions.* To the extent that Federal branches and agencies engage in the types of activities described above, they must also comply with the requirements and conditions contained in the following laws and regulations: payment of interest on deposits (12 U.S.C. 371a, 376, 461, and 12 CFR Part 217); real estate lending (12 U.S.C. 2601–17, 2801–09, 42 U.S.C. 4012a, 4104a, 4106, 12 CFR § 22, and 12 CFR Part 203); consumer lending (15 U.S.C. 1601–91, 12 CFR Part 226); nondiscrimination in lending (15 U.S.C. 1691, 42 U.S.C. 3605, 12 CFR Part 202); and loans secured by stock of an insured U.S. financial institution (12 U.S.C. 1730(j), 1817(j)).

The following prohibitions, restrictions or requirements are also relevant: Political contributions (2 U.S.C. 441b, 18 U.S.C. 591); lotteries (12 U.S.C. 25a); transfers in contemplation of insolvency (12 U.S.C. 91); relationships with securities dealers (12 U.S.C. 78, 377 and 378); certification of checks (12 U.S.C. 501); security measures at bank premises (12 U.S.C. 1881–84); tie-in arrangements (12 U.S.C. 1971–78); and disposition of abandoned money orders and travelers' checks (12 U.S.C. 2501–03).

5. *Limitations based on capital and surplus.* The following statutory limitations and restrictions based upon the capital and surplus of a national bank apply to Federal branches and agencies: Investment securities (12 U.S.C. 24); indebtedness (12 U.S.C. 82); lending limits (12 U.S.C. 84); real estate loans (12 U.S.C. 371); investment in bank premises (12 U.S.C. 371d); acceptance of drafts and bills of exchange (12 U.S.C. 372 and 373); and investment in an Edge Corporation (12 U.S.C. 618). However, as applied to a Federal branch or agency, the dollar equivalent of the capital and surplus of the parent foreign bank is the reference point for determining compliance with any limitation. Furthermore, if the foreign bank has more than one Federal branch or agency, the business transacted by all such branches and agencies shall be aggregated in determining compliance. Example: Assume the foreign bank has 100 million dollars in capital stock and surplus and operates at four Federal branches in the United States. The 10 percent lending limit in 12 U.S.C. § 84 applies to the four branches in the aggregate. Thus, unless one of the exceptions in 12 U.S.C. 84 is available, no more than 10 million dollars can be lent to a single borrower. If one branch lends 5 million dollars to a borrower, and another branch lends 5 million dollars to the same borrower, the lending limit would have been reached and no more funds could be extended by any of the four branches to the borrower in question.

6. *Duties and responsibilities of management.* The officers and directors of a national bank have the general duty to conduct the affairs of their institutions in a safe and sound manner, with a view to the protection of depositors, creditors and shareholders, and to assure the compliance of the institution with applicable laws and regulations. As a condition to receiving a charter for a Federal branch or agency, the management of a foreign bank is responsible in good faith for ensuring that the operations of such branch or agency are conducted in a safe and sound manner and in conformity with applicable law. This responsibility is also imposed upon the managing personnel of

any Federal branch or agency, whether they be designated directors or officers or be known by any other title.

7. *Regulation and supervision by the Comptroller.* In order to effectively supervise and regulate the operations of foreign banks at Federal branches and agencies, the Comptroller will require information from parent banks concerning their general affairs. Extensive information will ordinarily be requested upon receipt of an initial application for a Federal branch or agency. Thereafter, a foreign bank will be required to submit financial reports and certain other information periodically.

Federal branches and agencies will be examined at least once each calendar year and will be required to maintain separate accounts and prepare reports of condition. These entities shall also keep such books and records and submit such reports as may be prescribed by the Comptroller in particular cases or in general rules and instructions. Two general principles will be observed in connection with the Comptroller's supervision of Federal branches and agencies: (1) The recordkeeping and reporting requirements shall be kept to a minimum so that Federal branches and agencies are not unduly burdened in their operations or treated unfairly in comparison with national banks; (2) the recordkeeping and reporting system, and examinations, must be sufficiently comprehensive and be conducted in a way that will ensure that banks and bank examiners have an accurate basis upon which to assess the safety and soundness and the legality of operations at any given entity.

§ 28.102 Community Reinvestment Act is applicable to insured Federal branches.

The Community Reinvestment Act of 1977 (12 U.S.C. 2901 *et seq.*) is based upon the principle that federally chartered or insured financial institutions must demonstrate that their "deposit facilities" serve the convenience and needs, including the credit needs, of the communities where they are located. Federal agencies by definition cannot accept domestic deposits; Limited Federal branches can accept only such deposits as are permissible to Edge Corporations (generally, they will relate to international transactions); and other uninsured Federal branches cannot be engaged in domestic retail deposit activities requiring deposit insurance protection. Such offices of foreign banks thus have severe limitations imposed upon their deposit taking capabilities. The Comptroller believes that the Community Reinvestment Act was not intended to cover this class of institutions.

On the other hand, insured Federal branches *can* engage in significant domestic retail deposit activity. The Comptroller therefore believes it is appropriate to apply the Community Reinvestment Act, and the implementing regulation at 12 CFR Part 25, to such offices of foreign banks. References in 12 CFR Part 25 to "board of directors" and "head office" shall, in the case of insured Federal branches of foreign banks, mean such branches and their designated management personnel.

Dated: November 1, 1979.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 79-34886 Filed 11-9-79; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 78-WE-12-AD; Amdt. 39-3607]

AiResearch Model TPE331 and TSE331 Series Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: On December 18, 1978, an airworthiness directive (AD) was adopted and amended January 8, 1979 which required incorporation of a modified engine fuel control drive gear train in the main reduction gearbox of the TSE 331 and TPE 331 series engines. This document further amends that AD by incorporating a reference to a later service bulletin. The amendment is necessary to reflect a revised service bulletin which provides additional detailed instructions for accomplishment of work required by the original AD and will clarify the requirements for compliance.

DATES: Effective November 19, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: AiResearch Manufacturing Company of Arizona, P.O. Box 5217, Phoenix, Arizona 85010. Telephone: (602) 267-3011.

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

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

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

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

SUPPLEMENTARY INFORMATION: This notice further amends Amendment 39-3367 (43 FR 58806), AD 78-25-08 as amended by Amendment 39-3389 (44 FR 1726, January 8, 1979).

After issuing the AD as amended, the FAA has approved a later revision to the service bulletin specified in the subject AD. Therefore, the AD is being further amended to indicate that compliance with this later revision to Service Bulletin TPE331-72-0061 is suitable for accomplishment of the AD.

Since this amendment is clarifying and imposes no additional burden on any person, other than public procedure hereon are unnecessary and the amendment may be made effective in less than thirty 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 amending Amendment 39-3367, paragraph (a) as amended as follows:

* * * * *

(a) Within the next 3100 hours' time in service after July 1, 1979, or at the next overhaul after July 1, 1979, or prior to December 31, 1985, whichever comes first, unless already accomplished, incorporate the modified engine fuel control drive gear train in the main reduction gear box of the TSE331-3 and TPE331-1, -2, -3, -5 and -6 series engines in accordance with AiResearch Service Bulletin TPE331-72-0061, revision 1, dated December 18, 1978 or revision 2 dated October 18, 1979.

* * * * *

Amendment 39-3367 became effective January 19, 1979. Amendment 39-3389 became effective January 8, 1979.

This amendment becomes effective November 19, 1979.

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

Issued in Los Angeles, California on November 19, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-36008 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 75-WE-47AD; Amdt. 39-3606]

Airworthiness Directives; Hughes Helicopters Model 269

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently effective airworthiness directive (AD) which requires inspection of certain tail rotor blades on Hughes

Helicopters Model 269 series helicopters. This amendment extends the applicability of the inspection requirements to certain additional blades. This amendment is necessary because service experience has revealed evidence of corrosion on additional tail rotor blades not covered by the original AD.

DATES: Effective November 19, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Hughes Helicopters, Centinela and Teale Streets, Culver City, California 90230.

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

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

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

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

SUPPLEMENTARY INFORMATION: Amendment 39-2368, (42 FR 740), AD 75-20-01 requires inspection and rework or replacement of certain tail rotor blades on Hughes Helicopters Model 269 series helicopters.

After issuing AD 75-20-01, the FAA has concluded, based upon reports of rotor blade corrosion, that additional tail rotor blades not covered in the original AD should be subject to the inspection requirements of the AD.

Therefore, the FAA is superseding AD 75-20-20 with a new AD which extends the applicability of the original AD to include additional tail rotor blades.

Since a situation exists requiring immediate adoption of this regulation, notice and public and procedure hereon are impracticable and good cause exists for making the airworthiness directive 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:

Hughes Helicopters: Applies to Hughes Model 269A, 269A-1, 269B, and 269C, certificated in all categories, including military TH-55A equipped with tail rotor blades designated below:

Group I	*Group II*
P/N 269A6124	P/N 269A6035-21
269A6124-9	269A6035-23
269A6035	
269A6035-9	
269A6035-17	
269A6035-19	
269A6035-M	
269ASK15	
269-6100	

Compliance required as indicated.

To detect possible corrosion, cracks, pitting, and other defects, inspect by visual or other specified means the affected tail rotor blades and replace or rework in accordance with the instructions specified in the applicable Hughes Service Information Notice (SIN) specified below:

SIN No. N-130, dated August 28, 1975, applies to Group I tail rotor blades.

SIN No. N-162, dated October 12, 1979, applies to Group II tail rotor blades.

(a) Inspect tail rotor blades with 500 or more hours' time in service on the effective date of this AD within the next 100 hours' additional time in service, or within six (6) calendar months from the effective date of this AD, whichever occurs earlier.

(1) For Group I blades, perform the visual and X-ray inspections, corrosion removal, casting procedure, metal treatment procedure, corrosion protection procedure, and fiberglass inspection—repair/spar exterior inspection procedure set forth in Parts I through VIII of the applicable Hughes SIN referenced above.

(2) For Group II blades, perform the visual inspection and/or corrosion protection procedure for the tail rotor blade spar interior set forth in Parts I and III of the applicable Hughes SIN referenced above.

(b) Inspect tail rotor blades with less than 500 hours' time in service on the effective date of this AD prior to accumulating a total time in service of 600 hours, or within six (6) calendar months from the effective date of this AD, whichever occurs earlier.

(1) For Group I blades, perform (a)(1) of this AD.

(2) For Group II blades, perform (a)(2) of this AD.

(c) For blades, P/N 269A6035-17 and 269A6035-19, with serial numbers listed at Part XI-Table 1, of the Hughes SIN referenced above, perform the Rockwell hardness test in accordance with Part XI of the Hughes SIN within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

(d) Perform the inspections and procedures described in paragraphs (a)(1) and (a)(2) on Group I and Group II tail rotor blades, respectively, prior to the installation of spare blades or rotors on the aircraft.

(e) Perform the Rockwell hardness test specified in Part XI of Hughes SIN No. N-130, dated August 28, 1975, on spare blades or rotors with blades P/N 269A6035-17 and 269A6035-19, with serial numbers listed at Part XI-Table 1, of the referenced SIN, prior to the installation of these blades or rotors on the aircraft.

(f) Inspect tail rotor blades at intervals not to exceed twelve (12) months from the last inspection required by this AD, or twelve months from the effective date of this AD for blades identified in paragraphs (g)(1) and (g)(2) as specified:

(1) For Group I blades, conduct visual and X-ray inspections specified in Part X of SIN No. N-130 referenced above.

(2) For Group II blades, visually inspect per Part I of SIN No. N-162 referenced above.

(g) The repetitive inspections of paragraph (f) are applicable to the following blades, however paragraphs (a), (b), and (d) of this AD need not be accomplished on:

(1) Group I blades marked with a green dot or white dot as identified in the preface of Hughes SIN No. N-130 referenced above.

(2) Group II blades marked with a ¼ inch diameter white paint dot above the data plate on the rotor blade spar.

(h) Repair or rework eligible blades, as specified in the applicable Hughes SIN referenced above, prior to further flight. Blades that exceed limits specified in the Hughes SIN and are, therefore, not repairable must be marked in a conspicuous manner or destroyed, so as to prevent inadvertent return to service.

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

(j) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This supersedes Amendment 39-2368, (42 FR 740), AD 75-20-01.

This amendment becomes effective November 19, 1979.

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

Issued in Los Angeles, California on October 30, 1979.

William R. Krieger,
Acting Director, FAA Western Region.

[FR Doc. 79-34681 Filed 11-9-79; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-24]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Waverly, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Waverly, Iowa to provide controlled airspace for aircraft executing a new instrument approach procedure to the Waverly, Iowa Municipal Airport, utilizing the Waterloo, Iowa VOR as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Waverly, Iowa Municipal Airport is being established utilizing the Waterloo, Iowa VOR as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Waverly, Iowa at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 50856 and 50857 of the Federal Register dated August 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Waverly, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making. Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 GMT January 24, 1980, by adding the following new transition area:

Waverly, Iowa

That airspace extending upward from 700 feet above the surface within a six mile radius of the Waverly Municipal Airport (latitude 42°44'33" N, longitude 92°30'26" W) excluding that portion that overlies the Waterloo, Iowa transition area.

(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. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on October 26, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-34190 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-25]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area—New Madrid, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at New Madrid, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the County Memorial Airport, New Madrid, Missouri, utilizing the Malden, Missouri VOR as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the County Memorial Airport, New Madrid, Missouri, is being established utilizing the Malden, Missouri VOR as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the alteration of the transition area at New Madrid, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 50855 of the Federal Register dated August 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at New Madrid, Missouri. Interested persons were invited to participate in this rule-making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making. Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 GMT January 24, 1980, by altering the following transition area:

New Madrid, Mo.

That airspace extending upward from 700 feet above the surface within a five mile radius of County Memorial Airport (latitude 36°32'10"N, longitude 89°35'50"W); within 2.5 miles each side of the 360° bearing from Runway 18, extending from the five mile radius area to six miles north of the airport; within 3.0 miles each side of the 008° bearing from the New Madrid NDB (latitude 36°32'11"N, longitude 89°36'06"W) extending from the five mile radius area to 8.5 miles north of the airport; and within two miles each side of the Malden, Missouri, VOR 94° radial, extending from the five mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Missouri transition area.

(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. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

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

Issued in Kansas City, Missouri, on October 26, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-34191 Filed 11-7-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-CE-27]

Designation of Transition Area; Beloit, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Beloit, Kansas, to provide controlled airspace for aircraft executing a new VOR/DME instrument approach procedure to the Beloit, Kansas Municipal Airport utilizing the Mankato, Kansas VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: January 24, 1980.

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, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new VOR/DME instrument approach procedure to the Beloit Municipal Airport, Beloit, Kansas is being established utilizing the Mankato, Kansas VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid, entails the designation of a transition area at Beloit, Kansas at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 53757 of the Federal Register dated September 17, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Beloit, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442), is amended effective 0901 GMT January 24, 1980, by adding the following new transition area:

Beloit, Kansas

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Beloit Municipal Airport (latitude 39°28'13" N; longitude 98°07'48" W), and within 2.5 miles each side of the Mankato, Kansas VORTAC 161° R, extending from the 5-mile radius area to 7 miles northwest of the airport.

(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)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on October 31, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-34683 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-CE-26]

Designation of Transition Area, Fulton, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Fulton, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Fulton, Missouri Municipal Airport based on a Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport by the City of Fulton. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Fulton Municipal Airport, Fulton, Missouri is being established based on a Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport by the City of Fulton. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Fulton, Missouri at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 51991 of the Federal Register dated September 6, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fulton, Missouri. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442), is amended effective 0901 GMT January 24, 1980, by adding the following new transition area:

Fulton, Missouri

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Fulton Municipal Airport (latitude 38°50'22" N; longitude 92°00'17" W), and within 2 miles each side of the Hallsville, Missouri VORTAC 154° R; extending from the 5 mile radius area to 6 miles northwest of the Fulton Municipal Airport, and within 3 miles each side of the NDB 229° bearing; extending from the 5 mile radius area to 8.5 miles southwest of the NDB, excluding that portion which overlies the Columbia, Missouri 700 foot transition area.

(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. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on October 31, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-34682 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-54]

Alteration of Transition Area, Hopkinsville, Ky.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Hopkinsville, Kentucky, Transition Area and lowers the base of controlled airspace in the vicinity of the Hopkinsville-Christian County Airport from 1,200 to 700 feet AGL. Public use standard instrument approach procedures have been developed to the airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 GMT, January 24, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the Federal Register on Monday, September 10, 1979 (44 FR 52694), which proposed the designation of the Hopkinsville, Kentucky, transition area. No objections were received from this Notice. The airport operating status is therefore changed from VFR to IFR.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, January 24, 1980, by adding the following to the existing Transition Area:

Hopkinsville, Ky.

* * * within an 8-mile radius of the Hopkinsville-Christian County Airport (latitude 36°51'25"N., longitude 87°27'25"W.) * * *

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the 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 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 East Point, Georgia, on November 1, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-34684 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 19757; Amdt. No. 95-288]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Gary W. Wirt, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication data of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

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

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

Issued in Washington, D.C. on November 5, 1979.

James M. Vines,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES–U.S.
is amended to read in part:

FROM	TO	MEA
Tulsa, Okla. VOR	Drake, Ark. VOR	*4000
*3000–MOCA		MAA–23000

§95.1001 DIRECT ROUTES–U.S.
is amended by adding:

FROM	TO	MEA
Scholes, Tex. VOR	Scholes, Tex. VOR R–138 96 NM	8000
Tulsa, Okla. VOR	Razorback, Ark. VOR	*4000
*2800–MOCA		MAA–23000
Pryor, INT, Ark.	Drake, Ark. VOR	*4000
*3000–MOCA		MAA–23000
Duluth, Minn. VOR	Traverse City, Mich. VOR	2400
Manhattan, Kans. VOR	Riply, Kans. LOM	3500
		COP 35 NM MHK

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
*Spokane, Wash. VOR Via N alter	Karps DME Fix, Ida. Via N alter	
	NE-bound	**9000
	SW-bound	**8000
*5200–MCA Spokane VOR, NE-bound		
**7200–MOCA		
Karps DME Fix, Ida. Via N alter.	Mullan Pass, Ida. VOR Via N alter.	9000

§95.6003 VOR FEDERAL AIRWAY 3
is amended to read in part:

FROM	TO	MEA
Mazie INT, Pa.	Marre Int, N.J.	2200
Marre INT, N.J.	Solberg, N.J. VOR	2000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Centralia, Ill. VOR	Pocket City, Ind. VOR	2300
Centralia, Ill. VOR Via S alter.	Pocket, City, Ind. VOR Via S alter.	2400
Pocket City, Ind. VOR	Lamar INT, Ind.	2500
Lamar INT, Ind.	*Apalo INT, Ind.	**3000
*4000–MRA		
**1800–MOCA		
Apalo INT, Ind.	Louisville, Ky VOR	2500
Pocket City, Ind. VOR Via N alter.	Holan INT, Ind. Via N alter.	2500
Holan INT, Ind. Via N alter	*Codey INT, Ind. Via N alter	**3500
*4000–MRA		
**2000–MOCA		

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Central City, Ky. VOR	Pocket City, Ind. VOR	*2500
*1900–MOCA		
Pocket City, Ind. VOR	Lewis, Ind. VOR	2400
Pocket City, Ind. VOR Via W alter	Paton INT, Ill. Via W alter.	2300
Paton INT, Ill Via W alter.	Newby INT, Ill. Via W alter.	*4500
*2100–MOCA		
Newby INT, Ill. Via W alter.	Terre Haute, Ind. VOR Via W alter	2500
Potes INT, Ind.	Boiler, Ind. VOR	2500
Boiler, Ind. VOR	Chicago Heights, Ill. VOR	2500

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Seal Beach, Calif. VOR	Aheim, Calif.	*3000
*2400–MOCA		
Aheim INT, Calif.	Ollie INT, Calif.	3000
*Ollie INT, Calif.	Paradise, Calif VOR	5000
*4100–MCA Ollie INT, NE-bound		

§95.6008 VOR FEDERAL AIRWAY 8
is amended to delete:

FROM	TO	MEA
Denver, Colo. VOR Via S alter.	Byers INT, Colo Via S alter	8000
Byers INT, Colo. Via S alter	Akron, Colo VOR Via S alter	7000

§95.6011 VOR FEDERAL AIRWAY 11
is amended to read in part:

FROM	TO	MEA
Weston INT, Ky.	Pocket City, Ind. VOR	2000
Cunningham, Ky VOR Via E alter.	Pocket City, Ind VOR Via E alter.	*2600
*1900–MOCA		
Pocket City, Ind. VOR	Macky INT, Ind	2300
Macky INT, Ind.	Scoto INT, Ind	*4000
*2000–MOCA		
Scoto INT, Ind.	Indianapolis, Ind. VOR	*2900
*2100–MOCA		
Pocket City, Ind. VOR Via E alter.	Augus INT, Ind. Via E alter	2400
Augus INT, Ind. Via E alter.	*Jiger INT, Ind. Via E alter.	**3500
*3500–MRA		
**1900–MOCA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
*Bunns INT, Ark.	Sulph INT, Ark	8000
*8000–MRA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended by adding:

FROM	TO	MEA
Deer Park, N.Y. VOR	Calverton, N.Y. VOR	1800
Calverton, N.Y. VOR	Salem INT, Conn.	2000
Salem INT, Conn.	Norwich, Conn. VOR	2300

§95.6016 VOR FEDERAL AIRWAY 16
is amended to delete:

FROM	TO	MEA
Deer Park, N.Y. VOR	Riverhead, N Y VOR	*1800
*1600–MOCA		
Riverhead, N.Y. VOR	Saybo INT, Conn	2000
Saybo INT, Conn.	Salem INT, Conn.	*2000
*1500–MOCA		
Salem INT, Conn.	Norwich, Conn VOR	*2300
*2000–MOCA		

§95.6017 VOR FEDERAL AIRWAY 17
is amended to read in part:

FROM	TO	MEA
Belton INT, Tex.	McDon INT, Tex	2400
McDon INT, Tex.	Waco, Tex. VOR	3500

§95.6020 VOR FEDERAL AIRWAY 20
is amended to read in part:

FROM	TO	MEA
Athens, Ga. VOR	Electric City, S C. VOR	*2800
*2200–MOCA		

§95.6021 VOR FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Seal Beach, Calif. VOR	Aheim, Calif.	*3000
*2400–MOCA		
Aheim INT, Calif.	Ollie INT, Calif	3000
*Ollie INT, Calif	Paradise, Calif. VOR	5000
*4100–MCA Ollie INT, NE-bound		

§95.6034 VOR FEDERAL AIRWAY 34
is amended by adding:

FROM	TO	MEA
Carmel, N Y VOR	Flibb INT, Conn	2000

§95.6034 VOR FEDERAL AIRWAY 34
is amended to delete:

FROM	TO	MEA
Carmel, N.Y. VOR	Saybo INT, Conn	2000

§95.6035 VOR FEDERAL AIRWAY 35
is amended to read in part:

FROM	TO	MEA
Athens, Ga. VOR	Electric City, S C. VOR	*2800
*2200–MOCA		

§95.6046 VOR FEDERAL AIRWAY 46
is amended to read:

FROM	TO	MEA
Deer Park, N Y VOR	Calverton, N.Y. VOR	1800
Calverton, N.Y VOR	Hampton, N.Y. VOR	1800
Hampton, N Y VOR	Nantucket, Mass. VOR	2500

§95.6047 VOR FEDERAL AIRWAY 47
is amended to read in part:

FROM	TO	MEA
Weston INT, Ky.	Pocket City, Ind VOR	2000
Pocket City, Ind. VOR	Holan INT, Ind	2500
Holan INT, Ind.	*Codey INT, Ind.	**3500
*4000–MRA		
**2000–MOCA		

§95.6049 VOR FEDERAL AIRWAY 49
is amended to read in part:

FROM	TO	MEA
Tanne INT, Tenn	Graham, Tenn. VOR	
Via W alter.	Via W alter.	*3000
*2300–MOCA		

§95.6051 VOR FEDERAL AIRWAY 51
is amended to read in part:

FROM	TO	MEA
Ockel INT, Ind.	Boiler, Ind. VOR	2500
Boiler, Ind. VOR	Chicago Heights, Ill. VOR	2500

§95.6052 VOR FEDERAL AIRWAY 52
is amended to read in part:

FROM	TO	MEA
Carter INT, Ill.	Pocket City, Ind. VOR	*4500
*2100–MOCA		
Pocket City, Ind. VOR	Central City, Ky. VOR	*2500
*1900–MOCA		

§95.6053 VOR FEDERAL AIRWAY 53
is amended to read in part:

FROM	TO	MEA
Jokks INT, Ind.	Boiler, Ind VOR	2600
Boiler, Ind. VOR	Kenla INT, Ind	2600

§95.6066 VOR FEDERAL AIRWAY 66
is amended to read in part:

FROM	TO	MEA
Imperial, Calif VOR	Bard, Ariz VOR	3600
Bard, Ariz. VOR	Gila Bend, Ariz VOR	4000

§95.6070 VOR FEDERAL AIRWAY 70
is amended by adding:

FROM	TO	MEA
Brownsville, Tex. VOR	Madre INT, Tex.	1500
Madre INT, Tex.	Raymondville INT, Tex.	*1600
*1300–MOCA		
Raymondville INT, Tex.	Jetty INT, Tex	*4000
*1300–MOCA		
Jetty INT, Tex.	Corpus Christi, Tex. VOR	2000

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Natchez, Miss. VOR	*Tullo INT, La.	
Via W alter.	Via W alter	**6000
*2500–MRA		
**1800–MOCA		
*Tullo INT, La.	Monroe, La VOR	
Via W alter.	Via W alter	2000
*6000–MCA Tullo INT, SE-bound		

§95.6091 VOR FEDERAL AIRWAY 91
is amended to delete:

FROM	TO	MEA
Riverhead, N.Y. VOR	Seymour INT, Conn	2300
Seymour INT, Conn.	Pawling, N Y. VOR	3000

§95.6091 VOR FEDERAL AIRWAY 91
is amended by adding:

FROM	TO	MEA
Calverton, N.Y. VOR	Seamo INT, Conn.	2300
Seamo INT, Conn.	Pawling, N Y VOR	3000

§95.6097 VOR FEDERAL AIRWAY 97
is amended to read in part:

FROM	TO	MEA
Ockel INT, Ind.	Boiler, Ind. VOR	2500
Ockel INT, Ind.	Boiler, Ind. VOR	
Via W alter.	Via W alter.	2500
Boiler, Ind. VOR	Chicago Heights, Ill. VOR	2500

§95.6123 VOR FEDERAL AIRWAY 123
is amended to read in part:

FROM	TO	MEA
Robbinsville, N.J. VOR	Lissa INT, N.Y.	2000
Lissa INT, N.Y.	LaGuardia, N.Y. VOR	2700

§95.6135 VOR FEDERAL AIRWAY 135
is amended to delete:

FROM	TO	MEA
Yuma, Ariz. VOR	Blythe, Calif VOR	*5000
*3900–MOCA		MAA–9000

§95.6135 VOR FEDERAL AIRWAY 135
is amended by adding:

FROM	TO	MEA
Bard, Ariz. VOR	Blythe, Calif. VOR	*5000
*3900–MOCA		MAA–9000

§95.6139 VOR FEDERAL AIRWAY 139
is amended to read in part:

FROM	TO	MEA
Wilmington, N.C. VOR	*Marko INT, N.C.	2000
*3500–MRA		
Marko INT, N.C.	*Widge INT, N.C.	2000
*3500–MRA		
Widge INT, N.C.	New Bern, N.C VOR	2000

§95.6141 VOR FEDERAL AIRWAY 141
is amended to read in part:

FROM	TO	MEA
Bugsy INT, N.Y	Massena, N.Y. VOR	5000

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Orlando, Fla. VOR	Ocala, Fla. VOR	2000

§95.6163 VOR FEDERAL AIRWAY 163
is amended to delete:

FROM	TO	MEA
Brownsville, Tex. VOR	Madre INT, Tex.	
Via W alter	Via W alter.	1500
Madre INT, Tex.	Raymondville INT, Tex.	
Via W alter.	Via W alter.	*1600
*1300–MOCA		
Raymondville INT, Tex	Jetty INT, Tex.	
Via W alter.	Via W alter	*4000
*1300–MOCA		
Jetty INT, Tex	Corpus Christi, Tex. VOR	
Via W alter	Via W alter	2000

§95.6190 VOR FEDERAL AIRWAY 190
is amended to delete:

FROM	TO	MEA
Texas INT, Ill.	Evansville, Ind. VOR	2200

§95.6190 VOR FEDERAL AIRWAY 190
is amended by adding:

FROM	TO	MEA
Texas INT, Ill	Pocket City, Ind. VOR	2200

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
Phoenix, Ariz. VOR	*Jodpr INT, Ariz.	
Via N alter.	Via N alter.	**11000
*13000–MCA Jodpr INT, E-bound		
** 8700–MOCA		
Jodpr INT, Ariz.	St. Johns, Ariz. VOR	
Via N alter.	Via N alter	*14500
*9700–MOCA		

§95.6227 VOR FEDERAL AIRWAY 227
is amended to read in part:

FROM	TO	MEA
Boiler, Ind. VOR	*Swani INT, Ind.	2600
*4000–MRA		

§95.6251 VOR FEDERAL AIRWAY 251
is amended by adding:

FROM	TO	MEA
Danville, Ill. VOR	Boiler, Ind. VOR	2500

§95.6251 VOR FEDERAL AIRWAY 251
is amended to delete:

FROM	TO	MEA
Danville, Ill. VOR	Lafayette, Ind. VOR	2500

§95.6252 VOR FEDERAL AIRWAY 252
is amended to read in part:

FROM	TO	MEA
Binghamton, N.Y. VOR	Hugie INT, N.Y	4000
Hugie INT, N.Y.	Roger INT, N.Y	4400
Roger INT, N.Y.	Huguenot, N Y VOR	4000

§95.6259 VOR FEDERAL AIRWAY 259
is amended by adding:

FROM	TO	MEA
Grand Strand, S.C.VOR	Florence, S.C VOR	*2000
*1500–MOCA		
Florence, S.C VOR	Chesterfield, S.C VOR	2300
Chesterfield, S.C. VOR	Fort Mill, S.C. VOR	*2500
*2000–MOCA		

§95.6269 VOR FEDERAL AIRWAY 269
is amended by adding:

FROM	TO	MEA
Salmon, Ida. VOR	Hovel INT, Ore	12000
Hovel INT, Ore.	Fonna INT, Ore	*12000
*8500–MOCA		
Fonna INT, Ore.	Wildhorse, Ore. VOR	9000
Wildhorse, Ore. VOR	Redmond, Ore VOR	9500

§95.6295 VOR FEDERAL AIRWAY 295
is amended to read in part:

FROM	TO	MEA
Cehil INT, Fla.	Ocala, Fla VOR	2000

§95.6330 VOR FEDERAL AIRWAY 330
is amended by adding:

FROM	TO	MEA
Wildhorse, Ore. VOR	Boise, Ida. VOR	8000
Boise, Ida. VOR	Canek INT, Ida	7000
Canek INT, Ida	Alkal INT, Ida	8000

§95.6357 VOR FEDERAL AIRWAY 357
is amended by adding:

FROM	TO	MEA
Lakeview, Ore. VOR	Wildhorse, Ore. VOR	*10000
*9500—MOCA		
Wildhorse, Ore. VOR	Potsy INT, Ore.	10000
Potsy INT, Ore.	Baker, Ore. VOR	12000

§95.6363 VOR FEDERAL AIRWAY 363
is added to read:

FROM	TO	MEA
Mission Bay, Calif. VOR	Oceanside, Calif. VOR	3000
Oceanside, Calif. VOR	Prado INT, Calif.	4000
Prado INT, Calif.	Pomona, Calif. VOR	3500

§95.6371 VOR FEDERAL AIRWAY 371
is amended to read:

FROM	TO	MEA
Boiler, Ind. VOR	Knox, Ind. VOR	2500

§95.6401 HAWAII VOR FEDERAL AIRWAY 1 is deleted.

§95.6402 HAWAII VOR FEDERAL AIRWAY 2
is amended to delete:

FROM	TO	MEA
Honolulu, Hawaii VOR	Onote INT, Hawaii	
Via S alter	Via S alter.	
	NW-bound	4000
	SE-bound	2000
Onote INT, Hawaii VOR	Sampa INT, Hawaii	
Via S alter.	Via S alter.	2000
Sampa INT, Hawaii	Lanai, Hawaii VOR	
Via S alter.	Via S alter.	4000

§95.6404 HAWAII VOR FEDERAL AIRWAY 4
is amended to delete:

FROM	TO	MEA
Koko Head, Hawaii VOR	Papay INT, Hawaii	4000
Papay INT, Hawaii	Crabs INT, Hawaii	
	NE-bound	5000
	SW-bound	3000
Crabs INT, Hawaii	*Rises INT, Hawaii	
	NE-bound	7000
	SW-bound	5000
*7000—MRA		

§95.6406 HAWAII VOR FEDERAL AIRWAY 6
is amended to read:

FROM	TO	MEA
Blush INT, Hawaii	Maui, Hawaii VOR	5000

§95.6407 HAWAII VOR FEDERAL AIRWAY 7
is amended to read:

FROM	TO	MEA
Lanai, Hawaii VOR	Molokai, Hawaii VOR	*4000
*2800—MOCA		

§95.6416 HAWAII VOR FEDERAL AIRWAY 16
is amended to delete:

FROM	TO	MEA
Arbor INT, Hawaii	*Ramie INT, Hawaii	**2000
*9000—MRA		
**2000—MOCA		
Ramie INT, Hawaii	Hilo, Hawaii VOR	2000

§95.6419 HAWAII VOR FEDERAL AIRWAY 19 is deleted.

§95.6424 HAWAII VOR FEDERAL AIRWAY 24
is amended to delete:

FROM	TO	MEA
Maui, Hawaii VOR	*Bossy INT, Hawaii	**14000
*14000—MRA		
** 5200—MOCA		
Bossy INT, Hawaii	Lobbs DME Fox, Hawaii	*19000
*1000—MOCA		

§95.6437 VOR FEDERAL AIRWAY 437
is amended to read in part:

FROM	TO	MEA
Savannah, Ga. VOR	Charleston, S.C. VOR	*2000
*1400—MOCA		

§95.6458 VOR FEDERAL AIRWAY 458
is amended to delete:

FROM	TO	MEA
Imperial, Calif. VOR	Yuma, Ariz. VOR	3600

§95.6458 VOR FEDERAL AIRWAY 458
is amended by adding:

FROM	TO	MEA
Imperial, Calif. VOR	Bard, Ariz. VOR	3600

§95.6467 VOR FEDERAL AIRWAY 467
is amended to read in part:

FROM	TO	MEA
Millville, N.J. VOR	Adops INT, N.J.	2000
Adops INT, N.J.	Lissa INT, N.Y.	3000
Lissa INT, N.Y.	LaGuardia, N.Y. VOR	2700

§95.6484 VOR FEDERAL AIRWAY 484
is amended to read in part:

FROM	TO	MEA
Woden INT, Ida.	Switz INT, Utah	*#16000
*11900—MOCA		

#MEA is established with gap in navigation signal coverage.

§95.6497 VOR FEDERAL AIRWAY 497
is amended to read:

FROM	TO	MEA
Rome, Ore. VOR	Wildhorse, Ore. VOR	9000
Wildhorse, Ore. VOR	Kimberly, Ore. VOR	9000
Kimberly, Ore. VOR	The Dalles, Ore. VOR	7300

§95.7002 JET ROUTE NO. 2 is amended to read in part:

FROM	TO	MEA	MAA
Imperial, Calif. VORTAC	Bard, Ariz. VORTAC	18000	45000
Bard, Ariz. VORTAC	Gila Bend, Ariz. VORTAC	18000	45000

§95.7010 JET ROUTE NO. 10 is amended to read in part:

FROM	TO	MEA	MAA
Gunnison, Colo. VORTAC	Acree INT, Colo.	18000	45000
Acree INT, Colo.	Shrew INT, Colo.	19000	45000
Shrew INT, Colo.	Denver, Colo. VORTAC	18000	45000

§95.7018 JET ROUTE NO. 18 is amended to read in part:

FROM	TO	MEA	MAA
Imperial, Calif. VORTAC	Bard, Ariz. VORTAC	18000	45000
Bard, Ariz. VORTAC	Gila Bend, Ariz. VORTAC	18000	45000

§95.7029 JET ROUTE NO. 29 is amended to delete:

FROM	TO	MEA	MAA
Memphis, Tenn. VORTAC	Evansville, Ind. VORTAC	18000	45000
Evansville, Ind. VORTAC	Rosewood, Ohio VORTAC	18000	45000

§95.7029 JET ROUTE NO. 29 is amended by adding:

FROM	TO	MEA	MAA
Memphis, Tenn. VORTAC	Pocket City, Ind. VORTAC	18000	45000
Pocket City, Ind. VORTAC	Rosewood, Ohio VORTAC	18000	45000

§95.7043 JET ROUTE NO. 43 is amended to read in part:

FROM	TO	MEA	MAA
Miami, Fla. VORTAC	LaBelle, Fla. VORTAC	18000	45000
LaBelle, Fla. VORTAC	St. Petersburg, Fla. VORTAC	18000	45000

§95.7073 JET ROUTE NO. 73 is amended by adding:

FROM	TO	MEA	MAA
Miami, Fla. VORTAC	LaBelle, Fla. VORTAC	18000	45000
LaBelle, Fla. VORTAC	Tallahassee, Fla. VORTAC	18000	45000

§95.7086 JET ROUTE No. 86 is amended to read in part:

FROM	TO	MEA	MAA
Sarasota, Fla. VORTAC	LaBelle, Fla. VORTAC	18000	45000
LaBelle, Fla. VORTAC	Miami, Fla. VORTAC	18000	45000

§95.7089 JET ROUTE NO. 89 is amended to delete:

FROM	TO	MEA	MAA
Louisville, Ky. VORTAC	Lafayette, Ind. VORTAC	18000	45000
Lafayette, Ind. VORTAC	Northbrook, Ill. VORTAC	18000	45000

§95.7089 JET ROUTE NO. 89 is amended by adding:

FROM	TO	MEA	MAA
Louisville, Ky. VORTAC	Boiler, Ind. VORTAC	18000	45000
Boiler, Ind. VORTAC	Northbrook, Ill. VORTAC	18000	45000

§95.7093 JET ROUTE NO. 93 is amended to read:

U.S. Mexican Morder	Julian, Calif. VORTAC	18000	45000
Julian, Calif. VORTAC	Paradise, Calif. VORTAC	18000	45000
Paradise, Calif. VORTAC	Los Angeles, Calif. VORTAC	18000	45000

§95.7131 JET ROUTE NO. 131 is amended to delete:

FROM	TO	MEA	MAA
Little Rock, Ark. VORTAC	Evansville, Ind. VORTAC	18000	45000

#MEA is established with a gap in navigational signal coverage.

§95.7131 JET ROUTE NO. 131 is amended by adding:

FROM	TO	MEA	MAA
Little Rock, Ark. VORTAC	Pocket City, Ind. VORTAC	#18000	45000

#MEA is established with a gap in navigational coverage.

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
V-8 is amended to read in part:			
Seal Beach, Calif. VOR	Paradise, Calif. VOR	13	Seal Beach
V-21 is amended to read in part:			
Seal Beach, Calif. VOR	Paradise, Calif. VOR	13	Seal Beach
V-16 is amended to delete:			
Riverhead, N.Y. VOR	Norwich, Conn. VOR	41	Norwich
V-51 is amended to read in part:			
Shelbyville, Ind. VOR	Boiler, Ind. VOR	50	Shelbyville
V-97 is amended to read in part:			
Shelbyville, Ind. VOR	Boiler, Ind. VOR	50	Shelbyville

[FR Doc. 79-34837 Filed 11-9-79; 8:45 am]
BILLING CODE 4910-13-C

CIVIL AERONAUTICS BOARD

14 CFR Part 322

[Amdt. 3; Reg. PR-214]

Automatic Market Entry Procedures

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB changes its automatic market entry procedures to permit deferral of action on an application only where there is a strong showing that granting it will cause immediate and substantial harm to the national air transportation system. This action is taken at the CAB's own initiative to reverse its policy of deferring action in some cases where it raises questions of first impression.

DATES: Effective: December 10, 1979. Adopted: November 2, 1979.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Section 401(d)(7) of the Federal Aviation Act of 1958, amended by the Airline Deregulation Act of 1978, P.L. 95-504, establishes the automatic market entry (AME) program. Section 401(d)(7)(D)(i) provides that the Board shall, on an emergency basis, modify the AME program if it finds that its operation is causing substantial public harm to the national air transportation system, the modification proposed by the Board is required by the public convenience and necessity in order to alleviate the harm, and the harm cannot be rectified by any reasonably available means other than the modification proposed by the Board.

By PR-199, 44 FR 18960, March 30, 1979, the Board modified the AME program to permit an extension of the statutory 60-day period for action on an AME application when the Board does not have sufficient information to resolve an issue raised by that application. The Board found that when an application for authority under the automatic market entry program raised a difficult question of first impression, such a deferral was justified under the emergency provision of Section 401(d)(7)(D)(i).

Upon further reflection, as set forth in Order 79-9-192, we now believe that action on an AME application should not be deferred merely because it raises questions of first impression. Under the policy announced in that order, the Board must find that there is a significant likelihood that granting the application would cause substantial harm to the national air transportation system before action on it may be deferred beyond 60 days. This position hews more closely to the language of the Act.

By this action we are amending 14 CFR Part 322 to conform to the policy established in Order 79-9-192. Part 322, as amended, will now permit an extension of the 60-day period for Board action or other modification of the AME program only when necessary to avoid substantial harm to the national air transportation system. Even if the responses to the show-cause order indicate that an AME application raises a difficult and fundamental problem of first impression, the applicant air carrier will usually be allowed to institute service by the sixtieth day pending Board determination of whether actual harm will result. Only in extraordinary circumstances, where there is a strong showing of immediate and substantial harm, will the rule permit a deferral of the applicant's operation pending Board investigation.

We are also taking this opportunity to clarify an issue that arose during the course of the 1979 AME program. Some applicants were unsure whether service of their application was required, as is usually the case under Board rules, 14 CFR 302.8. Since the public convenience and necessity test that is usually applicable to route applications does not apply to AME applications, documents filed with the Board's Docket Section under this part need not be served on any other party.

Since this action only modifies the Board's internal practice in processing automatic entry applications and is procedural and interpretative in nature, the Board finds that notice and public procedure are unnecessary.

Member O'Melia filed the following dissenting statement:

O'Melia, Member, Dissenting

The last sentence of 401(7)(D)(i) provides that emergency modifications may be made in the automatic entry program limited to a single pair of points. The statutory standard for any modification in the program is that it is causing substantial public harm to the national air transportation system.[1]

This amendment of our rules seeks to establish standards even stricter than the already strict statutory standards against interference with the automaticity of the automatic entry provisions of the Act. The new rule permits the applicant to begin service immediately pending a determination of whether actual harm will result. This calls into play all the legal problems involved in taking a route away from an unwilling carrier should a finding of harm to the national air transportation system be made. The standard for deferral pending investigation of an application is virtually impossible to meet: "in extraordinary circumstances, where the showing of immediate and substantial harm is exceedingly strong."

I support fully Congress' intention to give carriers a foretaste of deregulation and a single route of their choice each year without hassle from the Board or their competitors. I do not think, however, that we should misread the words of section 401(7)(D) to mean that objections to or the consequences of a particular automatic entry route cannot be considered against the statutory substantial harm standard in terms of other goals and directives of the Act on how we are to nurture the national air transportation system.

This change in rules comes from our handling of Southeast's New Orleans-Love Field automatic entry route application. I think our procedures there were correct. Although the majority ultimately reached a conclusion with which I disagreed, I think we did the proper thing by holding up the award until we fully considered all the facts and contentions.

In Order 79-3-150, March 22, 1979, which instituted that investigation, we said that Congress intended that the Board have adequate time to make a responsible determination whether or not a modification of the automatic entry program is necessary. The Board directed a prompt hearing on the issues in that case. Similar cases in the future may warrant similar delays and more or less formal review. I would not change that approach: I do not think we should rush to raise barriers to full (and

[1] "(D)(i) The Board shall, on an emergency basis, by rule, modify the program established by this paragraph, if the Board finds that—

"(I) the operation of such program is causing substantial public harm to the national air transportation system, or a substantial reduction in air service to small and medium sized communities in any region of the country;

"(II) the modification proposed by the Board is required by the public convenience and necessity in order to alleviate such harm or reduction; and

"(III) such harm or reduction identified by the Board cannot be rectified by any reasonably available means other than the modification proposed by the Board.

"Any emergency modification proposed by the Board under this subparagraph shall modify such program only to the minimum extent necessary to rectify the harm or reduction identified by the Board. Any emergency modification of such program may be limited to any pair of points."

prompt) consideration of the few future instances where we can anticipate important environmental or other questions being raised about particular automatic entry applications.

Richard J. O'Melia.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 322, *Automatic Market Entry Procedures*, as follows:

1. Section 322.5(b) is amended to read:

§ 322.5 Board action.

* * * * *

(b) Whenever the Board finds that there is a significant likelihood that actual and substantial harm to the national air transportation system will result from the granting of an AME application, the Board may take one of the following actions:

(1) Allow the applicant air carrier to institute service immediately pending Board determination of whether substantial harm actually will result;

(2) In extraordinary circumstances, where the showing of immediate and substantial harm is exceedingly strong, defer action on the carrier's application pending Board investigation; or

(3) Modify the AME program in some other manner to eliminate the harm.

2. Section 322.9 is amended to read:

§ 322.9 Conformity with Subpart A of Part 302.

The provisions of Subpart A of Part 302 of this chapter, except for § 302.8 of this chapter and any other provisions that are inconsistent with this part, shall apply to proceedings under this part.

(Sections 204 and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1716, 49 U.S.C. 1324, 1371.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-34971 Filed 11-9-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 325

[Regulation PR-215; Amdt. No. 1]

Essential Air Service Procedures; Notice of Approval by the General Accounting Office

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the General Accounting Office has approved the reporting requirements contained in the subject regulation (PR-213, 44 FR 52661, September 7, 1979). This approval is required under the Federal Reports Act, and was transmitted to the Civil Aeronautics Board by letter dated October 30, 1979.

DATES: Adopted: November 6, 1979. Effective: November 6, 1979.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, data Requirements Division, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6044.

Accordingly, the Civil Aeronautics Board amends Part 325 of its Procedural Regulations (14 CFR 325) by adding the following note at the end of Part 325:

Note.—The reporting requirements contained in §§ 325.4, 325.7 and 325.10 have been approved by the U.S. General Accounting Office under B-180226 (R0657).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR § 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-34965 Filed 11-9-79; 8:45 am]

BILLING CODE 6320-01-M

POSTAL SERVICE

39 CFR Part 952

Rules of Practice; Technical Changes; Correction

AGENCY: Postal Service (Judicial Officer).

ACTION: Final rule

SUMMARY: In the Federal Register on October 29, 1979, 44 FR 61959, the Postal Service published certain revisions to its rules of practice in proceedings relative to false representation and lottery orders. Among other things, the title of a form referred to in § 952.7 was changed from "notice of hearing" to "notice of answer and hearing". References to the form at certain other places in the regulations were inadvertently not changed. The purpose of this document is to make those changes. Also, a minor printing error is corrected.

EFFECTIVE DATE: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: James A. Cohen, (202) 245-4912.

Accordingly, 39 CFR is amended as follows:

§ 952.8 [Amended]

1. In paragraph (b) of § 952.8, strike out the words "notice of hearing" wherever they appear therein and insert "notice of answer and hearing" in lieu thereof.

§ 952.11 [Amended]

2. In paragraph (a) of § 952.11, strike out the words "notice of hearing" and insert "notice of answer and hearing" in lieu thereof.

§ 952.21 [Amended]

3. In paragraph (b) of § 952.21, in the first line, the fourth word should be changed from "if" to "is".

(39 U.S.C. 204, 401(2))

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 79-34840 Filed 11-9-79; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL 1356-2]

National Emission Standards for Hazardous Air Pollutants; General Provisions

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This amendment institutes an address change for the implementation of technical and administrative review and enforcement of the National Emission Standards for Hazardous Air Pollutants. The notice announcing the delegation of authority is published elsewhere in this issue of the Federal Register.

EFFECTIVE DATE: Effective November 13, 1979.

ADDRESSES: All reports, requests, applications and communications required pursuant to 40 CFR 61.10 for the Counties in Ohio listed below are to be submitted to the Regional Air Pollution Agency, Montgomery County Combined General Health District, 451 West Third Street, Dayton, Ohio 45402. Copies of these reports shall also be submitted to U.S. EPA, Region V, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, USEPA Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 886-6048.

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional

substantive burdens are imposed on the parties affected. The delegation became effective September 11, 1979. Therefore, it serves no purpose to delay the technical change of this addition of an address to the Code of Federal Regulations. This rulemaking is effective immediately and is issued under authority of Section 112 of the Clean Air Act. (42 U.S.C. 7412)

Section 61.04 of Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding a new paragraph (b)(kk) as follows:

Subpart A—General Provisions

§ 61.04 is amended as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(kk) Ohio

Montgomery County: Regional Air Pollution Control Agency, Montgomery County Combined General Health District, 451 West Third Street, Dayton, Ohio 45402.

Clarke, Darke, Greene, Miami and Preble Counties [except for all information required under § 61.22 (d) and (e)]: Montgomery County Combined General Health District, 451 West Third Street, Dayton, Ohio 45402.

* * * * *

Dated: November 2, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-34932 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Parts 116 and 117

[FRL 1338-7]

Removal of Calcium Oxide and Calcium Hydroxide From Hazardous Substance List

AGENCY: Environmental Protection Agency.

ACTION: Amendments to Final rule.

SUMMARY: On August 29, 1979, (44 FR 50783) EPA tentatively concluded that calcium oxide and calcium hydroxide (lime) are not hazardous within the meaning of section 311 of the Clean Water Act and proposed to remove these chemicals from its hazardous substances list. Twenty-eight comments were received in response to the proposal. All commenters concurred with the proposed action. In consideration of comments received and of the factors discussed in the August 29 proposed amendment to rule, EPA today is removing calcium oxide and calcium hydroxide from the hazardous substances list.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0100.

SUPPLEMENTAL INFORMATION: Section 311(b)(2)(A) of the Clean Water Act (the Act) requires the Administrator to promulgate regulations designating as hazardous substances those elements and compounds which, when discharged in any quantity to surface waters or adjoining shorelines, present an imminent and substantial danger to the public health or welfare. Section 311(b)(4) of the Act requires the Administrator to assign to each assigned designated hazardous substance a quantity which, if discharged, gives rise to reporting requirements and civil penalty and clean-up cost liability.

Calcium oxide and calcium hydroxide ("lime") were among the substances designated as hazardous substances in an action taken on March 13, 1978 (43 FR 10474). On April 3, 1979, the Mississippi Lime Company petitioned EPA for reconsideration of the regulation designating lime as a hazardous substance. On August 29, 1979, (44 FR 50783) EPA proposed an amendment to rule that would remove these chemicals from the hazardous substances list.

As a result of the proposed amendment, EPA received 28 comments from industrial groups and other interested parties. All comments supported the EPA proposed action to remove calcium oxide and calcium hydroxide from the hazardous substances list. Thus, EPA today is amending Part 116 and Part 117 to delete calcium hydroxide and calcium oxide.

It should be emphasized that this action does not affect the validity of EPA's criteria for designating hazardous substances. Rather, based on the documents provided by petitioner, it appears that the unique chemistry of lime is such that lime would not exceed the section 311 acute toxicity criterion when discharged into the environment.

Dated: November 5, 1979.

Douglas M. Costle,

Administrator.

PART 116—DESIGNATION OF HAZARDOUS SUBSTANCES

Part 116 is amended as follows:

§ 116.4 [Amended]

1. Delete from § 116.4, Table 116.4, the term Calcium hydroxide, CAS No. 1305620, Lime, hydrated, slaked lime, Calcium hydrate.

§ 116.4A [Amended]

2. Delete from § 116.4A, Table 116.4A, the term Calcium hydroxide, CAS No. 1305788, Lime, quicklime.

§ 116.4 [Amended]

3. Delete from § 116.4, Table 116.4B, CAS No. 1305620, Calcium hydroxide.

§ 116.4 [Amended]

4. Delete from § 116.4, Table 116.4B, CAS No. 1305788, Calcium oxide.

PART 117—DETERMINATION OF REPORTABLE QUANTITIES

Part 117 is amended as follows:

§ 117.3 [Amended]

1. Delete from § 117.3, Table 117.3 the term Calcium hydroxide, Category D. RQ in pounds (kilograms), 5,000 (2270).

§ 117.3 [Amended]

2. Delete from § 117.3, Table 117.3, the term Calcium oxide, Category D, RQ in pounds (kilograms), 5,000 (2270).

(Sec. 311 of the Clean Water Act, 33 U.S.C. 1251 and E.O. 11735)

[FR Doc. 79-34881 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1407]

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co. at Worthington, Minn.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1407.

SUMMARY: Authorizes the Chicago and North Western Transportation Company to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) in Worthington, Minnesota, in order to serve shippers which would otherwise be deprived of essential railroad service due to track embargoes on the RI.

EFFECTIVE DATE: 12:01 a.m., November 6, 1979, and continuing in effect until 11:59 p.m., December 3, 1979.

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

SUPPLEMENTARY INFORMATION:

Decided: November 2, 1979.

The line of the Chicago, Rock Island and Pacific Railroad Company (RI) between Lake Park, Iowa, and Worthington, Minnesota is embargoed due to track conditions, depriving shippers at Worthington of essential railroad service by RI. The Chicago and North Western Transportation Company (CNW) serves Worthington, Minnesota, and has consented to operate over the tracks of the RI in Worthington to serve these industries. The Kansas City Terminal Railway (KCT), the directed operator of the RI, has consented to the use of these tracks by the CNW.

It is the opinion of the Commission that an emergency exists requiring the operations of CNW trains over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1407 Chicago & North Western Transportation Co. authorized to operate over tracks of Chicago, Rock Island & Pacific Railroad Co. at Worthington, Minn.

(a) The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Worthington, Minnesota, for the purpose of serving industries located adjacent to such tracks.

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

(c) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the RI shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., November 6, 1979.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 3, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34910 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1201, 1240 and 1241

[No. 37218]

Railroad Switching and Terminal Companies; Accounting and Reporting Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Final Rule.

SUMMARY: The Interstate Commerce Commission is revising and simplifying the accounting and reporting requirements for railroad Switching and Terminal Co.'s (S&T's). Classification rules for S&T's will be eliminated. All S&T's, regardless of operating revenues, will be designated Class III railroads.

DATES: Effective for the reporting year beginning January 1, 1979.

ADDRESS: Send comments to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

SUPPLEMENTARY INFORMATION: On February 6, 1978, the Interstate Commerce Commission Accounting Board voted to exempt two Class II railroad switching and terminal companies (S&T's) from the new Uniform System of Accounts for Railroad Companies (USOA). The two companies were the Washington Terminal Company and the Chicago Union Station Company.

The Board rules that since these particular companies do not file freight or switching rates with the Commission (49 CFR Part 1241.2), they should not be required to implement the new accounting system. The Board concluded that all the information needed by the Commission for these particular companies is available from reports filed with the Commission based on the former railroad accounting system. This action served as an interim ruling until a thorough study of the Commission's information needs of S&T's financial and operating data was completed.

Following the Board action, the Commission in a decision issued June 9, 1978, established a new class of rail carrier (Docket No. 36730, Designation of a Class II Railroad). In that proceeding the Commission concluded that railroads with annual operating revenue of $10 million or less were classified Class III railroads and relieved from maintaining the Commission's uniform system of accounts. On December 22, 1978, the Commission adopted a new reporting form for Class III railroads and made it effective for the reporting year beginning January 1, 1978.

Before the designation of a Class III classification, 152 S&T's with operating revenues of $10 million or less were subject to the accounting and reporting requirements of Class II railroads. The Commission made a detailed and analysis of revenues of reporting S&T's. This study showed that 94% of reporting S&T's have classification revenues of less than $15 million. Further, the remaining 6% of reporting S&T's center around two clusters: 4% have classification revenue levels from $17 million to $27.5 million, and 2% range from $47.5 to $65.5 million.

Based on the above breakdown of S&T classification revenue, we believe that the current Class I, II and III structure for S&T's is unnecessary and unsatisfactory. Logically, the accounting and reporting requirements should center around the classification revenue clusters. A review of the information needs of users of S&T financial and operating data indicated that the accounting and reporting requirements could be simplified without losing any significant data previously reported to the Commission. Therefore, the Commission has decided to designate all S&T's, regardless of operating revenues, as Class III railroads. This action represents another step in the Commission's efforts to minimize the accounting and reporting burden of all carriers. Eliminating the classification rules will relieve 19 S&T's from the burden of complying with the expanded accounting and reporting requirements of the revised USOA for Class I and II line-haul railroads.

S&T's will be required to complete the entire revised Class III report, which includes a new schedule for reporting expense and statistical information pertinent to S&T's only. This schedule will eliminate the need for a separate report form for S&T's and will require only minimal information of S&T's which had previously been reported in the annual report forms R–1 and R–2.

Switching and terminal companies will be exempted from maintaining any Uniform System of Accounts prescribed by the Commission. However, for reporting purposes they shall comply

with the Class III reporting requirements. We believe this is the best means of obtaining S&T financial and statistical data because it will reduce the carrier's reporting burden and will provide an adequate source of information at minimal cost to the Commission.

This reporting requirement shall apply to all switching and terminal companies beginning January 1, 1979.

The Commission finds that this revision does not require a rulemaking proceeding pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553). The rules involved are procedural in nature, and revisions will actually lessen the reporting requirements for all switching and terminal companies. However, in keeping with our belief that any rule can be benefit from public scrutiny, we are requesting that the public study the rule and report, at the earliest possible time, any change which needs to be made. If the Commission concludes after reviewing the comments that it is necessary to make changes in the final rule, a further notice will be published in the Federal Register identifying the changes made.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered: Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations is amended as set forth in Appendix A to this notice and that annual report form R-3 is revised by adding the supplemental schedule 210A contained in Appendix B.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553. The regulations shall apply to the reporting of data for calendar year 1979 provided that the Comptroller General of the United States finds that they comply with the Federal Reports Act.

Decided October 25, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis. Vice Chairman Stafford dissenting in Part. Commissioner Gresham did not participate in the disposition of this proceeding.

Agatha L. Mergenovich,

Secretary.

Vice Chairman Stafford, dissenting in part:

I would prefer to allow public comment before adopting this proposal as a final rule. Otherwise there seems little point in our statement that the rule can benefit from public scrutiny.

Appendix A

1. Revise § 1240.1(d) to read as follows:

§ 1240.1 Classification of rail carriers.

* * * * *

(d) All switching and terminal companies, regardless of operating revenues, will be designated Class III railroads.

§§ 1241.11 and 1241.12 [Amended]

2. Delete the phrase "and switching and terminal companies" from §§ 1241.11 and 12.41.12(a).

3. Revise Part 1201, Subpart A, General Instruction 1-1(d) to read as follows:

* * * * *

(d) All switching and terminal companies, regardless of operating revenues, will be designated Class III railroads.

Appendix B

Schedule 210 A

Supplemental Information for Switching and Terminal Companies Only

1. Joint Facilities

Category	Debit	Credit
Way and structures		
Equipment		
Road		
Yard		
Other transportation		

2. Depreciation Expense—Way and Structures—Running———————
Depreciation Expense—Way and Structures—Switching———————
Depreciation Expense—Way and Structures—Other———————
All Other-Way and Structures Operating Expenses———————
Total Way and Structures Operating Expenses———————
Depreciation Expenses———————
Locomotives———————
Depreciation Expense—Freight Cars———————
Depreciation Expense—Other Equipment———————
3. Number of Locomotive-Miles[1] in yard switching service: Freight, ———————; Passenger, ———————

[FR Doc. 79-34878 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

[1] Number of Locomotive-Miles in Yard Switching Service should be computed in accordance with OS-A Report Note F.

Proposed Rules

Federal Register
Vol. 44, No. 220
Tuesday, November 13, 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

Food Safety and Quality Service

9 CFR Parts 318 and 381

Voluntary Meat and Poultry Plant Quality Control Systems; Extension of Comment Period

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule—extension of comment period.

SUMMARY: On September 14, 1979, the Department published in the Federal Register (44 FR 53526–53534) a document proposing to permit an official meat or poultry establishment, which has voluntarily developed a complete or partial quality control system, to submit its plans and records of such system to the Food Safety and Quality Service for approval. This notice advises that the Department is extending the comment period on this proposal for 30 days.

DATE: Comments must be received on or before December 13, 1979.

ADDRESS: Written comments to: Executive Secretariat, Attn: Annie Johnson, Room 3807, South Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments on these regulations to: Mr. Bill F. Dennis, (202) 447–3840.

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Acting Director, Processed Products Inspection Division, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3840.

SUPPLEMENTARY INFORMATION: On September 14, 1979, the Department proposed regulations permitting meat and poultry establishments, which have voluntarily developed complete quality control systems, to submit them to the Food Safety and Quality Service for approval. In addition, the proposal would provide for the approval of quality control systems consisting of procedures for controlling the preparation of individual products or of systems designed to meet a general requirement, such as determination of net weight. Interested persons were given until November 13, 1979, to comment.

The Department has received information indicating that 60 days may not be a sufficient period of time for a full discussion of the issues presented by the proposal. In view of the importance of this proposal, and since the Department is interested in developing a complete record on these issues prior to taking any final action, the Administrator has determined that this circumstance is considered sufficient justification for extending the comment period for an additional 30 days. In all other respects, the procedure specified in the proposal published on September 14, 1979, shall continue to apply in this rulemaking proceeding.

Done at Washington, D.C., on November 7, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality Service.

[FR Doc. 79-34967 Filed 11-9-79; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 73

[Airspace Docket No. 79-WE-19]

Temporary Restricted Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate temporary joint use restricted areas identified as R-2502N, R-2502E, R-2524, and R-2515 in the Edwards Air Force Base, Calif., area, and R-4806, R-4807, R-4808N, R-4808S, and R-4809 in the Nellis Air Force Base, Nev., area, to contain the military joint readiness exercise called Gallant Eagle 80. These proposed actions will provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the area during the proposed designation period in March 1980.

DATES: Comments must be received on or before December 14, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 79–WE–19, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before December 14, 1979, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this

NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering amendments to Subpart D of Part 71 and Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-4806, R-4807, R-4808N, R-4808S, R-4809, R-4819F, R-4819G, R-4819H, R-4819I, R-4819J, R-2502E, R-2502N, R-2536K, R-2536L, R-2536M, R-2536N and R-2536-O in the Nellis and Edwards Air Force Base areas to contain the military joint readiness exercise called "Gallant Eagle 80." These restricted areas would also be included in the continental control area for the duration of the time of designation. Training exercise "Gallant Eagle 80" will involve close air support, interdiction, air defense/counter air electronic warfare, reconnaissance, and tactical airlift missions including aerial delivery of personnel and supplies. Air-to-air refueling and airborne command and control missions will be included in employment operations. Aerial delivery of ordnance will be conducted on established air-to-ground gunnery ranges within existing restricted areas. Leased lines of communications to accomplish the orderly and safe ingress/egress of participating and nonparticipating aircraft. Also local business phone numbers (reverse charge) will be published for this coordination. Civil airports within exercise airspace will be given relief by providing operating zones 3 nautical mile radius from the surface to 1,200 feet above ground level (AGL) around those airports.

The using agency, U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). For environment inquires, contact Mr. Gilbert N. Burnet, TAC/DEEV telephone (804) 764-4430, AUTOVON 432-4430.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (44 FR 344, 675 and 700) as follows:

Under § 71.151 the following temporary restricted areas are added for the duration of their time of designation from 0001 to 0001 March 5 PST through March 14, 1980:

R-4806 Gallant Eagle 80, Calif.
R-4807 Gallant Eagle 80, Calif.
R-4808N Gallant Eagle 80, Calif.
R-4809 Gallant Eagle 80, Calif.
R-4819F Gallant Eagle 80, Calif.
R-4819G Gallant Eagle 80, Calif.
R-4819H Gallant Eagle 80, Calif.
R-4819I Gallant Eagle 80, Calif.
R-4819J Gallant Eagle 80, Calif.
R-2536K Gallant Eagle 80, Calif.
R-2536M Gallant Eagle 80, Calif.

Under § 73.25 (44 FR 675) the following temporary restricted areas are added:

R-4806 Gallant Eagle 80

Boundaries

Beginning at lat. 37°17'00"N., long. 115°18'00"W.; to lat. 36°26'00"N., long. 115°18'00"W.; to lat. 36°26'00"N., long. 115°23'00"W.; to lat. 36°35'00"N., long. 115°37'00"W.; to lat. 36°35'00"N., long. 115°53'00"W.; to lat. 36°36'00"N., long. 115°56'00"W.; to lat. 37°06'00"N., long. 115°56'00"W.; to lat. 37°06'00"N., long. 115°35'00"W.; to lat. 37°17'00"N., long. 115°35'00"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 500.

Time of Designation

Continuous 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4807 Gallant Eagle 80

Boundaries

Beginning at lat. 36°51'00"N., long. 116°33'30"W.; to lat. 37°26'30"N., long. 117°04'30"W.; to lat. 37°53'00"N., long. 117°01'00"W.; to lat. 37°53'00"N., long. 116°55'00"W.; to lat. 37°47'00"N., long. 116°55'00"W.; to lat. 37°33'00"N., long. 116°43'00"W.; to lat. 37°33'00"N., long. 116°26'00"W.; to lat. 37°53'00"N., long. 116°26'00"W.; to lat. 37°53'00"N., long. 116°11'00"W.; to lat. 37°42'00"N., long. 116°11'00"W.; to lat. 37°42'00"N., long. 115°53'00"W.; to lat. 37°33'00"N., long. 115°53'00"W.; to lat. 37°33'00"N., long. 115°48'00"W.; to lat. 37°28'00"N., long. 115°48'00"W.; to lat. 37°28'00"N., long. 116°00'00"W.; to lat. 37°16'00"N., long. 116°00'00"W.; to lat. 37°16'00"N., long. 116°34'00"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 500.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4808N Gallant Eagle 80

Boundaries

Beginning at lat. 36°41'00"N., long. 115°56'00"W.; to lat. 36°41'00"N., long. 116°14'45"W.; to lat. 36°46'00"N., long. 116°26'30"W.; to lat. 36°51'00"N., long. 116°26'30"W.; to lat. 36°51'00"N., long. 116°33'30"W.; to lat. 37°16'00"N., long. 116°34'00"W.; to lat. 37°16'00"N., long. 116°00'00"W.; to lat. 37°28'00"N., long. 116°00'00"W.; to lat. 37°28'00"N., long. 115°35'00"W.; to lat. 37°06'00"N., long. 115°35'00"W.; to lat. 37°06'00"N., long. 115°56'00"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 500.

Time of designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4808S Gallant Eagle 80

Boundaries

Beginning to lat. 36°46'00"N., long. 116°26'30"W.; to lat. 36°41'00"N., long. 116°14'45"W.; to lat. 36°41'00"N., long. 116°26'30"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 500.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4809 Gallant Eagle 80

Boundaries

Beginning at lat. 37°53'00"N., long. 116°26'00"W.; to lat. 37°33'00"N., long. 116°26'00"W.; to lat. 37°33'00"N., long. 116°43'00"W.; to lat. 37°47'00"N., long. 116°55'00"W.; to lat. 37°53'00"N., long. 116°55'00"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 500.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4819F Gallant Eagle 80

Boundaries

Beginning at lat. 37°53'00"N., long. 116°11'00"W.; to lat. 37°58'00"N., long. 115°00'00"W.; to lat. 38°01'00"N., long. 114°12'00"W.; to lat. 37°53'00"N., long. 113°39'00"W.; to lat. 37°28'00"N., long. 114°00'00"W.; to lat. 36°43'00"N., long. 114°36'00"W.; to lat. 36°43'00"N., long. 115°03'00"W.; to lat. 36°26'00"N., long. 115°18'00"W.; thence along the eastern and northern boundaries of R-4806, R-4808N and R-4807 to point of beginning (corresponds to Desert MOA).

Designated Altitudes

100' AGL up to and including FL 500 (1200' AGL minimum altitude within 3 NM radius of Lincoln County and Pioche Airports).

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4819G Gallant Eagle 80

Boundaries

Beginning at lat. 36°43'00"N., long. 115°03'00"W.; to lat. 36°43'00"N., long. 114°36'00"W.; to lat. 36°26'00"N., long. 114°49'30"W.; to lat. 36°26'00"N., long. 115°18'00"W.; to point of beginning.

Designated Altitudes

16,000 feet MSL up to and including FL 500.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4819H Gallant Eagle 80

Boundaries

Beginning at lat. 36°41'00"N., long. 116°26'30"W.; thence along the southern boundaries of R-4808S and R-4808N and the western and southern boundaries of R-4806 to lat. 36°26'00"N., long. 115°23'00"W.; to lat. 36°16'20"N., long. 115°40'00"W.; to lat. 36°26'00"N., long. 116°03'30"W.; to point of beginning.

Designated Altitudes

100' AGL up to and including FL 280.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4819I Gallant Eagle 80

Boundaries

Beginning at lat. 36°16'20"N., long. 115°40'00"W.; to lat. 36°26'00"N., long. 115°23'00"W.; to lat. 36°26'00"N., long. 114°49'30"W.; to lat. 36°13'40"N., long. 115°05'00"W.; to point of beginning.

Designated Altitudes

16,000' MSL up to and including FL 230.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4819J Gallant Eagle 80

Boundaries

Beginning at lat. 36°51'00"N., long. 116°33'30"W.; thence along the southern and western boundaries of R-4808N and the western boundary of R-4808S to lat. 36°41'00"N., long. 116°26'30"W.; to point of beginning.

Designated Altitudes

100' AGL up to and including FL 500.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2536K Gallant Eagle 80

Boundaries

Beginning at lat. 37°05'00"N., long. 117°15'30"W.; to lat. 36°30'00"N., long. 116°55'00"W.; to lat. 36°30'00"N., long. 116°47'00"W.; to lat. 36°06'00"N., long. 116°18'00"W.; to lat. 35°39'00"N., long. 115°53'00"W.; to lat. 35°18'45"N., long. 116°18'45"W.; thence along the eastern and northern boundaries of R-2502E, R-2502N and R-2524 to lat. 35°47'46"N., long. 117°12'00"W.; to lat. 36°30'00"N., long. 117°12'00"W.; to point of beginning.

Designated Altitudes

200' AGL up to and including FL 280 (3,000' minimum altitude over Death Valley National Monument).

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2536L Gallant Eagle 80

Boundaries

Beginning at lat. 35°39'00"N., long. 115°53'00"W.; to lat. 35°32'16"N., long. 115°46'35"W.; to lat. 35°02'00"N., long. 116°37'30"W.; to lat. 35°01'20"N., long. 116°41'00"W.; to point of beginning.

Designated Altitudes

200' AGL up to and including 9,000' MSL.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2536M Gallant Eagle 80

Boundaries

Beginning at lat. 35°07'00"N., long. 116°34'00"W.; to lat. 35°01'20"N., long. 116°41'00"W.; to lat. 34°56'20"N., long. 117°09'00"W.; thence along the eastern boundary of R-2515 and the southern boundary of R-2502E to point of beginning.

Designated Altitudes

200' AGL up to and including FL 280.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/ USAF Readiness Command (TAC/ USAFRED), Langley Air Force Base, Va. 23665.

R-2536N Gallant Eagle 80

Boundaries

Beginning at lat. 35°16'00"N., long. 117°07'30"W.; thence along the southern and western boundaries of R-2524 and R-2502N to lat. 35°10'00"N., long. 116°49'00"W.; to lat. 35°08'50"N., long. 116°48'40"W.; to lat. 35°06'30"N., long. 116°58'40"W.; to point of beginning.

Designated Altitudes

Surface up to and including 4,500' MSL.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/ USAF Readiness Command (TAC/ USAFRED), Langley Air Force Base, Va. 23665.

R-2536-O Gallant Eagle 80

Boundaries

Beginning at lat. 35°16'00"N., long. 117°07'30"W.; thence along the southern and western boundaries of R-2524 and R-2502N to lat. 35°10'00"N., long. 116°49'00"W.; to lat. 35°08'50"N., long. 116°48'40"W.; to lat. 35°06'30"N., long. 116°58'40"W.; to point of beginning.

Designated Altitudes

7,000' MSL up to and including 8,000' MSL.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/ USAF Readiness Command (TAC/ USAFRED), Langley Air Force Base, Va. 23665.

R-2502N Gallant Eagle 80

Boundaries

Beginning at lat. 35°37'45"N., long. 116°29'40"W.; to lat. 35°34'30"N., long. 116°29'40"W.; to lat. 35°34'30"N., long. 116°23'30"W.; to lat. 35°28'35"N., long. 116°18'45"W.; to lat. 35°10'25"N., long., 116°42'15"W.; to lat. 35°08'50"N., long. 116°48'40"W.; to lat. 35°10'00"N., long. 116°49'00"W.; to lat. 35°19'00"N., long. 116°49'00"W.; to lat. 35°19'00"N., long. 116°55'20"W.; to lat. 35°37'45"N., long. 116°55'20"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 280.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/ USAF Readiness Command (TAC/ USAFRED), Langley Air Force Base, Va. 23665.

R-2502E Gallant Eagle 80

Boundaries

Beginning at lat. 35°28'35"N., long. 116°18'45"W.; to lat. 35°18'45"N., long. 116°18'45"W.; to lat. 35°07'00"N., long. 116°34'00"W.; to lat. 35°07'00"N., long. 116°47'45"W.; to lat. 35°08'50"N., long. 116°48'40"W.; to lat. 35°10'25"N., long. 116°42'15"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 280.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/ USAF Readiness Command (TAC/ USAFRED), Langley Air Force Base, Va. 23665.

R-2524 Gallant Eagle 80

Boundaries

Beginning at lat. 35°47'46"N., long. 116°55'20"W.; to lat. 35°15'56"N., long. 116°55'20"W.; to lat. 35°15'56"N., long. 117°16'52"W.; to lat. 35°25'00"N., long. 117°16'52"W.; to lat. 35°25'00"N., long. 117°26'00"W.; to lat. 35°36'00"N., long. 117°26'00"W.; to lat. 35°36'00"N., long. 117°16'52"W.; to lat. 35°47'46"N., long. 117°16'52"W.; to point of beginning.

Designated Altitudes

Surface up to and including FL 280.

Time of Designation

Continuous, 0001 March 5 to 0001 PST March 14, 1980.

Controlling Agency

Federal Aviation Administration, Los Angeles ARTC Center.

Using Agency

U.S. Air Force Tactical Air Command/ USAF Readiness Command (TAC/ USAFRED), Langley Air Force Base, Va. 23665.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on November 7, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-34945 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 614

Unemployment Compensation for Ex-Servicemembers; New Schedule of Remuneration

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Department of Labor proposes to amend 20 CFR 614.19, to increase the monthly rates of remuneration in the Schedule of Remuneration used to compute the Federal wages of ex-servicemembers covered by the program of Unemployment Compensation for Ex-Servicemembers (UCX Program). The new schedule will apply to new claims that are filed on and after January 6, 1980. The new Schedule of Remuneration proposed in this document adjusts the scheduled monthly rates of pay upward to reflect the military pay increase that became effective on October 1, 1979 under Executive Order 12165.

DATES: Comments: All comments on this proposal must be received on or before December 13, 1979.

Proposed effective date: January 6, 1980, with respect to first claims filed on and after that date.

ADDRESSES: Send comments on this proposal to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

All comments received will be available for public inspection during normal business hours, in room 7000 at the above address.

FOR FURTHER INFORMATION CONTACT: Robert B. Edwards, Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street NW., Washington, D.C. 20213, telephone: 202-376-7032.

SUPPLEMENTARY INFORMATION: The UCX Program was established by the "Ex-Servicemen's Unemployment Compensation Act of 1958," and is now codified at Subchapter II of Chapter 85, in Title 5 of the United States Code (5 U.S.C. 8521-8525). It is a program of unemployment benefits for individuals who are separated from military service and are unable to obtain work.

In most unemployment compensation programs, the benefit amounts payable to claimants are computed on the basis of the wages paid to each claimant in a designated base period. For the UCX Program, the statute provides that benefit amounts shall be computed on the basis of wages as prescribed in the current Schedule of Remuneration.

Section 8521(a)(2) requires the Secretary of Labor to issue, from time to time, after consultation with the Secretary of Defense, a Schedule of Remuneration specifying the pay and allowances for each pay grade of members of the military services, which reflect representative amounts for appropriate elements of the pay and allowances whether in cash or in kind.

A Schedule of Remuneration adopted in accordance with the law has been published from time to time as changes in military pay and allowances occur, and appears in 20 CFR 614.19. These schedules adopted from time to time are made effective for new claims filed on and after the effective date of each new schedule, and new claims established under a prior schedule are not changed.

The new Schedule of Remuneration proposed in this document adjusts the scheduled monthly rates of pay upward to reflect the military pay increase that became effective on October 1, 1979, under Executive Order 12165. It is proposed to make the new schedule set forth in this document effective with respect to first claims which are filed on and after January 6, 1980. As stated in the preamble of the proposal for the current schedule (43 FR 49546), the purpose is to regularize the effective dates of new schedules and this would stabilize administration of the UCX Program and be fairer to claimants.

In order to accomplish the goal of making the new schedule effective January 6, 1980, and consider any comments received before the new schedule is put into effect, it is necessary to limit the comment period to 30 days.

Note.—The Department of Labor has determined that the proposal in this document is not a significant regulation within the meaning of Executive Order 12044.

This document was prepared under the direction and control of Robert B. Edwards, Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street, NW., Washington, D.C. 20213, telephone: 202-376-7032.

Accordingly, it is proposed to revise 20 CFR 614.19 to read as follows:

§ 614.19 Schedule of remuneration.

(a) The following Schedule of Remuneration is issued pursuant to 5 U.S.C. 8521(a)(2), and shall apply to first claims which are filed on or after January 6, 1980:

Pay grade	Monthly rate
(1) Commissioned officers:	
0-10	$5,247
0-9	5,244
0-8	4,995
0-7	4,419
0-6	3,663
0-5	2,967
0-4	2,467
0-3	2,071
0-2	1,643
0-1	1,228
(2) Warrant officers:	
W-4	2,329
W-3	1,884
W-2	1,635
W-1	1,396
(3) Enlisted personnel:	
E-9	2,027
E-8	1,722
E-7	1,487
E-6	1,263
E-5	1,070
E-4	911
E-3	809
E-2	751
E-1	660

(b) The Schedule of Remuneration published at 43 FR 59836 remains applicable to first claims filed prior to the effective date of the new Schedule of Remuneration set forth in paragraph (a) of this section. The new schedule in paragraph (a) of this section does not revoke the prior schedule or any preceding schedule or change the periods of time they were in effect.

(5 U.S.C. 8508, 8521(a)(2))

Signed at Washington, D.C., on November 6, 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 79-34935 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-30-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1440

FIFRA Arbitration Appointments; Extension of Comment Period

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Extension of time for comments on proposed regulation for arbitration of disputes under the Federal Insecticide, Fungicide and Rodenticide Act.

SUMMARY: FMCS has received a number of requests to extend the period for comment on the proposed regulations for arbitration of FIFRA disputes, published at 44 FR 43292 (July 24, 1979). The period for public comment has therefore been extended.

DATES: Comments must be received on or before November 26, 1979.

ADDRESS: Send comments to Office of General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C. 20427.

FOR FURTHER INFORMATION CONTACT: Nancy B. Broff, Assistant General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C. 20427, (202) 653-5305.

SUPPLEMENTARY INFORMATION: All comments received are available for inspection during normal business hours at the above address.

Issued in Washington, D.C., on November 7, 1979.

Richard Laulor,

Acting Director of Administration.

[FR Doc. 79-35012 Filed 11-9-79; 8:45 am]

BILLING CODE 6732-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

30 CFR Parts 870 Through 888

INT DES 79-58

Abandoned Mine Lands Reclamation Program; Availability of Draft Environmental Impact Statement; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of availability of the draft environmental impact statement (DES) addressing implementation of program policies for abandoned mine lands reclamation; correction

SUMMARY: The Federal Register notice published Monday, November 5, 1979 as FR Doc. 79-34076 by the Office of

Surface Mining should contain the following correction: Page 63737, column two, under PUBLIC HEARINGS should have listed the Charleston, West Virginia hearing date as November 29, 1979 at 1 p.m. It was originally listed as being scheduled on November 24, 1979 at 1 p.m.

DATES: All comments on the DES must be received at the address given below under "Address" on or before December 24, 1979, at 5 p.m. Comments may also be presented at public hearings scheduled as itemized below.

ADDRESSES: Written comments on the DES must be mailed or hand delivered to: Office of Surface Mining, Room 135, South Building, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, weekdays between 8:30 a.m. and 5:00 p.m. All comments will be on file and available for inspection at the same address. Public hearings will be held at the addresses listed below.

FOR FURTHER INFORMATION CONTACT: James D. Evans, Chairman, EIS Task Force, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4057.

James D. Evans,

Economist.

November 6, 1979.

[FR Doc. 79-34912 Filed 11-9-79; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1352-5]

Nebraska State Implementation Plans for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: A revision to the Nebraska State Implementation Plan (SIP) for attainment and maintenance of National Ambient Air Quality Standards (NAAQS) has been submitted to the Environmental Protection Agency. The revision concerns control of carbon monoxide (CO) in Lincoln, Nebraska, and reclassification of part of the Lincoln CO nonattainment area. The revision is required by Part D of the Clean Air Act as Amended 1977 (CAAA).

This notice contains background material about the CAAA, a description of the SIP revision, a summary of the requirements for an approvable plan, and suggested plan corrections.

Detailed requirements for approvable SIP revisions were published in the April 4, 1979, Federal Register entitled "General Preamble for Proposed Rulemaking on Approval of the State Implementation Plan Revisions for Nonattainment Areas." The requirements were supplemented in the July 2, 1979, Federal Register. These requirements and Part D of the CAAA were used to evaluate the revision.

EPA proposes to reclassify part of the Lincoln CO nonattainment area (as specified in the revision) to unclassified, and to conditionally approve the revision to the SIP.

Interested persons are invited to comment concerning the revision and its approvability with respect to Part D, suggested corrections of deficiencies, the deadlines which should apply for correction of the deficiencies, or any other aspects of this proposed rulemaking.

DATES: All comments submitted on or before January 14, 1980, will be considered.

ADDRESSES: Copies of the proposed SIP revision are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

Nebraska Department of Environmental Control, Box 94877, Statehouse Station, Lincoln, Nebraska 68509.

Comments should be sent to:

Robert L. Greenall, Environmental Protection Agency, Region VII, Air Support Branch, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Greenall, Environmental Protection Agency, Region VII, Air Support Branch, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION:

Background

Part D of the CAAA, "Plan Requirements for Nonattainment Areas," requires states to add plans to their SIPs which will provide for the attainment and maintenance of the NAAQS in areas where air quality is worse than the standards (nonattainment areas). The plans must conform to the requirements listed in Part D, and must be submitted to EPA for approval.

EPA published the attainment status of all areas within the state in the March 3, 1979, Federal Register. Designation of the areas was based upon information supplied by the states. Based upon air monitoring data, the following areas were designated as nonattainment in Nebraska:

Carbon monoxide, Lincoln
Carbon monoxide, Omaha
Total suspended particulate, Douglas and Sarpy County
Total suspended particulate, Cass County

In response to Part D, Nebraska has developed and submitted a nonattainment plan for control of CO in Lincoln. The Lincoln CO plan is the subject of this notice.

The plan for the Lincoln CO nonattainment area was made available to the public on February 13, 1979, considered on March 16, 1979, at a public hearing of the Nebraska Environmental Control Council, and subsequent to the hearing, passed by the Council. It was submitted to EPA by Governor Charles Thone on May 14, 1979.

The plan has been evaluated by EPA with respect to the requirements of Part D and the provisions of EPA policy. A summary of the criteria for approval of SIP revisions for nonattainment areas follows:

Plan Approval Criteria

1. Provide for attainment of the standard as expeditiously as practicable, but not later than December 31, 1982, or by December 31, 1987, for CO or ozone when an extension is required.
2. Show evidence that the plan was adopted by the state after reasonable notice and public hearing.
3. Provide for all reasonably available control measures as expeditiously as practicable.
4. Require reasonable further progress (RFP) (defined in Section 171 of the CAAA) including emission reductions from reasonably available control technology (RACT) for existing sources.
5. Include a current inventory of actual emissions.
6. Identify emissions growth.
7. Require a permit program, consistent with Section 172(b)(6) and Section 173 of the CAAA, for control of major new or modified sources.
8. Identify and commit resources necessary to implement plan.
9. Contain necessary emissions limitations and compliance schedules.
10. Show evidence of public, local government, and state legislative involvement in accordance with Section 174 of the CAAA.
11. Show evidence of adoption of the necessary requirements, schedules and timetables for compliance, and

commitments to implement and enforce these plan elements.

12. Provide for adoption of inspection and maintenance of motor vehicles, establish a program to analyze alternatives prior to issuance of permits, and provide for other necessary measures if required.

Description of SIP Revision

The following description summarizes the three central parts of the revision, a modeling demonstration of localized high CO concentrations surrounding the monitor, a request to redesignate Lincoln as unclassified except for the area around the monitor, and a modeling demonstration of attainment in the area of the monitor.

In the past, the City of Lincoln operated a single CO monitor located at 22nd and "O" Street, which is in the shallow basin of Antelope Creek. Data from the station exceeded the NAAQS eight-hour maximum for CO on 12 occasions during 1977. No violations of the one-hour standard occurred. A Lincoln-Lancaster County Health Department CO emission inventory attributes 90 percent of the city CO emissions to mobile sources. An examination of the inventory indicated that emissions in the immediate area of the monitor were not sufficient to produce the violation levels. The plan contends that the high values are a product of the combined factors of mobile emissions in the entire basin, area topography, and certain weather conditions.

Violations of the standard have generally occurred in the fall and winter during early and late evening. Weather conditions have been cool with low winds in a southeasterly direction.

High values at the monitoring site are thought to be caused by weather factors creating a cool evening inversion, which, in turn, causes a drainage of CO from major traffic areas within the basin toward the "O" Street monitor.

The theory is supported by a modeling demonstration using 1977 data. Carbon monoxide concentrations originating from major traffic areas within the basin, and contributing to the monitor area, were estimated using the EPA Mobile I emission factor computer program and the "Hiway" line source model. These concentrations were added to the CO concentration produced by "O" Street vehicle emissions and the background concentration to produce a total CO value for the monitor area. Concentrations from "O" Street vehicular traffic were determined with the "Hiway" line source model. The background concentrations included emissions from stationary sources, other vehicular traffic and natural background. This method produced a value of 12.5 ppm which approximates the 1977 second high value of 13 ppm.

Due to the uniqueness of this situation, the State decided that CO data from the area were not indicative of levels in other parts of Lincoln. Therefore, the State of Nebraska has requested redesignation of the majority of the city as unclassified, with only Antelope Creek Basin remaining a nonattainment area. Another monitor has been located in a Lincoln residential area. Data from this site will be used to classify the remaining area in Lincoln.

Attainment of the 9.0 ppm standard was demonstrated with the same method used to reproduce the 1977 value. Using projected 1982 data in the method, emission reductions from computerization of traffic signals and the Federal Motor Vehicle Control Program are shown to be adequate to reduce the ambient level of CO to 8.9 ppm in 1982.

Evaluation and Recommendations

EPA has evaluated the plan in relation to the requirements which were previously listed. The following discussion compares the provisions of the plan to those requirements. Corrections are recommended where the plan is deficient.

1. Expeditious Attainment—Attainment of the standard before the end of 1982 is demonstrated. The Plan deficiency discussed in item 4 must be corrected to demonstrate expeditious attainment.

2. Public Notice—A public hearing was announced and the plan was made available on February 13, 1979. The plan was adopted by the Nebraska Environmental Control Council after a public hearing on March 16, 1979.

3. All Reasonably Available Control Measures—EPA has interpreted this as requiring all reasonably available control measures which are necessary to attain the standard as expeditiously as practicable. The plan includes measures (computerized traffic signals and the (FMVCP) which are necessary to attain the standard.

4. Reasonable Further Progress, Including RACT—The plan includes an exceptable demonstration of, and commitment to, reasonable further progress, but it does not address reasonably available control technology for existing sources. The plan must require RACT as needed for attainment for all major stationary sources in the nonattainment area, or if the area contains no major sources the plan should state that fact.

5. Emission Inventory—The plan does not contain an emission inventory. Section 172(b)(4) requires that an approvable plan contain a current inventory of actual emissions.

6. Identify Emissions Growth—The plan does not identify any emissions growth which will result from construction of new stationary sources. The amount of growth to be allowed, if any, must be identified.

7. Permit Program for New Stationary Sources—The plan revision does not address or reference a permit program to be used to meet the requirements of Sections 172(b)(6) and 173. Rule 4 of the Nebraska Air Pollution Control Rules and Regulations requires specified sources to apply for a construction permit before construction or modification can commence. Rule 4 must be amended to expressly include all major sources of CO and must require that no permits shall be issued unless the requirements of Section 173 are met. Prior to any approval of the revision, the state must provide satisfactory assurances that, until its regulations are amended to incorporate the requirements of Section 173, it has adequate legal authority and will prohibit construction or modification of any major stationary source of CO in the nonattainment area unless the requirements of Section 173 have been met. In addition, the state must demonstrate adequate legal authority to meet the operating permit requirement of Section 172(b)(6).

8. Identify and Commit Resources—Resources are not identified. Information must be included which identifies the commitment of resources adequate to implement the provisions necessary for attainment of the standard.

9. Emission Limitations and Compliance Schedules—The plan does not identify compliance schedules necessary for attainment. These must be included if inadequately controlled major stationary sources are present in the nonattainment area.

10. Public, Local Government, and State Involvement in Accordance with Section 172(b)(9)—The requirements of Section 172(b)(9) are adequately addressed. An analysis of health, welfare, economic, energy and social effects is made. No verbal or written public comments were received.

11. Evidence of Adoption of the Necessary Requirements, Schedules and Timetables for Compliance, and Commitments to Implement and Enforce these Plan Elements—The revision contains commitments by the City of Lincoln to implement the control strategies necessary to attain the air

quality standard, but it does not contain the necessary schedules for implementation of the computerized signalization program. The plan must include the schedules and timetables showing the annual incremental implementation of the computerized signalization program between the present and 1982. Regulations must also be adopted by the state which will require stationary sources to adopt RACT [unless, as discussed above, the state demonstrates that such controls are unnecessary] and which will establish an approvable construction permit program.

Proposed Action

EPA proposes to reclassify part of the Lincoln CO nonattainment area (as specified in the revision), and to approve the revision to the SIP, with the condition that the previously listed deficiencies be corrected before (six months from date of publication of proposed rulemaking). Failure to correct the deficiencies may result in disapproval of the SIP revision.

EPA can propose to conditionally approve plans where there are minor deficiencies and the state provides assurances that it will submit corrections by specified deadlines.

Nebraska has verbally agreed to correct all deficiencies. Before final action can be taken, Nebraska must either make a formal written commitment to correct the deficiencies, or make the corrections. If corrections meeting the conditions described above are received by EPA prior to final action, the plan may be approved at that time.

Conclusion

EPA proposes to conditionally approve this revision to the Nebraska SIP. Interested persons are invited to send comments to the addresses previously listed. All comments received on or before January 14, 1980, will be considered.

This notice of proposed rulemaking is issued under the authority of Section 110 of the CAAA.

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

Dated: October 5, 1979.

Kathleen Q. Camin,

Regional Administrator.

[FR Doc. 79-34915 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 65

[Docket No. DCO-78-51; FRL 1356-7]

State Implementation Plan Requirements; Proposed Delayed Compliance Order for Drexel Heritage Furnishings, Inc., Plant No. 43 in Hildebran, N.C.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing approval of a Delayed Compliance Order issued by the North Carolina Environmental Management Commission for Drexel Heritage Furnishings, Inc., Plant No. 43 at Hildebran, North Carolina. This action is being taken because Drexel Heritage Furnishings, Inc., Plant No. 43 has demonstrated by a source test that it is no longer in violation of North Carolina State Implementation Plan provisions covered by the proposed Order.

DATE: This withdrawal is effective on November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Floyd Ledbetter, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, Telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: A Federal Register notice published at Vol. 44, No. 12, FR page 3528, January 17, 1979, solicited public comments and offered the opportunity to request a public hearing on a proposed Delayed Compliance Order to be approved by EPA to Drexel Heritage Furnishings, Inc., Plant No. 43, at Hildebran, North Carolina. No public comments or requests for a public hearing were received on this proposed delayed compliance order. Drexel Heritage Furnishings, Inc., Plant No. 43 has subsequently achieved compliance with the North Carolina State Implementation Plan regulations covered by the Order; compliance was demonstrated by the reesults of a source test.

In consideration of the foregoing, the proposal published in the Federal Register Vol. 44, No. 12, FR on January 17, 1979, entitled "Proposed Delayed Compliance Order Issued by the North Carolina Environmental Management Commission for Drexel Heritage Furnishings, Inc., in Hildebran, North Carolina," is hereby withdrawn.

Dated: October 22, 1979.

John A. Little,

Acting Regional Administrator, Region IV.

[FR Doc. 79-34939 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 65

[Docket No. DCO-78-45 FRL 1356-6]

State Implementation Plan Requirements; Proposed Delayed Compliance Order for Duke Power Co., Marshall Steam Station, Terrell, N.C.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing approval of a Delayed Compliance Order issued by the North Carolina Environmental Management Commission for Duke Power Company, Marshall Steam Station, at Terrell, North Carolina. This action is being taken because Duke Power Company, Marshall Steam Station, has demonstrated by stack tests that it is no longer in violation of North Carolina State Implementation Plan provisions covered by the proposed Order.

DATE: This withdrawal is effective November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Floyd Ledbetter, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, Telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: A Federal Register notice published at Vol. 44, No. 16, FR page 4738, January 23, 1979, solicited public comments and offered the opportunity to request a public hearing on a proposed State-issued Delayed Compliance Order to be approved by EPA to Duke Power Company, Marshall Steam Station, at Terrell, North Carolina. No public comments or requests for a public hearing were received on this proposed delayed compliance order. Duke Power Company, Morgan Steam Station, has subsequently achieved compliance with the North Carolina State Implementation Plan regulations covered by the Order; compliance was demonstrated by the results of stack tests.

In consideration of the foregoing, the proposal published in the Federal Register Vol. 44, No. 16, FR, page 4738 on January 23, 1979, entitled "Proposed

Approval of a Delayed Compliance Order Issued by the North Carolina Environmental Management Commission for Duke Power Company, Marshall Steam Station, Terrell, North Carolina," is hereby withdrawn.

Dated: October 22, 1979.

John A. Little,

Regional Administrator, Region IV.

[FR Doc. 79-34938 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 65

[Docket No. DCO-78-49; FRL 1356-5]

State Implementation Plan Requirements; Proposed Delay Compliance Order for Morganton Dyeing & Finishing Corp., Morganton, N.C.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing approval of a Delayed Compliance Order issued by the North Carolina Environmental Management Commission for Morganton Dyeing and Finishing Corporation, at Morganton, North Carolina. This action is being taken because Morganton Dyeing and Finishing Corporation has demonstrated from an investigation by the North Carolina Division of Environmental Management, Air Quality Section, that it is no longer in violation of North Carolina State Implementation Plan provisions covered by the proposed Order.

DATE: This withdrawal is effective on November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Floyd Ledbetter, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, Telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: A Federal Register notice published at Vol. 44, No. 10, FR page 3057, January 15, 1979, solicited public comments and offered the opportunity to request a public hearing on a proposed State-issued Delayed Compliance Order to be approved by EPA to Morganton Dyeing and Finishing Corporation, at Morganton, North Carolina. No public comments or requests for a public hearing were received on this proposed delayed compliance order. Morganton Dyeing and Finishing Corporation has subsequently achieved compliance with the North Carolina State Implementation Plan regulations covered by the Order; compliance was demonstrated by an investigation by the North Carolina Division of Environmental Management, Air Quality Section.

In consideration of the foregoing, the proposal published in the Federal Register Vol. 44, No. 10, FR, page 3057 on January 15, 1979, entitled "Proposed Delayed Compliance Order Issued by the North Carolina Environmental Management Commission for Morganton Dyeing and Finishing Corporation in Morganton, North Carolina," is hereby withdrawn.

Dated: October 22, 1979.

John A. Little,

Acting Regional Administrator, Region IV.

[FR Doc. 79-34937 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 65

[Docket No. DCO-79-3; FRL 1356-4]

State Implementation Plan Requirements; Proposed Delayed Compliance Order for True Temper Corp., Plymouth, N.C.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing approval of an Administrative Order issued by the North Carolina Environmental Management Commission to True Temper Corporation at Plymouth, North Carolina. This action is being taken because True Temper Corporation has demonstrated from an investigation by the North Carolina Division of Environmental Management, Air Quality Section, that it is no longer in violation of North Carolina State Implementation Plan provisions covered by the proposed Order.

DATE: This withdrawal is effective November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Floyd Ledbetter, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308, Telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION:

A Federal Register notice published at Vol. 44, No. 73, FR page 22129, April 13, 1979, solicited public comments and offered the opportunity to request a public hearing on a proposed State-issued Delayed Compliance Order to be approved by EPA to True Temper Corporation at Plymouth, North Carolina. No public comments or requests for a public hearing were received on this proposed delayed compliance order. True Temper Corporation has subsequently achieved compliance with the North Carolina State Implementation Plan regulations covered by the Order; compliance was demonstrated via an investigation by the North Carolina Division of Environmental Management, Air Quality Section.

In consideration of the foregoing, the proposal published in the Federal Register Vol. 44, No. 73, FR, page 22129 on April 13, 1979, entitled, "Proposed Delayed Compliance Order Issued by the North Carolina Environmental Management Commission to True Temper Corporation in Plymouth, North Carolina," is hereby withdrawn.

Dated: October 22, 1979.

John A. Little,

Regional Administrator, Region IV.

[FR Doc. 79-34938 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

41 CFR Part 101-39

Accident Claims and Withdrawal Procedures Concerning Motor Pool Vehicles

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations (FPMR) to charge the using agency for all damages to a GSA vehicle, except those caused by an identifiable third party or by mechanical failure of the GSA vehicle. This will eliminate much of the paperwork now associated with accident claims and will remove an area of continued disagreement between GSA and customer agencies. In addition, GSA proposes to amend the FPMR to provide for the withdrawal of a motor pool vehicle from use by a customer agency.

DATE: Comments must be received on or before: December 31, 1979.

ADDRESS: Comments should be addressed to: General Services Administration (TM), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Glading, Office of Motor Equipment (703-557-8565).

SUPPLEMENTARY INFORMATION: In regard to accident damages, the FPMR currently specify that an agency is financially responsible for accident damages if the agency employee operating the vehicle is at fault due to "misconduct" or "improper operation" of a GSA vehicle. This policy has created difficulties in settling claims between GSA and customer agencies because of conflicting interpretations of these terms and the problems inherent in legally proving either of these charges.

In regard to withdrawal of GSA vehicles, the FPMR currently address only removal of a vehicle from an employee of a customer agency, and cite only the lack of proper care of the vehicle as justification. The proposed change is more explicit regarding grounds for withdrawal, and also provides for the withdrawal of a vehicle from an agency as well as from an individual employee.

The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Accordingly, GSA proposes to amend 41 CFR Part 101-39 as follows:

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

1. The table of contents for Part 101-39 is amended to add and revise, respectively, the following entries:

* * * * *

101-39.701-1 Grounds for withdrawal of vehicle.
101-39.704 Vehicle damage.

* * * * *

Subpart 101-39.7—Care of Vehicles

2. Section 101-39.701-1 is added to read as follows:

§ 101-39.701-1 Grounds for withdrawal of vehicle.

The General Services Administration (GSA) may withdraw the issued vehicle from further use by the agency, employee, or official involved if it is determined that the using agency, employee, of official has not complied with the provisions of this subpart; or that the vehicle has been used in an improper manner. Improper use includes but is not limited to credit card abuse and misuse, repeated violations of traffic ordinances, excessive accidents, excessive damage to vehicles, nonofficial use, and reckless driving.

3. Section 101-39.704 is retitled and revised to read as follows:

§ 101-39.704 Vehicle damage.

Except for the exclusions listed in § 101-39.807, the agency employing the vehicle operator shall be financially responsible for damage to an interagency motor pool vehicle.

Subpart 101-39.8—Accidents and Claims

4. Section 101-39.805 is revised to read as follows:

§ 101-39.805 Claims in favor of the Government.

If there is any indication that a party other than the operator of the motor pool system vehicle or an employee of the using agency is at fault, and that party can be reasonably identified, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigations to the GSA Regional Counsel of the region that issued the vehicle. If GSA determines that the accident occurred as a result of a negligent or willful act or omission of an identified third party, the GSA Regional Counsel will initiate the necessary action to effect recovery of the Government claim. Upon specific request of the using agency, the GSA Regional Counsel will notify that agency of the introduction of the Government claim and will provide pertinent information concerning the progress and final settlement of the claim.

5. Section 101-39.807 is revised to read as follows:

§ 101-39.807 Responsibility for damages.

(a) GSA will charge the using agency all costs resulting from damage to an interagency motor pool vehicle which occurs during the period that the vehicle is assigned or issued to that agency or to an employee of that agency; however, the using agency will not be held responsible for damage to the vehicle if it is determined by GSA, after a review of the documentation required by § 101-39.802, that damage to the vehicle occurred:

(1) As a result of the negligent or willful act or omission of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued, and the identity of the party can be reasonably ascertained; or

(2) As a result of mechanical failure of the vehicle, and the using agency (or its employee) is not otherwise negligent. Proof of mechanical failure must be submitted.

(b) If an agency is held responsible for damages, GSA will charge all costs for removing and repairing the vehicle to that agency. If the vehicle is damaged beyond economical repair, GSA will charge all costs to that agency, including the fair market value of the vehicle less any salvage value. Upon request, GSA will furnish an accident report regarding the incident to the agency. Each agency shall be responsible for disciplining its employees who are guilty of damaging motor pool vehicles through misconduct or improper operation (including inattention).

(c) If an agency has information or facts that indicate that the agency was not responsible for an accident, the agency may furnish the data to GSA and request that the costs charged to and collected from the agency be credited to the agency. The final determination of agency responsibility will be made by GSA, based upon Government as well as police accident reports and any available witness statements.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: October 24, 1970.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 79-34901 Filed 11-9-79; 8:45 am]
BILLING CODE 6820-AM-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Chapter X

Executive Order 12044 Submission; Improving Government Regulations—Semiannual Agenda

AGENCY: Community Services Administration.

ACTION: Semi-annual Publication of Regulations Under Review or Development at this time.

SUMMARY: The Community Services Administration in accordance with Executive Order 12044 hereby publishes the agenda of regulations which are under review or development at this time.

FOR FURTHER INFORMATION CONTACT: Jack Stoehr, 202-254-5300.

Graciela (Grace) Olivarez,

Director.

BILLING CODE 6315-01-M

NOV 1 1979

SEMI-ANNUAL AGENDA

FOR

COMMUNITY SERVICES ADMINISTRATION

TYPE OF REGULATION New	Revised	SUBJECT AND DESCRIPTION	REASON FOR DEVELOPMENT OR REVISION	LEGAL BASIS	STATUS OF PROPOSED REGULATION: INITIAL ANNOUNCEMENT	PREVIOUSLY ANNOUNCED: WHEN	CURRENT STATUS	FOR FURTHER INFORMATION CONTACT
		Office of Community Action						
	X	CSA Instruction 6132-2b, Community Food and Nutrition Program	To lay out the ground rules for the national competition for FY 1980 Community Food and Nutrition Program funds as well as changes that would result from any reductions in funding levels.	Section 222(a)(1)			Proposed rule under development. Target date of publication of proposed rule Dec. 15, 79. Target date for publication of final rule is Feb. 28, 1980.	Hal Gore 202-254-6694
	X	OEO Instruction 6302-2, and change 1 thereto: CAAs: Eligibility and Establishment	In order to implement Section 201 (c) of the EOA as amended by the Economic Opportunity Amendments of 1978.	Title II, Section 210 (c) and Title VI of the EOA		1/29/79 FR 5802; Semi-Annual Agenda	Proposed rule under development. Notice of intent filed in Fed Reg 8/16/79	Ms. Jacqueline Lemire 202-254-5047
	X	OEO Instruction 6710-1, and changes thereto, Applying for a CAP Grant.	Need to reduce and simplify the paper-work process by which grantees apply for Local Initiative funding under Section 221 and in the process to strenghten the capabilities and focus more sharply the efforts of both CSA and grantees on achieving the purpose on the EOA	Title II, EOA		Proposed rule published in the Fed Reg 8/30/79 (44FR50982) Comment period closes 11/28/79		Hector Morales 202-254-5670

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SEMI-ANNUAL AGENDA

FOR

COMMUNITY SERVICES ADMINISTRATION

TYPE OF REGULATION New	TYPE OF REGULATION Revised	SUBJECT AND DESCRIPTION	REASON FOR DEVELOPMENT OR REVISION	LEGAL BASIS	STATUS OF PROPOSED REGULATION: INITIAL ANNOUNCEMENT	STATUS OF PROPOSED REGULATION: PREVIOUSLY ANNOUNCED: WHEN	STATUS OF PROPOSED REGULATION: CURRENT STATUS	FOR FURTHER INFORMATION CONTACT
	X	CSA Instruction 6900-01, 6900-02, 6900-3, 6900-04, Personnel Policies and Procedures; 6901-1, Employment of Persons with Criminal Records; 6901-2, Assistance to Vietnam-Era Veterans; 6903-1; Policies and Procedures on $15,000 per Year Salary limitation; 6903-3, Payment for Overtime and Authorzation for Compensatory Time; 6906-01, Social Security Coverage for Employees under CAP Grants; 6907-4, Outside Employment of Grantee and Delegate Agency Personnel; 6909-01, Conflicts of Interest in Community Action Program Contracts; 6909-1, Prohibition Against Acceptance of Gifts and Gratuities.	In response to Executive Order 12044, Improving Government Regulations, CSA is planning to revise its entire series of policy statements on grantee personnel management.	Section 602 (n), EOA		11/16/78	Proposed rule under development	Barbara Pinn 202-254-5047

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SEMI-ANNUAL AGENDA

FOR

COMMUNITY SERVICES ADMINISTRATION

TYPE OF REGULATION		SUBJECT AND DESCRIPTION	REASON FOR DEVELOPMENT OR REVISION	LEGAL BASIS	STATUS OF PROPOSED REGULATION			FOR FURTHER INFORMATION CONTACT
New	Revised				INITIAL ANNOUNCEMENT	PREVIOUSLY ANNOUNCED: WHEN	CURRENT STATUS	
X		Applying for a CAP Grant, OEO Instruction 6710-1, (limited purpose agencies)	Need to reduce and simplify the paper-work process by which organizations, other than Community Action Agencies, apply for funding under the Economic Opportunity Act. and in the process to strengthen the capabilities and focus more sharply the efforts of both CSA and grantees on achieving the purposes of the EOA. Need to codify requirements for funding of limited purpose agencies.	Title II	X		Under development	Mr. W.J. Strickland 202-254-6410
	X	CSA Instruction 7501-1, Role of the State Office Of Economic Opportunity	To make substantive changes based on new legislative requirement, preliminary evaluation findings, experience gained in operating programs, and need to strengthen the multi-year and state plan requirements.	Title II, Section 231 EOA	1/29/79 (44 FR 5805; semi-annual agenda)		No further action will be taken until CSA receives results of field review.	Ms. Faye Rattner 202-254-5280

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SEMI-ANNUAL AGENDA

FOR

COMMUNITY SERVICES ADMINISTRATION

TYPE OF REGULATION New	TYPE OF REGULATION Revised	SUBJECT AND DESCRIPTION	REASON FOR DEVELOPMENT OR REVISION	LEGAL BASIS	STATUS OF PROPOSED REGULATION: INITIAL ANNOUNCEMENT	STATUS OF PROPOSED REGULATION: PREVIOUSLY ANNOUNCED: WHEN	STATUS OF PROPOSED REGULATION: CURRENT STATUS	FOR FURTHER INFORMATION CONTACT
		Office of Economic Development						
	X	CSA Instruction 6158-3 Training, Public Service Employment, and Social Service Programs Funded by CDCs	To eliminate the 20% maximum investment limitation imposed on CDCs.	Title VII EOA			planning stage	Ed Taxin 254-6180
	X	CSA Instruction 6710-6 Applying for a Grant Under Title VII of the Community Services Act	To bring instuction up to date to reflect new procedures.	Title VII			planning stage	Ed Taxin 254-6180
	X	CSA Instruction 6710-7 Amending a Grant Under Title VII of the Community Services Act	To update instruction to reflect new procedures	Title VII			planning stage	Ed Taxin 254-6180
	X	CSA Instruction 6710-8 Preparing a Budget For A Title VII Grant Under the Community Services Act	To update instruction to reflect new cost center budgeting approach	Title VII			planning stage	Ed Taxin 254-6180
X		New regulations for the Rural Development Loan Program	To reinitiate program	Title VII			planning stage	Jim Digilio 254-5320

[FR Doc. 79-34737 Filed 11-9-79; 8:45 am]
BILLING CODE 6315-01-C

FEDERAL MARITIME COMMISSION

46 CFR Parts 512 and 514

[Docket No. 78-46]

Financial Exhibits and Schedules Non-Vessel Operating Common Carriers in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Maritime Commission hereby proposes to publish substantive guidelines for determining what constitutes a just and reasonable rate of return or profit for non-vessel operating common carriers in the domestic offshore trades.

DATES: Comments must be submitted on or before December 13, 1979.

ADDRESSES: Comments (original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 29573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: In November 1978, the Federal Maritime Commission's regulatory responsibilities in the domestic offshore trades were substantially altered by the enactment of Pub. L. 95-475. The amendments to the Intercoastal Shipping Act, 1933, impose strict time limits on Commission investigations of rate changes. The Commission is required by Pub. L. 95-475 to:

> * * * within one year after the effective date of this sentence, by regulation prescribe guidelines for the determination of what constitutes a just and reasonable rate of return or profit for common carriers by water in intercoastal commerce.

On November 15, 1978, the Federal Maritime Commission served an Advanced Notice of Proposed Rulemaking which sought comments from governmental bodies, shippers and carriers regarding the nature, scope and feasibility of substantive guidelines for determining just and reasonable rates of return or profits for common carriers by water in the domestic offshore trades. In addition to this request for written comments, the Commission convened a series of informal hearings at various cities throughout the country. Commenting parties were requested to address fourteen specific issues as well as any additional matters considered to be relevant.

Proposed rules governing financial requirements and standards for evaluating proposed rate changes by vessel operating common carriers in the domestic offshore commerce were published for comment on May 1, 1979 (FMC Docket No. 78-46, Amendment to Financial Reports by Common Carriers by Water in the Domestic Offshore Trades). Revised Rules of Practice and Procedure became effective February 14, 1979. The attached proposed rules governing rate changes by non-vessel operating common carriers (NVO's) in the domestic offshore trades represent the final segment of the Commission's initial program of modifying its regulations to conform to the requirements of Pub. L. 95-475. The Commission will, of course, exercise its statutory mandate to:

> * * * from time to time thereafter review such regulations and make such amendments thereto as may be appropriate.

The general thrust of comments which related to non-vessel operating common carriers is discussed below. Although all comments were considered in formulating the proposed rules, no attempt is made herein to deal with the specific comments of each party.

The proposed rules (a) require NVO's subject to the Intercoastal Shipping Act, 1933, to submit standard-format financial data and (b) establish procedures by which the Commission will evaluate proposed rate changes. The annual report has been eliminated as has the justification which is submitted concurrently with every general rate change. General rate changes filed by NVO's rarely become the subject of a docketed proceeding. Competition among NVO's and competition with vessel operating common carriers offering a less-than-containerload service tend to place a ceiling on the rates of an NVO. The freight-all-kinds rate of the underlying carrier generally provides a floor. It is felt that the current reporting requirements are too burdensome in view of the natural constraints on the NVO's ability to raise or lower rates.

The proposed rules would only require an NVO to submit standard-form financial data in the event the Commission instituted a formal investigation and hearing. In such proceedings the burden of proof is on the NVO to establish that its general rate change is just and reasonable. The exhibits and schedules required by the proposed rules would be an essential element of the NVO's justification in support of the general rate change. In determining whether or not the NVO had met its burden of proof, the Commission would give great weight to the material submitted in compliance with the proposed rule.

The proposed rules adopt the operating ratio as the primary method to be used in evaluating NVO rate changes. This approach is consistent with past practice and reflects the Commission's view that the nature of NVO operations is in may ways distinct from the operations of vessel operators. Many of the commentators urged the Commission to adopt rate analysis standards which recognized these distinctions between vessel operators and NVO's. Several commentators urged the adoption of the operating ratio methodology. The proposed rules reflect these comments as well as the Commission's own knowledge of this area of the domestic offshore trades.

At least one commentator urged the Commission to establish specific numerical ceilings for rates in a given trade. The Commission has consistently opposed as impractical the establishment of specific numerical guidelines as a means of regulating rates. The diversity of the Trades and the financial structures of the various carriers serving those Trades has led the Commission to concentrate its efforts on specifying methodology rather than establishing rigid numerical limits on rates, rates of return or levels of profitability.

One commentator urged the Commission to regulate the entry of NVO's into the market. This approach would require express statutory authorization and therefore, has not been adopted in the proposed rules.

Every effort has been made to comply with the President's directive to simplify language.

The proposed rules and the comments discussed above pertain solely to NVO's. Separate proposed rules governing reports by vessel operating common carriers have been published as a separate document.

This Notice of Proposed Rulemaking does not include pro forma statements which have been prepared in accordance with the proposed rules. Copies of pro forma statements are available at the Federal Maritime Commission and its district offices. Comments on these proposed rules may address alternative approaches.

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 18, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820, and 841(a)), and sections 1, 2, 3(a), 3(b), 4, and 7 of the Intercoastal Shipping Act, 1933, the Federal Maritime Commission proposes to amend Title 46, CFR by deleting Subpart B of Part 512 and by

adding a new Part 514, Financial Exhibits and Schedules, Non-Vessel Operating Common Carriers In The Domestic Offshore Trades as follows:

PART 514—FINANCIAL EXHIBITS AND SCHEDULES NONVESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Sec.
514.1 Purpose.
514.2 General requirements.
514.3 Certification.
514.4 Records.
514.5 Operational definitions.
514.6 Forms and instructions.

Authority: Secs. 514.1 to 514.6 issued pursuant to secs. 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841(a)) and secs. 1, 2, 3(a), 3(b), 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 843, 844, 845, 845(a) and 847).

Note.—The reporting requirements contained in Part 514 have been approved by the U.S. General Accounting Office under No.

§ 514.1 Purpose.

The purpose of this part is (a) to establish the methodology that the Federal Maritime Commission (Commission) intends to follow in evaluating proposed rate changes in the domestic offshore trades submitted by non-vessel operating common carriers (NVO's) subject to the provisions of the Intercoastal Shipping Act, 1933, and (b) to provide for the orderly acquisition of the data required for the methodology so established. The Commission will employ the operating ratio methodology when evaluating proposed rate changes by NVO's, except in any instance where, in its opinion, the application of the operating ratio creates an unreasonable result.

§ 514.2 General requirements.

(a) Whenever the Commission institutes an investigation and hearing to determine whether or not an increase or decrease in rates which would affect not less than 50 percent of the tariff items of that carrier in a particular trade, or which would result in an increase or decrease of not less than 3 percent in its gross revenues in that particular trade, is just and reasonable, the carrier shall file in duplicate, within 30 days of the publication in the Federal Register of the order instituting the investigation and hearing, the following:

(1) An *actual* company wide balance sheet (Exhibit A–a) in the format required by § 514.6(b) as of a date not more than two months prior to the date of filing the proposed rates. However, if the NVO's fiscal year ends within 90 days of the filing date, the NVO, at its option, may furnish its current annual company wide balance sheet.

(2) An *actual* income account exhibit (Exhibit B–a) and supporting schedules in the format required by § 514.6(c) covering a 12 month period ending the same date as the balance sheet required in § 514.2(a)(1).

(3) A *projected* income account exhibit (Exhibit B–p) and supporting schedules in the format required by § 514.6(c) for the 12 month period commencing with the month following the date in which the changed rates are proposed to become effective (taking into account the effect of the proposed changed rates).

(4) *Actual* and *projected* operating ratio exhibits (Exhibits C–a and C–p) described in § 514.6(d) coinciding with the time periods covered by the income statements furnished in response to § 514.2(a) (2) and (3).

(5) A supplementary data exhibit (Exhibit D) described in § 514.6(e) corresponding to the date of the balance sheet furnished in response to § 514.2(a)(1).

(6) The work papers described in § 514.4(b).

(b) Revenue (except Other Revenue) and costs shall be assigned directly whenever possible, otherwise allocation shall be made in the manner prescribed in section 514.6 of this part. However, if the gross revenue from Other Operations does not exceed 5 percent of the total company gross revenue, no segregation of revenue and expenses between Other Operations and the Trade (see definitions, § 514.5 (b) and (c)) is required by this part.

(c) All NVO's subject to these requirements must comply fully with the instructions outlined herein, both as to the submission of the specified exhibits and schedules and as to compliance with the methods prescribed for their preparation. If an NVO has nothing to report on a required schedule, it must submit a blank schedule with the word "NONE" printed across its face.

(d) The rules contained herein are those issued by the Commission to meet the specific requirements of the Intercoastal Shipping Act, 1933, as amended, and will be used to evaluate proposed rate changes in the domestic offshore trades. However, the Commission reserves to itself the right to employ other bases for allocation and calculation in any instances where, in its opinion, the application of the rules and regulations prescribed herein create unreasonable results.

(e) All percentage calculations required by allocations herein shall be carried to two places beyond the decimal point, e.g., 97.54 percent.

§ 514.3 Certification.

The data required by this part shall be accompanied by a certification signed by the corporate officer responsible for the maintenance and accuracy of the books, accounts and financial records of the NVO, stating that:

(a) The books and accounts have been maintained in accordance with an appropriate system of accounts; and

(b) The exhibits and schedules have been prepared from the books and records of the NVO in accordance with this part.

§ 514.4 Records.

(a) Every NVO shall maintain its records and books of account in an orderly and systematic manner. These records must be kept in such manner as to permit the timely preparation of the exhibits and schedules described in § 514.2(a). As a minimum requirement, every NVO shall retain those records necessary to prepare the documents described in § 514.2(a) for a period of 3 years.

(b) Exhibits and schedules submitted as part of this requirement are to include: (1) All work papers, properly cross-referenced and indexed, which were prepared in support of the exhibits and schedules; (2) a detailed description of the methods employed in projecting revenues; (3) a list of the names and addresses of all shippers contacted in the development of said projections; and (4) a reconciliation and explanation of all changes of 5 percent or more in expense accounts between the projected and the actual data.

(c) In addition, the books and records of the NVO and any related company whose financial data is included in any of the exhibits or schedules shall be made available upon request for examination by persons representing the Commission. Commission representatives shall be permitted to make copies of these records to the extent they deem necessary.

§ 514.5 Operational definitions.

Various expressions, terms and designations used in this part may have several meanings in common usage. For the purpose of this part, however, the following terms are expressly limited to the definitions listed below:

(a) *The Service.* All activities and operations of the NVO, including those regulated by the Commission.

(b) *Other Operations.* That part of the Service not subject to the Commission's jurisdiction under 46 CFR Part 531, such as cargoes moving in the foreign commerce of the United States or those regulated by the Interstate Commerce Commission.

(c) *The Trade.* That part of the Service subject to the Commission's jurisdiction under 46 CFR Part 531, and as defined under "Domestic Offshore Trade Routes" (below).

(d) *Domestic Offshore Trade Routes.* The carriage of common carrier cargo under the terms of a tariff(s) on file with an regulated by the Commission between any one of the areas of the Continental United States listed in subparagraph (1) of this paragraph and one noncontiguous area of the United States (see subparagraph (2) of this paragraph), or between two noncontiguous areas of the United States. Where service is offered to or from two or more areas at the same rate (e.g., Atlantic Coast to Puerto Rico and the Virgin Islands) and listed as such in a single tariff, the carriage of cargo to or from those areas may be treated as one domestic offshore trade for the purposes of this part.

(1) The five areas of the Continential United States are:

(i) North Atlantic (Maine to, but not including, Hatteras, North Carolina)

(ii) South Atlantic (Hatteras, North Carolina to, but not including, Key West, Florida)

(iii) Gulf (Key West, Florida to and including Brownsville, Texas)

(iv) Pacific Coast

(v) Great Lakes

(2) The noncontiguous areas of the United States to which service is offered under the terms of tariffs on file with the Commission as of December 1978, are:

(i) Alaska

(ii) U.S. Virgin Islands

(iii) Puerto Rico

(iv) American Samoa

(v) Hawaii

(vi) Guam

(vii) Commonwealth of the Northern Mariana Islands

(viii) Johnston Island

(ix) Midway Island

(x) Wake Island

(e) *Cargo Cube.* The product of the dimensions of the unit of cargo expressed in cubic feet, regardless of the fact that revenue on the unit of cargo may be computed on a basis other than cargo cube. When the NVO receives a full container of cargo, the outside dimensions of the container should be used. Where an NVO finds it more convenient to accumulate cargo cube data in terms of measurement tons or metric quantities, these units may be used instead of cargo cube in all instances where cargo cube is cited in this part. Where either of these options are exercised, the NVO shall modify the headings on the prescribed reporting forms to indicate the units in which the data is being reported. The Commission does not contemplate that NVO's will tape measure each piece of cargo, but does expect that where exact measurement is unavailable, NVO's will derive a cube for such shipments, initially at least, by use of conversion factors. Such conversion factors must be more than rough approximations; they must be developed after careful consideration of all evidence available to the NVO, including loading documents, the opinions of experienced operating personnel and sample measurements; they must reflect separate factors for each of the principal commodities not affreighted on a measurement basis; they must reflect efforts to obtain actual measurements from shippers; and they must reflect reasonable surveillance to insure the accuracy of measurements provided by shippers.

(f) *Measurement Ton.* Equals forty (40) cubic feet.

(g) *Metric Measurement Ton.* Equals 35.31 cubic feet or 1 cubic meter.

(h) *Cargo Cube Relationship.* The ratio of total cargo cube for all cargo carried in the Trade to total cargo cube for all cargo carried in the Service.

(i) *Line-Haul Transportation.* All transportation of freight on land other than pickup and delivery and local terminal operations. An example of this would be substituted service, i.e., charging the water rates but moving the cargo part of the way by land.

(j) *Pickup and Delivery.* The service provided by the NVO, or its agent, of picking up and delivering cargo from or to a shipper's or consignee's place of business or other location designated by the shipper or consignee pursuant to the NVO's tariff(s) on file with the Commission and not subject to regulation by any other regulatory body.

(k) *Related Company.* A company or person that directly or indirectly (through one or more intermediaries) controls, or is controlled by, or is under common control with, the reporting NVO. The term "control" shall include actual as well as legal control, whether maintained or exercised through (or by reason of) the circumstances surrounding organizational structure or operation, through (or by) common directors, officers, stockholders, a voting trust(s), a holding or investment company or companies, or through (or by) any other direct or indirect means including the power to exercise control.

(l) *Total Trade Operating Expenses.* The total amount allocated to the Trade for the following expenses: Ocean Transportation, Line-Haul Transportation, Pickup and Delivery and Terminal.

(m) *Total Company Operating Expenses.* The company-wide total of the following expenses: Ocean Transportation, Line-Haul Transportation, Pickup and Delivery and Terminal.

(n) *Operating Expense Relationship.* The ratio of total Trade operating expenses to total Company operating expenses.

§ 514.6 Forms and Instructions.

(a) *General.* (1) The information required by this part shall be submitted in the prescribed format and shall consist of:

Exhibit A—Balance Sheet.
Exhibit B—Income Statement and Supporting Schedules.
Exhibit C—Operating Ratio.
Exhibit D—Supplementary Data.

(2) The required exhibits and schedules are described in § 514.6 (b), (c), (d) and (e). *Pro forma* statements, illustrating the required exhibits and schedules, are appended to these rules.

(b) *Balance Sheet (Exhibit A).* The balance sheet shall be prepared from the NVO's books and records in accordance with generally accepted accounting principles and shall be accompanied by the appropriate footnotes.

(c) *Statement of Income (Exhibit B).* (1) A statement of income shall be prepared showing operating results of the Total Company, Other Operations and the Trade.

(2) *Operating Revenue (Schedule B-I).* (i) Operating revenue and cargo cube shall be listed under the appropriate classifications shown on Schedule B-I (Operating Revenue) of the *pro forma* statements. Revenue derived from services which are separately priced in the NVO's tariff (e.g., pickup and delivery) shall be listed in a separate category.

(ii) Cargo cube and revenue figures shall be reported in total for the Trade and listed separately for each of the 10 commodities (listed by tariff descriptions) producing the highest revenues in the Trade or for those commodities comprising at least 50 percent of the revenue in the Trade, whichever is greater, for out-bound cargo and for each of the 10 commodities producing the highest revenues in the Trade or for those commodities comprising at least 50 percent of the revenue in the Trade, whichever is greater, for in-bound cargo. However, no separate listing shall be made for any commodities of less than 10,000 cubic feet. Where fewer than 10 commodities account for at least 90 percent of the total revenue for either the out-bound or in-bound portion of the Trade, only those commodities need be

separately reported. Where the same commodity is carried under several tariff designations having different rates (e.g., potatoes refrigerated, potatoes non-refrigerated, potatoes in bags, potatoes in container), each of these tariff designations shall be considered as an individual commodity.

(3) *Ocean Transportation Expenses (Schedule B–II).* This schedule shall set forth the number of containers, cubic feet of cargo shipped and amounts paid or owed to each underlying ocean carrier for ocean transportation purchased for the carriage of cargo in Total, for Other Operations and for the Trade.

(4) *Line-Haul Transportation Expenses (Schedule B–III).* This schedule shall set forth the number of cubic feet of cargo carried and amounts paid or owed to motor carriers, railroads or other land carriers for the line-haul transportation of cargo in Total, for Other Operations and for the Trade.

(5) *Pickup and Delivery Expenses (Schedule B–IV).* This schedule shall set forth expenses incurred in the pickup and delivery of cargo in Total, for Other Operations and for the Trade. Assignments to the Trade shall be direct where possible; otherwise, on the cargo cube relationship. A separate schedule for each location where Trade cargo was handled shall be submitted.

This schedule shall also set forth the basis under which pickup and delivery charges are assessed for the Trade (e.g., included in base rate or separate charge) and the amount of any charges paid to a related company for pickup and delivery services.

(6) *Terminal Expenses (Schedule B–V).* This schedule shall set forth in detail all expenses incurred in terminal operations for the loading and unloading of containers, the switching and transfer of cargo within the terminal area and any local trucking operations not included in line-haul or pickup and delivery expenses (e.g., between underlying carrier's terminal and the NVO's terminal) in Total for Other Operations and for the Trade. Assignments to the Trade shall be direct where possible; otherwise, on the cargo cube relationship. A separate schedule for each terminal location where Trade cargo was handled shall be submitted.

(7) *Administrative and General Expenses (Schedule B–VI).* This schedule shall set forth all administrative and general expenses, including advertising and miscellaneous taxes. Depreciation of equipment and amortization of leasehold improvements not assignable to pickup and delivery or terminal expenses shall be included in this schedule. Expenses not directly assigned to the Trade or Other Operations shall be allocated to the Trade on the operating expense relationship.

(8) *Other Income/Expense—Net (Schedule B–VII).* Any other elements of income or expense shall be fully explained and supported by a schedule similar to *pro forma* Schedule B–VII "Other Income/Expense—Net". Assignments to the Trade shall be direct where possible; otherwise, on the operating expense relationship. Should this type of assignment appear to be inequitable to either the Trade or Other Operations, the reasons shall be fully explained and a more equitable method employed.

(9) *Provisions for Income Taxes (Schedule B–VIII).* The provisions for Federal, State and other income taxes shall be listed separately. If the company is organized outside of the United States (e.g., Puerto Rico), it shall indicate the entity to which it pays income taxes and the rate of tax applicable to its taxable income for the subject year. Such information shall be computed on the basis of the NVO's data, as if the NVO were filing its own return, regardless of whether or not it is included in a consolidated return filed by another corporate entity. Where the applicable tax is not ascertainable at the time of filing the exhibits and schedules, it shall be estimated with as much precision as possible rather than computed at the highest statutory tax rate. Tax savings resulting from the investment credit shall be shown separately and added to the actual tax in arriving at the total tax. Allocation of tax liability to the Trade shall be made on the basis of the relationship between net income from the Trade before taxes to total company net income before taxes. Should this type of allocation appear to be inequitable to either the Trade or Other Operations (e.g., large uninsured casualty loss in one aspect of operations), the reasons should be fully explained and proper adjustment made to the allocated tax liability.

(10) *Extraordinary Items.* Income or losses of an extraordinary nature shall be set forth and described in an appropriate schedule which is reconcilable to the statement of income. Classification as an extraordinary item shall be in accordance with generally accepted accounting principles. In general, these amounts shall not be assigned or allocated to the Trade.

(11) *Related Company Transactions (Schedule B–IX).* The net income (loss) after income taxes from transactions in the Trade with related companies shall be allocated to the Trade. Such allocations shall be made on the same basis as the specific expense was allocated to the Trade. Income taxes should be assigned to related company transactions based on the effective tax rate that was applied to the profits or losses of the respective transactions. The methods employed shall be fully explained and supported by a schedule similar to *pro forma* Schedule B–IX "Related Company Transactions."

(d) *Operating Ratio (Exhibit C).* The reasonableness of an NVO's rates will be evaluated on the basis of the operating ratio, which is computed by dividing total expense in the Trade (adjusted for related company transactions) by total revenue in the Trade, except in any instance where, in the Commission's opinion, the application of the operating ratio creates an unreasonable result.

(e) *Supplementary Data (Exhibit D).* The supplementary data schedule shall set forth information concerning the identity of and services offered by the respondent. Specific details are set forth in Exhibit D of the *pro forma* statement.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-34969 Filed 11-9-79; 8:45 am]

BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X

[Ex Parte MC-127]

Special Procedures Governing Return Hauls Applications for Motor Carrier Authority Complementary To Movements of Exempt Agricultural Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time to file comments.

SUMMARY: The purpose of this document is to give notice that the time for filing comments in this proceeding is extended to November 21, 1979.

DATES: Comments should be filed by November 21, 1979.

ADDRESSES: Send comments to: The Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr., (202) 275-7292
Howell I. Sporn, (202) 275-7575

SUPPLEMENTARY INFORMATION: John F. Donelan, on behalf of the National Industrial Traffic League (League), has filed a written request that the time for filing comments in this proceeding (a

notice of filing of petition to open a rulemaking proceeding published at 44 FR 48304, Aug. 17, 1979] be extended until November 21, 1979. The League contends that it needs an extension of time so that it can consider the proposed rulemaking at its annual meeting held from November 12 to November 16, 1979. Petitioner, the United Fresh Fruit and Vegetable Association, has written a letter supporting the League's request for an extension of time.

We believe that the requested extension for the filing of comments in this proceeding is warranted. The extension would provide sufficient time for the League to gather whatever information it needs from its members at its annual meeting so that meaningful comments may be filed. The 36-day extension would not, on the other hand, delay the proceeding for an unreasonable period of time.

Accordingly, the time for filing comments in this proceeding is extended to November 21, 1979.

By the Commission, A. Daniel O'Neal, Chairman.

Dated: October 31, 1979.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34904 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 44, No. 220
Tuesday, November 13, 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

Forum on Improving the Regulatory Process

In accordance with its statutory mandate to arrange for the interchange of information potentially useful in improving administrative procedure, 5 U.S.C. 571–575, the Administrative Conference will be sponsoring a Forum on Improving the Regulatory Process. The first session will be held on November 26, 1979 at 10:00 a.m. in the lower-level conference room of the Gelman Building, 2120 L Street, NW., Washington, D.C.

Invited to participate in the Forum will be officials from the Administration, bar, business community, labor, and citizen groups, as well as the Council on the Administrative Conference. Invited participants will discuss aspects of regulatory reform proposals now pending before Congress.

The forum will be open to the public (space permitting), but participation is restricted to invited participants.

Persons wishing to attend or persons seeking further information should contact Jeffrey Lubbers, 254–7065.

Richard K. Berg,
Exective Secretary.
November 6, 1979.

[FR Doc. 79-34899 Filed 11-9-79; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Designation of the Lincoln Inspection Service, Inc., Lincoln, Nebr., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Lincoln Inspection Service, Inc., Lincoln, Nebraska, as an official agency to perform official inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments to be postmarked on or before December 28, 1979.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: Lincoln Inspection Service, Inc. (the "Agency"), 505 Garfield Street, Box 2724, Station B, Lincoln, Nebraska 68502, made application pursuant to section 7 of the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), to be officially designated under the Act, to perform official inspection services, not including official weighing.

The Federal Grain Inspection Service (FGIS) has conducted the required investigation of the Agency which included an onsite review of its inspection point (hereinafter "specified service point") and the Agency was deemed eligible for designation to perform official inspection services (other than appeal inspection), not including official weighing. The Agency was granted an interim designation effective November 20, 1978. A document designating the Agency as an official agency was signed on February 1, 1979. The Agency is responsible for providing official grain inspection functions under the Act, replacing those official grain inspection functions previously provided by the Lincoln Grain Exchange. The designation also included an interim assignment of geographic area within which the official Agency will provide official inspection services.

Note.—Section 7(f)(2) of the Act provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

The geographic area assigned on an interim basis pending final determination in this matter is:

In Nebraska and Iowa the area shall be:

Bounded: on the North by, in Nebraska, the northern York County line east; the northern Seward County line east; the northern Lancaster County line east; the northern Cass County line east to the Missouri River; the Missouri River south to U.S. Route 34; in Iowa, U.S. Route 34 east to Interstate 29;

Bounded: on the East by Interstate 29 south to the northern Fremont County Line; the Fremont County line east; the northen Page County line east; the eastern Page County line south to the Iowa-Missouri State line; the Iowa-Missouri State line west to the Missouri River; the Missouri River south-southeast to the Nebraska-Kansas State line;

Bounded: on the South by the Nebraska-Kansas State line west to U.S. Route 81;

Bounded: on the West by, in Nebraska, U.S. Route 81 north to the northern Thayer County line; the Thayer County line east to the western Saline County line; the Saline County line north to the southern York County line; the York County line west; the western York County line north.

Exceptions to this geographic area are the following locations situated inside the Agency's area which have been and will contine to be serviced by Omaha Grain Inspection Service, Inc., Omaha, Nebraska: Lincoln Grain, Murray, Nebraska, in Cass County; and Fremont Company Coop, McPaul, Iowa, in Fremont County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located.

In addition to the specified service point within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain the address of the specified service point and a map of the proposed geographic area for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

Publication of this notice does not preclude future amendment of this

designation consistent with the provisions and objectives of the Act.

This Agency has been performing official inspection services within the proposed geographic area since November 1978. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C 20250. All materials must be postmarked not later than December 28, 1979.

All materials sumbitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note)).

Done in Washington, D.C. on: November 7, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-34942 Filed 11-9-79; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

Fowlerville Drain Watershed, Mich.; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Fowlerville Drain Watershed project, Livingston County, Michigan, effective on September 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Date: November 2, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-34833 Filed 11-9-79; 8:45 am]

BILLING CODE 3410-16-M

Little River Watershed, Mich.; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Little River Watershed project, Menominee County, Michigan, effective on September 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Date: November 2, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-34834 Filed 11-9-79; 8:45 am]

BILLING CODE 3410-16-M

Tebo-Erickson Watershed, Mich.; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION; Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Tebo-Erickson Watershed project, Bay County, Michigan, effective on September 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Date: November 2, 1979.

Joseph W. Haas,

Assistant Administration for Water Resources, Soil Conservation Service.

[FR Doc. 79-34832 Filed 11-9-79; 8:45 am]

BILLING CODE 3410-16-M

Truax Creek Watershed, Mich.; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Truax Creek Watershed project, Alpena and Montmorency Counties, Michigan, effective on September 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Date: November 2, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-34835 Filed 11-9-79; 8:45 am]

BILLING CODE 3410-16-M

Upper Crooked Creek Watershed, Ark.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. M. J. Spears, State Conservationist, Soil Conservation Service, Federal

Office Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203 (501-378-5445).

NOTICE: Pursuant to Section 120(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Upper Crooked Creek Watershed, Boone and Newton Counties, Arkansas.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. M. J. Spears, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

Upper Crooked Creek Watershed, Arkansas; Finding of No Significant Impact

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. M. J. Spears, State Conservationist, Soil Conservation Service, Federal Office Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203 (501-378-5445). An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008.)

Date: November 2, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-34831 Filed 11-9-79; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket No. 33451 Agreements CAB 5044-247, 25132-A-11, 27131-A1; Order 79-11-21]

Agreement Among Members of Air Traffic Conference of America Relating to the Office of Travel Agent Commissioner and Arbitration Procedures

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of November 1979.

During the Board's *Investigation of the By-Laws of the Air Traffic Conference of America,* (ATC), Order 75-6-49 (June 10, 1975), significant questions were raised concerning the degree of procedural fairness accorded travel agents in the administration of ATC's travel agency program. In proceedings before the Agency Committee and compliance panels, the ATC bodies which assured agent compliance with rules and regulations of the Sales Agency Agreement and Agency Resolution, travel agents had no right to personal appearances, representation by counsel, or confrontation and cross-examination of adverse witnesses. The Board concluded its investigation by stressing that the measure of procedural fairness accorded travel agents was a subject that warranted further inquiry. In response to the concerns expressed by the Board, ATC proposed agreements creating the Office of Travel Agent Commissioner.[1]

The ATC agreements [2] provided that the Commissioner would largely take over the agency review functions of the Agency Committee and compliance panels,[3] which it had been alleged, met in secret and failed to record their deliberations or the grounds for their findings.[4] In contrast, the *de novo* proceedings before the Commissioner granted each party the right to appear and present evidence personally or through counsel, and to cross-examine opposing parties and witnesses, and established a number of other procedural safeguards in proceedings before the Travel Agent Commissioner.[5] The decisions of the Commissioner would be based on a written record and would constitute binding precedent in accordance with the principle of *stare decisis.* Appeals from those decisions by agents or applicants could only be taken to an independent arbitral tribunal.[6]

Convinced that the Office of Travel Agent Commissioner would enhance procedural fairness in the operation of the travel agent program, the Board approved the agreement establishing the Office of Commissioner for an experimental period of two years, and the program was fully implemented on January 1, 1977.[7] Although it approved the Commissioner agreement, the Board emphasized that continued approval beyond the experimental period depended upon the "affected parties' acceptance of the process as fair and impartial."[8]

ATC submitted an agreement on September 15, 1978—subsequently supplemented by comments filed in light of the Airline Deregulation Act—proposing to extend for three years both the Travel Agent Commissioner Program[9] and an accompanying

[1] By Orders 79-2-14 (February 5, 1979) and 79-5-111 (May 11, 1979), the Board approved certain ATC agreements which resulted in a complete reformatting of its agency program. Under the revised system, the agreement creating the Office of Travel Agent Commissioner, Resolution 80.4 (Agreement CAB 25132), became Resolution 90.4 (Agreement CAB 27001) and the Sales Agency Agreement became Resolution 90.2.

[2] By Order 76-1-11, the Board consolidated the review of procedural fairness with consideration of ATC's application for approval of the Commissioner agreements.

[3] These functions included considering denials of travel agent applications, questions concerning an agent's continued compliance with ATC rules, such as failure to safeguard airline ticket stock or failure to remit collections within specific time periods, and other violations of the Sales Agency Agreement.

[4] *See* Order 75-6-49, p. 39 and transcript of oral agrument in the *By-Laws Investigation,* Docket 23452 at p. 43.

[5] *See* Order 76-1-11 (January 5, 1976), Appendix A, for a summary of the procedural changes brought by the establisment of the Office of Travel Agent Commissioner.

[6] An early Board review of the ATC travel agent program procedure—the *ATC Agency Resolution Investigation,* 29 C.A.B. 258 (1959) and 30 C.A.B. 570 (1960)—culminated in Board-ordered amendments that included a requirement of *de novo* arbitration. However, when the Office of Travel Agent Commissioner was established, the scope of review of the arbitral tribunal was intended to be appellate and not *de novo. See* Order 76-1-11 (January 5, 1976), Appendix A, at p. 6. The arbitral panel is required to affirm the Commissioner's decision unless it concludes that the decision is not supported by substantial evidence, contains errors of law, is arbitrary or capricious, that new evidence is available to the tribunal which for good cause was not presented to the Commissioner, that the penalty imposed is inappropriate, inadequate or excessive, or that the decision is not in accordance with the terms of the Agency Resolution, Sales Agency Agreement or Travel Agent Commissioner Agreement. If the arbitral tribunal does not affirm the decision of the Commissioner, the tribunal may either direct action upon the agency or remand the case to the Commissioner. *See* ATC Resolution 90.2 paragraph 29(c) and (d).

[7] Order 76-5-57, (May 14, 1976) approved Agreements CAB 25132, 5044-A-102, 10874-A45 and 12075-A6. The two year period expired December 31, 1978, but by Order 78-12-107 (December 22, 1978), the program was extended pending the outcome of the Board's final review of the program.

[8] Order 76-5-57, May 14, 1976, at p. 3, note 7.

[9] The present Commissioner's five-year term began January 1, 1977, and will expire December 31, 1981. ATC sought, for administrative convenience, to have the program approved for a time period that

Footnotes continued on next page

provision permitting reduced transportation rates for travel agents, their counsel and witnesses attending hearings before the Commissioner in Washington, D.C.[10] ATC also proposed to expand the range of sanctions available to the Commissioner, and to amend the arbitration procedures applicable to decisions of the Commissioner.

It would make explicit the allegedly implied authority of the Commissioner to order restitution in certain cases, such as where the Commissioner has determined that the agent has misused reduced transportation rate privileges or claimed unauthorized commissions. It would also establish a time limit of 30 days for the agent to make restitution before being adjudged in default and summarily removed from the ATC list of accredited agents.

ATC's amendment of the arbitration review procedures is designed to bring them more strictly within the traditional scope of an appellate proceeding. All evidence would be heard by the Commissioner and the arbitration panel would be required to either affirm or reverse the Commissioner's decision. The arbitrators would not have the power to hear evidence, and would have to remand the case in the event new evidence was offered. ATC also proposes to simplify the procedures for selecting a third arbitrator by establishing a 30-day time period for that selection[11] and to limit the posting of an arbitration bond to those decisions of the Commissioner requiring an agent's suspension or termination.[12]

Answers to the proposed ATC agreements were filed by the American Automobile Association (AAA), the American Society of Travel Agents, Inc. (ASTA) and Alexander Anolik, Esq.[13]

All the parties praised the Travel Agency Commissioner Program and expressed support for its continuation. None of the parties opposed the amendments concerning restitution or reduced rate transportation. However, there is some dispute regarding the time period of the extension, and over the amendment that proposes to narrow the authority of the arbitral tribunal. The differing positions are outlined below.

AAA's chief concern is that under the proposed agreement the arbitral panel may not hear additional evidence, and that the case must be remanded to the Commissioner in certain instances. AAA argues that the Board should either disapprove the agreement or approve it subject to the condition that arbitral panels be granted the authority to consider new evidence if good cause is shown why it was not presented to the Commissioner.[14] AAA is concerned that denying the arbitral that latitude to consider new evidence which for good cause was not heard by the Commissioner, would produce a situation where there might be a Commissioner hearing, arbitration, remand to the Commissioner and then further arbitration, the result of which means greater costs to the applicant or agent. Mr. Anolik and ASTA oppose the agreement on the grounds that it is designed to reduce the discretion of the arbitral tribunal.[15] ASTA also argues that the agreement was developed by ATC staff and presented to, and subsequently adopted by, ATC members by mail vote, without an opportunity for discussion and revision by the travel agents themselves.[16] ASTA further contends that ATC's application was not timely under 14 CFR § 261.4 (1977) and should be dismissed.[17]

Mr. Anolik urges a five-year extension to enable the Board to assess the performance of the Commissioner program under two different Commissioners.[18] He also advocates the application of reduced transportation rates to both agents and applicants seeking agent accreditation.[19]

Upon review of all facts and pleadings, we have decided to approve, for an indefinite period, the extension of the Commissioner program and the attendant reduced transportation rates provision. We have also decided to approve the agreement granting the Commissioner the authority to impose restitution and the agreement amending the time period for selecting a third arbitrator. We will approve the agreement amending the scope of review of the arbitral panel subject to the condition that arbitral panels will be granted jurisdiction to consider new evidence which for good cause was not heard by the Commissioner, the proposal agreed to by AAA and ATC. That part of the agreement limiting the posting of an arbitration bond to cases where the Commissioner has ordered an agent's suspension or termination, was approved by the Board in Order 79-7-202 (July 29, 1979).[20]

We are convinced that the Commissioner program has been a success. There is universal agreement among the parties concerning the continuation of the Commissioner program and the retention of reduced transportation rates. All the parties have praised the impartiality and efficiency of the current Commissioner and the procedural fairness brought to the ATC travel agent program by the Commissioner program. The Commissioner program clearly has proven itself, and we see no need to extend the program for another limited period which would necessitate the inconvenience and expense to all parties of a further filing, and would mandate further examination on our part at a later date, regardless of the need for such a review. Should the need to reassess the Commissioner program arise after the transfer of authority over intercarrier agreements from the Board to the U.S. Department of Justice under the Airline Deregulation Act of 1978,[21]

Footnotes continued from last page
would coincide with the current Commissioner's term of office.

[10] By Order 78-5-78, May 12, 1978, the Board approved such reduced rate transportation until December 31, 1978, the period for which the Commissioner program was originally authorized.

[11] Under the existing system, two arbitrators (one picked by the agent, one picked by ATC) have 20 days from the date the agent notifies the Executive Secretary he desires arbitration, to select a third arbiter, who then serves as chairman of the tribunal. If the third arbiter is not designated within 90 days, the American Arbitration Association makes the selection.

[12] By Order 79-7-202 (July 29, 1979), the Board approved this amendment, which had been included in Dockets 34578 and 35491. However, an overall Board review of ATC's arbitration rules is still pending in Docket 35478. *See* Order 79-7-202, n. 11.

[13] Mr. Anolik has made a pro-bono filing on behalf of students in his travel law classes. He has represented travel industry clients before the Travel Agent Commissioner in the past.

[14] In its Reply, October 20, 1978, ATC expressed its willingness to adopt AAA's proposal.

[15] Mr. Anolik argues that the purpose of arbitration is to avoid the technicalities of the courts and that ATC's attempt to make arbitral review more like an appellate proceeding is misconceived and ill-advised.

[16] This contention is without merit since ATC Trade Practices permit conference action by mail vote. The agreements here were unanimously approved by ATC member representatives in accordance with ATC regulations. (ATC By-Laws, Art. IX). Furthermore, in its Reply, October 20, 1978, ATC stated that time pressures did not permit consideration of the amendments at joint dialogue, because ATC was anxious to have the matter before the Board for a decision prior to December 31, 1978, when the Commissioner program was scheduled to expire.

[17] 14 CFR 261.4 (1977) requires that agreements be filed within thirty days of their adoption (August 2, 1978, in the instant case) and ASTA points out that ATC did not file its application until September 15, 1978. We have decided to accept ATC's application. It was filed a few days late, but we are unable to see any harm, injury or prejudice to any party resulting from a relaxation of our procedural rules in this case.

[18] This proposal presumes that the current Commissioner will either not be reappointed or will elect not to accept reappointment at the close of his present term (December 31, 1981).

[19] ATC opposes extending reduced transportation privileges to non-agents on the basis that until an applicant becomes a travel agent, the applicant has no special relationship to the airlines. We will not compel ATC to extend the reduced transportation rates.

[20] An overall Board review of ATC's arbitration rules is still pending in Docket 34579.

[21] Section 1601(a)(4).

the Justice Department will have the statutory authority to do so.

The agreement that caused the most dissension among the parties is the provision amending the arbitration procedures to clarify the appellate jurisdiction of the arbitral tribunal and to simplify the time period for selecting a third arbitrator. As originally filed, ATC's amendment would preclude the arbitral tribunal from hearing any new evidence not elicited at the Commissioner level. However, in its Reply pleading, ATC agreed to AAA's proposal to permit arbitral panels to hear new evidence if good cause is shown why it was not presented to the Commissioner. we see no reason why this clarifying amendment should not be approved.

We also find that the public interest requires the grant of antitrust immunity in this case. The Commissioner's Office has brought a significant measure of procedural fairness to the operation of the ATC travel agency program. Considering the concerted action involved, it remains necessary—at least until the conclusion of our examination of that program—to extend antitrust protection to ensure the continuation of these benefits. The ATC marketing investigation may result in substantial changes in the travel agency program and may ultimately alter the Commissioner's substantive jurisdiction. Nevertheless, while the program exists, the Travel Agent Commissioner remains vital to the effective operation of the entire agency program, and it will remain important, even if the program were to be substantially reformed in the future.

Accordingly:

1. We approve, under section 412 of the Act, Agreements CAB, as amended, 25132–A11 and 27131–A1;

2. We approve Agreement CAB 5044–247 subject to the condition that arbitral panels be permitted to consider new evidence which for good cause was not heard by the Commissioner. That part of Agreement CAB 5044–247 pertaining to arbitration bond procedures was approved by Order 79–7–202 (July 29, 1979); and

3. We exempt ATC, its member carriers, and all other affected persons from the operations of the antitrust laws with respect to the agreements listed in ordering paragraph 1 above, as provided in section 414 of the Act.

This Order shall be published in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[22]

Secretary.

[FR Doc. 79–34978 Filed 11–9–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 30662]

Flying Tiger Line Inc. v. Scandinavian Airlines System

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceeding will be held on December 18, 1979, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Orders 78–8–86 of August 17, 1978, and 79–4–59 of April 6, 1979 remanding the matter to the administrative law judge and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

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

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 79–34977 Filed 11–9–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 36063]

Increased Excess Baggage Charges in Overseas and International Air Transportation Proposed by Pan American World Airways, Inc.; Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter (which was adjourned on October 3, 1979, in order to afford the parties an opportunity to prepare and present a joint motion, written agreement, and draft order reflecting a settlement which had been agreed upon by the parties) will be reconvened on November 15, 1979, at 10 a.m. (local time) in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrator Law Judge.

[22] All Members concurred.

Dated at Washington, D.C., November 5, 1979.

Henry M. Switkay,

Administrative Law Judge.

[FR Doc. 79–34976 Filed 11–9–79; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Wholesale Trade; Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct in 1980 the Annual Wholesale Trade Survey. This survey will be conducted under title 13, United States Code, sections 182, 224, and 225. The survey will be conducted to collect data covering 1979 year-end inventories and sales during 1979 of merchant wholesalers. This information is the only available source for use as a benchmark for statistical estimates of wholesale trade.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

Such a survey, if conducted, shall begin not earlier than December 31, 1979.

Reports will be required from a selected sample of merchant wholesale firms operating in the United States, with probability of selection based on sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director, Bureau of the Census on or before December 31, 1979.

Dated: November 7, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79–34964 Filed 11–9–79; 8:45 am]

BILLING CODE 3510–07–M

Industry and Trade Administration

Subcommittee on Export Administration of the President's Export Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1976 ed.)), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council (PEC) will be held on Wednesday, November 28, 1979, at 3:00 p.m., in room 4830 of the Department of Commerce, Washington, D.C.

The Subcommittee on Export Administration was initially established on June 1, 1976. On April 5, 1979, the Assistant Secretary for Administration approved the recharter and extension through December 31, 1980, of the Subcommittee, pursuant to the provisions of Executive Order 11753, as amended and extended by Executive Orders 11827, 11948, and 12110. Executive Order 12131 of May 4, 1979, which reconstituted the President's Export Council and revoked Executive Order 11753, provides that nothing in Executive Order 12131 shall be deemed to require new charters for subcommittees of the Council which were current immediately prior to the issuance of Executive Order 12131.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979, that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

The agenda for the meeting is as follows:

1. Review of past Subcommittee work (open meetings).
2. Report on September 20 President's Export Council Meeting.
3. Work plan for Subcommittee.
4. Oral reports from the Chairman of the three working groups.
5. Review of the new Export Administration Act of 1979.
6. Discussion of time sensitive items found in the Export Administration Act of 1979.

A limited number of seats at the meeting will be available to the public on a first-come basis. 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. Jan Grover, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4189.

For further information, contact Mrs. Jan Grover, either in writing or by telephone, at the address or number shown above.

Dated: November 6, 1979.

Kent N. Knowles,

Director, Office of Export Administration, Bureau of Trade Regulation.

[FR Doc. 79-34888 Filed 11-09-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Availability of Issue Paper and Scheduling of Public Workshops on a Possible Marine Sanctuary Site at Gray's Reef, South Atlantic Continental Shelf

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: An Issue Paper has been prepared and Public Workshops scheduled for an area known as Gray's Reef located off the Georgia Coast. This site was previously selected as an Active Candidate for marine sanctuary designation.

Discussion: In June of 1978 the Georgia Department of Natural Resources (DNR) recommended an area encompassing 12 square miles of the South Atlantic Continental Shelf known as Gray's Reef for designation as a marine sanctuary pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (Act), 16 U.S.C. 1431-1434.

OCZM reviewed the Gray's Reef site under recently revised procedures for designating marine sanctuaries (15 CFR Part 922, 44 FR 44831, July 31, 1979) and declared it an Active Candidate (44 FR 58938, October 12, 1979). In accordance with § 922.23(b), consultation has taken place on a preliminary basis with relevant Federal agencies, State, and local officials, the South Atlantic Regional Fishery Management Council and other interested persons. OCZM in consultation with Georgia DNR has prepared an Issue Paper describing the distinctive resources of the potential site, the present and prospective uses, existing Federal programs aimed at protecting those resources, and alternative boundaries and regulations that could be applied to a marine sanctuary. The Issue Paper is being distributed to inform interested agencies and persons of the evaluation of the site and to gather comment and further information on the area.

As required in section 922.24, Review of Active Candidates, OCZM will conduct Public Workshops in Brunswick and Savannah, Georgia, during the fourth week in November to answer questions concerning the Issue Paper and to solicit views which will aid OCZM in determining whether the site should be considered further for Designation through the preparation of a Draft Environmental Impact Statement (DEIS). Public workshops are conducted in addition to the public hearings required under section 302(e) of the Act which would occur following the publication of a DEIS.

Written comments are encouraged and should be received by November 30, 1979, to be fully considered. *Comments* should be sumitted to:

Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

The following *Public Workshops* have been scheduled:

November 19, 1979, Brunswick-Glynn County Regional Library, 208 Gloucester Street, Brunswick, Georgia, 7:00 p.m.-10:00 p.m.

November 20, 1979, Savannah Science Museum, 4405 Paulsen Street, Savannah, Georgia, 7:00 p.m.-10:00 p.m.

For further information, contact: JoAnn Chandler, Acting Director, or Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C., 20235.

Supplemental information: Copies of the Issue Paper may be obtained by contacting Carroll Curtis at the above address (Telephone 202/634-4236).

Dated: November 5, 1979.

Francis M. Balint,

Acting Director, Office of Management & Computer Systems.

[FR Doc. 79-34836 Filed 11-9-79; 8:45 am]

BILLING CODE 3510-08-M

Maritime Administration

[Docket No. S-651]

American President Lines, Ltd.; Application

Notice is hereby given that American President Lines, Ltd., by letter of October 16, 1979, has applied for amendment of the service description of its subsidized Line B Transpacific Service so as to increase from 16 to 20 the number of Line B sailings privileged to call California and to delete certain

restrictions on California service for breakbulk vessels which the Operator may provide. This is an amendment to the Operator's existing Operating-Differential Subsidy Agreement, Contract MA/MSB-417.

The pertinent paragraph in the existing service description is quoted below:

Line B—A minimum of 54 and a maximum of 80 sailings per annum between a port or ports in Washington-Oregon and a port or ports in the following described area:

Required—Japan, Korea, Taiwan, Hong Kong, Philippines, Vietnam, Cambodia, Thailand.

Privilege—A port or ports in: China; U.S.S.R. in Asia; Brunei; Alaska (only for overseas carriage); British Columbia (only for overseas carriage); California on a maximum of 16 sailings for the purpose of discharging cargo loaded in the Philippines and loading or discharging cargo from ports on the Line B extension except cargoes may not be loaded for Indonesia.

The proposed amendment would revise the California privilege to read:

California on a maximum of 20 sailings; provided that sailings by containerships may call California only for the purpose of discharging cargo loaded in the Philippines and loading or discharging cargo from ports on the Line B extension except cargoes may not be loaded for Indonesia.

The requested deletion of restrictions on breakbulk ships: the addition of the privilege of providing service with breakbulk ships has the effect of requesting the addition of the services formerly restricted by the deleted language for breakbulk ships between California and all Trade Route 29 ports described in APL's Line B service description and the privilege of providing service with breakbulk ships from California to Indonesia.

APL is currently operating four C-6 full containerships and five C-5 breakbulk type ships on Line B and Line B Extension services.

Any person, firm, or corporation having an interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230 by the close of business on December 6, 1979.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Subsidy Board.

Dated: November 6, 1979.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 79-34973 Filed 11-9-79; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and has established a Scientific and Statistical Committee which will meet to discuss management plans, Council research needs, and other fishery management matters.

DATES: The meeting will convene on Monday, December 3, 1979, at approximately 10 a.m., and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: November 6, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-34984 Filed 11-9-79; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Hearing

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Hearing.

SUMMARY: The New England Fishery Management Council annouces a public hearing to be held on Tuesday, November 27, 1979, at 7:00 p.m. at the Holiday Inn, Hathaway Road, New Bedford, Massachusetts. The purpose of this hearing is to solicit public comment on various alternative strategies being actively considered by the New England Fishery Managemet Council for the management of the sea scallop resources on the Georges Bank and Southern New England fishing grounds. These strategies will be presented at the public hearing.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, Telephone: 617-535-5450.

Dated: November 7, 1979.

Winfred H. Meibohm,

Exectuive Director, National Marine Fisheries Service, NOAA.

[FR Doc. 79-34972 Filed 11-9-79; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Wool Textile Products From the Republic of Korea

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting increases for swing and carryforward for men's and boys' wool coats in Category 433/434 and the established sublimits, as applicable, produced or manufactured in Korea and exported during the agreement year which began on January 1, 1979.

Note.—(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 342), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21840)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea provides for percentage increases in certain specific category ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's levels, (carryforward), such amounts as are used to be deducted from the affected category limits in the succeeding year. Pursuant to the terms of the bilateral agreement, and at the request of the Government of the Republic of Korea, the import restraint level established for Category 433/4 and its sublimits are being increased for the twelve-month period which began on January 1, 1979 and extends through December 31, 1979.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Norman Duckworth, International Trade Specialist, Office of Textiles, U.S.

Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On January 4, 1979 a letter dated December 28, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the Federal Register (44 FR 1209), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979.

In accordance with the terms of the bilateral agreement and at the request of the Government of the Republic of Korea, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 433/4, produced or manufactured in the Republic of Korea, in excess of 17,180 dozen, during the twelve-month period that began on January 1, 1979. The sublimits within the category are also being increased. In the case of Category 433, carryforward used in 1978 in the amount of 842 dozen has been deducted from the adjusted level.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 7, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 28, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, pursuant to paragraphs 8 and 9 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on November 13, 1979, to amend the twelve-month level of restraint established for wool textile products in Category 433/4 to the following:

Category	Amended twelve-month level of restraint [2]
433/434	17,180 dozen of which not more than 12,501 dozen shall be in Cat. 433 and not more than 6,407 dozen shall be in Cat. 434.

[2] The levels of restraint have not been adjusted to reflect any imports after December 31, 1978.

The action taken with respect to the Government of the Republic of Korea and with respect to imports of wool textile products from the Republic of Korea has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-34892 Filed 11-9-79; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) These same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) Consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) Administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the Frozen Pork Bellies Contract of the Chicago Mercantile Exchange

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, § 12, 92 Stat. 871 (1978), has determined that certain revisions to the frozen pork bellies contract, submitted by the Chicago Mercantile Exchange, are of major economic significance because they cause a redistribution of the specific carlots of bellies which would be eligible for delivery and affect the extent to which they may be subject to discounts for defects.

The amendments to rules 1404-A, 1404-B and the Schedule of Defects are printed below showing deletions in brackets and additions italicized:

1404. Par Delivery and Substitutions.—

A. Par Delivery Unit

A par delivery unit is 38,000 pounds of either 12/14 or 14/16 pound frozen pork bellies shipped from one federally inspected packing plant in the United States which upon inspection shows [75] *60* or less minor defects. The unit may contain bellies from hogs which have been slaughtered at one or more USDA federally inspected slaughtering plants, provided that all bellies in the unit have been uniformly cut and trimmed from whole dressed hogs at one federally inspected establishment.

1404. Par Delivery and Substitutions.—

B. Quality Deviations and Allowances

If the bellies in the sample have no more than a total of [75] *60* minor defect equivalents, the entire lot will be deliverable at par. Bellies with [76-100] *61-80* minor defect equivalents may be delivered at ½¢ discount. Bellies with [101-125] *81-100* minor defect equivalents may be delivered at 1¢ discount. Bellies with [126-150] *101-125* minor defect equivalents may be delivered at 1½¢ discount. Bellies with [151-175] *126-150* minor defect equivalents may be delivered at 2¢ discount. Bellies with more than [175] *150* minor defect equivalents are not deliverable.

Schedule of Defects		
Examination for	Major	Minor
1. Conformation	Belly more than 14 inches wide at widest point in a 12/14 pound delivery unit measured on the skin side. Belly more than 15 inches wide at widest point in a 14/16 pound delivery unit measured on the skin side Belly more than 16 inches wide at widest point in a 16/18 pound delivery unit measured on the skin side Skippy belly.	Belly more than 13 inches but not more than 14 inches wide at widest point in a 12/14 pound delivery unit, measured on skin side. Belly more than 14 inches but not more than 15 inches wide at widest point in a 14/16 pound delivery unit, measured on skin side. Belly more than 15 inches but not more than 16 inches wide at widest point in a 16/18 pound delivery unit, measured on skin side. [Cut from fat back more than 2 inches beyond outermost point of scribe line measured on the face side within 2 inches on either side of exact center (determined on skin side) of the belly.] Belly less than 6/10 inch thick at thinnest point except for a 3-inch square on the fat back side at the ham end. Belly less than 8 inches wide at narrowest point measured on the skin side. Belly more than 2 4/10 inches thick at thickest point in a 12/14 pound delivery unit. Belly more than 2 7/10 inches thick at thickest point in a 14/16 or 16/18 pound delivery unit.
2. Quality	Oily or extremely soft fat. Dark, coarse lean.	Rough, thick, or coarse skin

[1] Revised with the trading of the February, 1979 contract.

CHAPTER 14 FROZEN PORK BELLIES SEPTEMBER, 1979

Any person interested in submitting written data, views, or arguments on these rules should send his comments by December 13, 1979 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581.

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

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 79-34837 Filed 11-9-79; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session on 5–6 December 1979 at the Naval Electronics Systems Command, Building NC-1, Room 9W67, 2511 Jefferson Davis Highway, Washington, D.C. 20360.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advance Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the areas of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, Section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

November 7, 1979.

H. E. Lofdahl,

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

[FR Doc. 79-34873 Filed 11-9-79; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 6 December 1979, at the Naval Air Systems Command, Room 1224, Jefferson Plaza #2, 1421–1423 Jefferson Davis Highway, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that

accordingly, this meeting will be closed to the public.

November 7, 1979.

H. E. Lofdahl,

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

[FR Doc. 79-34874 Filed 11-9-79; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 6 December 1979, at the Air Force Office of Scientific Research, Building 410, 2nd floor Conference Room, Bolling AFB, Washington, D.C. 20332.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

November 7, 1979.

H. E. Lofdahl,

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

[FR Doc. 79-34875 Filed 11-9-79; 8:45 am]

BILLING CODE 3810-70-M

DoD Advisory Group on Electron Devices; Notice of Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 7 December 1979 at the Air Force Office of Scientific Research, Building 410, Bolling AFB, Washington, D.C. 20332.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Advisory Group 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.

November 7, 1979.

[FR Doc. 79-34876 Filed 11-12-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 79-Cert-100]

A. P. Green Refractories Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on October 4, 1979, A. P. Green Refractories Company (A. P. Green), Green Boulevard, Mexico, Missouri 65265, filed an application for certification of an eligible use of natural gas to displace fuel oil at its refractories manufacturing plant in Mexico, Missouri, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.-4:30 p.m., Monday through Friday, except Federal holidays.

In its application, A. P. Green states that the volume of natural gas for which it requests certification is 410,000 Mcf which is estimated to displace the use of 2,993,000 gallons of No. 2 fuel oil (0.3 percent sulfur) at the Mexico plant for the period from November 1, 1979, to June 1, 1980.

The eligible seller is Michigan Consolidated Gas Company, One Woodward, Detroit, Michigan 48220. The gas will be transported by the Panhandle Eastern Pipe Line Company, P.O. Box 1642, 3000 Bissonnet Avenue, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before November 23, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to A. P. Green and any persons filing comments, and published in the Federal Register.

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

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-34353 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-Cert-102]

Consolidated Edison Co. of New York, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on October 5, 1979, Consolidated Edison Company of New York, Inc. (Con Ed), 4 Irving Place, New York, New York 10003, filed an application for certification of an eligible use of natural gas to displace fuel oil at six of its steam and electric generating facilities in New York City pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, NW., Washington, D.C. 20461,

from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Con Ed states that the volume of natural gas for which it requests certfication is up to 150,000 Mcf of natural gas per day. The use of this natural gas is estimated to average between 75,000 Mcf and 150,000 Mcf per day and to displace 2,942,000 barrels of residual fuel oil (0.3% sulfur) for the period October 1, 1979 to June 1, 1980.

The eligible seller of the gas is Consumers Power Company, 212 W. Michigan Avenue, Jackson, Michigan 49201. The gas will be transported by the Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77001, the Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, and the Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126–A, 2000 M Street, NW., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before November 23, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to Con Ed and any persons filing comments, and published in the Federal Register.

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

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-34952 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-Cert-098]

Florida Power & Light Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on September 27, 1979, Florida Power & Light Company (Florida Power), P.O. Box 529100, Miami, Florida 33152, filed an application for certification of an eligible use of natural gas to displace fuel oil at six of its power plants in Florida pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126–A, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Florida Power states that the volume of natural gas for which it requests certification is 75,000 Mcf of natural gas per day. This natural gas is estimated to displace the use of 1,818 barrels of No. 6 fuel oil (1.0% sulfur) per day at the Cape Canaveral Plant, 602 barrels of No. 2 fuel oil (0.3% sulfur) at the Lauderdale Plant, 2,705 barrels of No. 2 fuel oil (0.3% sulfur) per day at the Port Everglades Plant, 3,273 barrels of No. 6 fuel oil (1.0% sulfur) per day at the Riviera Plant, 124 barrels of No. 6 fuel oil (1.0 % sulfur) per day at the Sanford Plant, and 2,840 barrels of No. 6 fuel oil (1.0% sulfur) per day at the Turkey Point Plant. The eligible seller is Consumers Power Company, 1945 West Parnell Road, Jackson, Michigan 49201. The gas will be transported by the Trunkline Gas Company, and the Florida Gas Transmission Company, P.O. Box 44, Winter Park, Florida 32790.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126–A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before November 23, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to Florida Power and any persons filing comments, and published in the Federal Register.

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

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-34951 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-Cert-105]

United States Steel Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on October 9, 1979, United States Steel Corporation (USSC), 600 Grant Street, Pittsburgh, Pennsylvania 15230, filed an application for certification of an eligible use of natural gas to displace fuel oil at its Minntac facility in Mt. Iron, Minnesota, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126–A, 2000 M Street NW., Washington, D.C. 20461, from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, USSC states that the volume of natural gas for which it requests certification is 1.5 Bcf. This natural gas is estimated to displace the use of 264,500 barrels of No. 2 fuel oil (low sulfur) at the Minntac facility between November 1, 1979 and May 31, 1980. The eligible seller is Channel Industries Gas Company, an intrastate pipeline, having offices at Two Allen Center, P.O. Box 2511, Houston, Texas 77001. The gas will be transported by:

(a) Tenngasco, Inc., Two Allen Center, P.O. Box 2511, Houston, Texas 77001.

(b) Oasis Pipe Line Company, P.O. Box 1188, Houston, Texas 77001.

(c) Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102.

(d) Peoples Natural Gas Division of Northern Natural Gas Company, 25 Main Place, Council Bluffs, Iowa 51501.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126–A, 2000 M Street NW., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before November 23, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within

the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to USSC and any persons filing comments, and published in the Federal Register.

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

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-34949 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-095]

Phelps Dodge Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Phelps Dodge Corporation (Phelps Dodge), filed an application for certification of an eligible use of natural gas to displace fuel oil at its Tyrone Branch, Tyrone, New Mexico; New Cornelia Branch, Ajo, Arizona; Copper Queen Branch, Bisbee, Arizona; Morenci Branch, Morenci, Arizona; and Douglas Reduction Works, Douglas, Arizona, with the Administrator of the Economic Regulatory Administration (ERA) pursuant ot 10 CFR Part 595 on September 21, 1979. Notice of that application was published in the Federal Register (44 FR 58584, October 10, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Phelps Dodge's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas To Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Phelps Dodge's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

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

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix I.

Department of Energy,
Washington, D.C., November 6, 1979.

Re ERA Certification of Eligible Use, ERA Docket No. 79-CERT-095, Phelps Dodge Corporation.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the Federal Register and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254-8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-095.

Sincerely,

Paul T. Burke,

Deputy Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Phelps Dodge Corp.

ERA Docket No. 79-CERT-095

Application for Certification

Pursuant to 10 CFR Part 595, Phelps Dodge Corporation (Phelps Dodge), filed an application for certification of an eligible use of 3.107 Bcf of natural gas per year at its Tyrone Branch, Tyrone, New Mexico; New Cornelia Branch, Ajo, Arizona; Copper Queen Branch, Bisbee, Arizona; Morenci Branch, Morenci, Arizona; and Douglas Reduction Works, Douglas, Arizona, with the Administrator of the Economic Regulatory Administration (ERA) on September 21, 1979. The application states that the eligible seller of the gas is Lovelady, Inc. (Lovelady) and that the gas will be transported by the El Paso Natural Gas Company, the Seagull Pipeline Corporation, the Houston Pipeline Corporation, and the Oasis Pipe Line Company. The application and supplemental information indicate, among other things, that the use of natural is estimated to displace 322,941 barrels of No. 2 fuel oil (0.36 percent sulfur) per year at the Tyrone Branch, 121,533 barrels of No. 2 fuel oil (0.40 percent sulfur) per year at the New Cornelia Branch, 27,531 barrels of No. 2 fuel oil (0.20 percent sulfur) per year at the Copper Queen Branch, 33,133 barrels of No. 6 fuel oil (1.5 percent sulfur) per year at the Morenci Branch, and 51,560 barrels of No. 6 fuel (1.2 percent sulfur) per year at the Douglas Reduction Works. The application also indicates that neither the gas nor the displaced fuel oil will be used to displaced coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of 3.107 Bcf of natural gas per year at Phelps Dodge's Tyrone Branch, New Cornelia Branch, Copper Queen Branch, Morenci Branch, and Douglas Reduction Works, purchased from Lovelady, is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volumes of natural gas at the same facilities purchased from the same eligible seller.

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

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-34950 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[No. 108]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

November 1, 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.

Alabama Oil and Gas Board

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

1. 80-03234/10-5-792PDA

2. 01-097-20113
3. 107 000 000
4. Exchange Oil & Gas Corporation
5. Janice G Gatwood et al 11-7 #1
6. Chunchula
7. Mobile AL
8. 47.0 million cubic feet
9. October 19, 1979
10. Phillips Petroleum Company

1. 80-03235/10-5-793PDA
2. 01-097-20107
3. 107 000 000
4. Exchange Oil & Gas Corporation
5. Intl Paper Co Unit 2-6 #1
6. Chunchula
7. Mobile AL
8. 189.0 million cubic feet
9. October 19, 1979
10. Phillips Petroleum Company

1. 80-03236/10-5-794PDA
2. 01-097-20153
3. 107 000 000
4. Exchange Oil & Gas Corporation
5. Wright-Turner Unit 3-10 #1
6. Chunchula
7. Mobile AL
8. 82.0 million cubic feet
9. October 19, 1979
10. Phillips Petroleum Company

1. 80-03237/10-5-79-PDA
2. 01-097-20121
3. 107 000 000
4. Exchange Oil & Gas Corporation
5. Annie M Hill Unit 8-10 #1
6. Chunchula
7. Mobile AL
8. 228.0 million cubic feet
9. October 19, 1979
10. Phillips Petroleum Company

1. 80-03238/10-5-796PDA
2. 01-097-20126
3. 107 000 000
4. Exchange Oil & Gas Corporation
5. Annie M Hill Unit 4-10 #1
6. Chunchula
7. Mobile AL
8. 62.0 million cubic feet
9. October 19, 1979
10. Phillips Petroleum Company

1. 80-03239/10-5-797PDA
2. 01-075-20137
3. 102 000 000
4. Southland Royalty Company
5. D W Strawbridge 33-14 #1
6. Beaverton
7. Lamar AL
8. 200.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03240/10-5-798PDA
2. 01-075-20123
3. 102 000 000
4. Southland Royalty Company
5. Lee Mixon 12-3 #1
6. Beaverton
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03241/10-5-799PDA
2. 01-075-20163
3. 102 000 000
4. Southland Royalty Company
5. W A Austin 9-1 #1
6. Beaverton
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03242/10-5-7910PDA
2. 01-075-20141
3. 102 000 000
4. Southland Royalty Company
5. Floyd White 7-12 #1
6. Beaverton
7. Lamar AL
8. 110.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03243/10-5-7911PDA
2. 01-075-20153
3. 102 000 000
4. Southland Royalty Company
5. J F Holley 32-8 #1
6. Beaverton
7. Lamar AL
8. 125.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03244/10-5-7912PDA
2. 01-075-20126
3. 102 000 000
4. Southland Royalty Company
5. D J Loggins 4-9 #1
6. Beaverton
7. Lamar AL
8. 125.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03245/7-6-792PDA
2. 01-075-20003
3. 102 000 000
4. Skelton Operating Co Inc
5. S H Gilmer No 1
6. Fariview
7. Lamar AL
8. 18.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03246/7-6-794PDA
2. 01-075-20099
3. 102 000 000
4. Skelton Operating Co Inc
5. S H Gilmer No 4
6. Fairview
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03247/7-6-793PDA
2. 01-075-20057
3. 102 000 000
4. Skelton Operating Co Inc
5. S H Gilmer No 3
6. Fairview
7. Lamar AL
8. 72.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03248/10-5-791PD
2. 01-075-20177
3. 102 000 000
4. Anderman Operating Company
5. Frances Thomas #7-15
6. Star
7. Lamar AL
8. 248.5 million cubic feet
9. October 19, 1979
10.

1. 80-03249/7-6-797PDA
2. 01-075-20065
3. 102 000 000
4. Skelton Operating Co Inc
5. Jesse Frye No 1
6. Fairview
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03250/7-6-798PDA
2. 01-075-20060
3. 102 000 000
4. Skelton Operating Co Inc
5. Lucas-Waldrop No 1
6. Fairview
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03251/7-6-795PDA
2. 01-075-20076
3. 102 000 000
4. Skelton Operating Co Inc
5. Dorothy W Gilbreath No 1
6. Fairview
7. Lamar AL
8. 18.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03252/7-6-7915PDA
2. 01-075-20093
3. 102 000 000
4. Skelton Operating Co Inc
5. Mamie Hill No 2
6. Fairview
7. Lamar AL
8. 18.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03253/7-6-7918PD
2. 01-075-20120
3. 102 000 000
4. Skelton Operating Co Inc
5. Delaney-Spruiell No 1
6. Beaverton
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03254/7-6-7919PD
2. 01-075-20188
3. 102 000 000
4. Skelton Operating Co Inc
5. Weyerhaueser No 1
6. Beaverton
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

1. 80-03255/7-6-796PDA
2. 01-075-20075
3. 102 000 000
4. Skelton Operating Co Inc
5. Airline Mfg Co No 1
6. Fairview
7. Lamar AL
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Alabama Gas District

Michigan Department of Natural Resources

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. 80-03262
2. 21-101-32505
3. 102 000 000
4. Northern Michigan Exploration Company
5. Reef; Stephens-Merkel et al #1-17A
6. Cleon 17
7. Manistee MI
8. 3.2 million cubic feet
9. October 19, 1979
10. Consumers Power Company

1. 80-03263
2. 21-101-328904
3. 102 000 000
4. Northern Michigan Exploration Company
5. Nomeco D A Rebman et al #2-16A
6. Cleon 17
7. Manistee MI
8. 515.0 million cubic feet
9. October 19, 1979
10. Consumers Power Company

Montana Board of Oil and Gas Conservation

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

1. 80-03256/9-79-262
2. 25-071-21619
3. 103 000 000
4. Falcon-Colorado Exploration Inc
5. 1-5 Bowman
6. Swanson Creek
7. Phillips MT
8. 11.2 million cubic feet
9. October 19, 1979
10. Montana-Dakota Utilities Co

1. 80-03257/9-79-260
2. 25-041-22105
3. 103 000 000
4. Texaco Inc
5. Emma McGowan Gas Unit 2 #1
6. Rudyard
7. Hill MT
8. 292.0 million cubic feet
9. October 19, 1979
10. Montana Power Co

1. 80-03258/9-79-261
2. 25-071-21618
3. 103 000 000
4. Falcon-Colorado Exploration Inc
5. 1-1 Bowman
6. Swanson Creek
7. Phillips MT
8. 17.7 million cubic feet
9. October 19, 1979
10. Montana-Dakota Utilities Co

1. 80-03259/9-79-263
2. 25-105-21150
3. 103 000 000
4. Falcon-Colorado Exploration Inc
5. 1-9 Fisher
6. Swanson Creek
7. Valley MT
8. 3.6 million cubic feet
9. October 19, 1979
10. Montana-Dakota Utilities Co

1. 80-03260/9-79-259
2. 25-025-21141
3. 103 000 000
4. Shell Oil Company
5. Pennel 13X-6B
6. Pennel
7. Fallon MT
8. 13.0 million cubic feet
9. October 19, 1979
10. Montana-Dakota Utilities Co

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. 79-22336
2. 30-015-21953
3. 102 000 000
4. Yates Petroleum Corporation
5. Tom Brown Go Com #1
6. Kennedy Farms-Morrow
7. Eddy NM
8. 290.0 million cubic feet
9. September 21, 1979
10. Transwestern Pipeline Co

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. 80-03156/00671
2. 35-073-20785
3. 108 000 000
4. Petro Lewis Corporation
5. Rothmire 21-2
6. Sooner Trend
7. Kingfisher OK
8. 18.6 million cubic feet
9. October 18, 1979
10. Phillips Petroleum

1. 80-03157/00675
2. 35-073-20578
3. 108 000 000
4. Petro Lewis Corporation
5. Groenwald 18-1
6. Sooner Trend
7. Kingfisher OK
8. 10.3 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03158/00677
2. 35-073-00000
3. 108 000 000
4. Petro Lewis Corporation
5. Reishwig 30-1
6. Sooner Trend
7. Kingfisher OK
8. 15.7 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03159/00680
2. 35-073-20427
3. 108 000 000
4. Petro Lewis Corporation
5. Patterson 8-1
6. Sooner Trend
7. Kingfisher OK
8. 9.8 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03160/00681
2. 35-073-20510
3. 108 000 000
4. Petro Lewis Corporation
5. Best 20-1
6. Sooner Trend
7. Kingfisher OK
8. 3.3 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03161/00682
2. 35-073-20694
3. 108 000 000
4. Petro Lewis Corporation
5. Ida 10-1
6. Sooner Trend
7. Kingfisher OK
8. 6.3 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03162/00683
2. 35-073-20676
3. 108 000 000
4. Petro Lewis Corporation
5. Lisle 13 #1
6. Sooner Trend
7. Kingfisher OK
8. 19.2 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03163/00664
2. 35-073-20628
3. 108 000 000
4. Petro Lewis Corporation
5. Winona 21-1
6. Sooner Trend
7. Kingfisher OK
8. 6.9 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03164/00665
2. 35-073-21106
3. 108 000 000
4. Petro Lewis Corporation
5. Brown 33-1
6. Sooner Trend
7. Kingfisher OK
8. 11.7 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03165/00666
2. 35-073-21000
3. 108 000 000
4. Petro Lewis Corporation
5. Turner 3-1
6. Sooner Trend
7. Kingfisher OK
8. 1.0 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03166/00667

2. 35-073-21695
3. 108 000 000
4. Petro Lewis Corporation
5. Myrtle 5-1
6. Sooner Trend
7. Kingfisher OK
8. 4.7 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03167/00668
2. 35-073-20952
3. 108 000 000
4. Petro Lewis Corporation
5. Edsall 231
6. Sooner Trend
7. Kingfisher OK
8. 3.2 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03168/00669
2. 35-083-20166
3. 108 000 000
4. Petro Lewis Corporation
5. Pennock 18-1
6. Sooner Trend
7. Logan OK
8. 7.8 million cubic feet
9. October 18, 1979
10. Exxon Company USA

1. 80-03169/00710
2. 35-003-20414
3. 108 000 000
4. Petro Lewis Corporation
5. Edna 33-1
6. Sooner Trend
7. Alfalfa OK
8. 13.0 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03170/00711
2. 35-003-20433
3. 108 000 000
4. Petro Lewis Corporation
5. Webster 13-1
6. Sooner Trend
7. Alfalfa OK
8. 9.0 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03171/00712
2. 35-003-20364
3. 108 000 000
4. Petro Lewis Corporation
5. Earl 29-1
6. Sooner Trend
7. Alfalfa OK
8. 13.3 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03172/00714
2. 35-003-20409
3. 108 000 000
4. Petro Lewis Corporation
5. Sloan 32-1
6. Sooner Trend
7. Alfalfa OK
8. 11.7 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03173/00715
2. 35-003-20342
3. 108 000 000
4. Petro Lewis Corporation
5. Lottie 10-1
6. Sooner Trend
7. Alfalfa OK
8. 18.3 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03174/00713
2. 35-003-20344
3. 108 000 000
4. Petro Lewis Corporation
5. Doris 15-1
6. Sooner Trend
7. Alfalfa OK
8. 9.8 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03175/00660
2. 35-073-20604
3. 108 000 000
4. Petro Lewis Corporation
5. Gilmour 30-1
6. Sooner Trend
7. Kingfisher OK
8. 7.1 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03176/00661
2. 35-073-20589
3. 108 000 000
4. Petro Lewis Corporation
5. Lorenz 19-1
6. Sooner Trend
7. Blaine OK
8. 14.7 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03177/00662
2. 35-073-21736
3. 108 000 000
4. Petro Lewis Corporation
5. Margaret 34-1
6. Sooner Trend
7. Kingfisher OK
8. 7.5 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03178/00663
2. 35-073-21112
3. 108 000 000
4. Petro Lewis Corporation
5. Rudolph 1-1
6. Sooner Trend
7. Kingfisher OK
8. 6.5 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03179/00687
2. 35-073-20418
3. 108 000 000
4. Petro Lewis Corporation
5. Jule 13-2
6. Sooner Trend
7. Kingfisher OK
8. 7.8 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03180/00688
2. 35-073-20569
3. 108 000 000
4. Petro Lewis Corporation
5. Romhild 25-1
6. Sooner Trend
7. Kingfisher OK
8. 12.9 million cubic feet
9. October 18, 1979
10. Phillips Petroleum

1. 80-03181/00692
2. 35-047-20285
3. 108 000 000
4. Petro Lewis Corporation
5. Liebhart 30 #1
6. Sooner Trend
7. Garfield OK
8. 13.8 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03182/00499
2. 35-071-20814
3. 103 000 000
4. Chase Exploration Corp
5. Gingerich #1-15 (PW)
6.
7. Kay OK
8. 21.0 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03183/00498
2. 35-071-20852
3. 103 000 000
4. Chase Exploration Corp
5. Denton #1-2 (PW)
6.
7. Kay OK
8. 17.7 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03184/00474
2. 35-071-21051
3. 103 000 000
4. Chase Exploration Corp
5. Johnson #1-19 (WA2B/SR)
6.
7. Kay OK
8. 18.0 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03185/00473
2. 35-071-21052
3. 103 000 000
4. Chase Exploration Corp
5. Spore #2-25
6.
7. Kay, OK
8. 27.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03186/00472
2. 35-071-21207
3. 103 000 000
4. Chase Exploration Corp
5. Voegele #2-21
6.
7. Kay, OK
8. 20.3 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03187/00471
2. 35-071-21149
3. 103 000 000
4. Chase Exploration Corp
5. Scott #1-1
6.
7. Kay, OK
8. 23.0 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03188/00470
2. 35-071-20819
3. 103 000 000
4. Chase Exploration Corp
5. Hahn #1-31 (CS #1)
6.
7. Kay, OK
8. 29.7 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03189/00469
2. 35-071-21147
3. 103 000 000
4. Chase Exploration Corp
5. Eklund #2-4 (AMA2)
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03190/00468
2. 35-071-21198
3. 103 000 000
4. Chase Exploration Corp
5. Horinek #2-4 (AMA2)
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03191/00467
2. 35-071-20818
3. 103 000 000
4. Chase Exploration Corp
5. Muret #1-30 (PW)
6.
7. Kay, OK
8. 27.0 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03192/00466
2. 35-071-21028
3. 103 000 000
4. Chase Exploration Corp
5. Hahn #2-31 (CS #2)
6.
7. Kay, OK
8. 27.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03193/00458
2. 35-071-21275
3. 103 000 000
4. Chase Exploration Corp
5. Buesing #1-9
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03194/00457
2. 35-071-21278
3. 103 000 000
4. Chase Exploration Corp
5. Buesing #4-9
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03195/00465
2. 35-071-20888
3. 103 000 000
4. Chase Exploration Corp
5. Kahle #1-23
6.
7. Kay, OK
8. 17.2 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03196/00464
2. 35-071-20967
3. 103 000 000
4. Chase Exploration Corp
5. Eklund #1-4 (WA2A/SR)
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03197/00463
2. 35-071-20972
3. 103 000 000
4. Chase Exploration Corp
5. Schmidt #1-26
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03198/00462
2. 35-071-20907
3. 103 000 000
4. Chase Exploration Corp
5. Horinck #1-4 (WCO)
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03199/00459
2. 35-071-21277
3. 103 000 000
4. Chase Exploration Corp
5. Buesing #3-9
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03200/00460
2. 35-071-21276
3. 103 000 000
4. Chase Exploration Corp
5. Buesing #2-9
6.
7. Kay, OK
8. 19.5 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03201/00461
2. 35-071-20817
3. 103 000 000
4. Chase Exploration Corp
5. Bruce 1-6 (PW)
6.
7. Kay, OK
8. 13.3 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company, Chase Gathering Systems Inc

1. 80-03202/00447
2. 35-153-20370-0015
3. 108 000 000
4. El Paso Natural Gas Company
5. Burns #1
6. Quinlan NW Chester
7. Woodward, OK
8. 4.0 million cubic feet
9. October 18, 1979
10. El Paso Natural Gas Company

1. 80-03203/00654
2. 35-017-20276
3. 108 000 000
4. Petro Lewis Corp
5. Mount 18-1
6. Sooner Trend
7. Canadian, OK
8. 3.5 million cubic feet
9. October 18, 1979
10.

1. 80-03204/00655
2. 35-073-21249
3. 108 000 000
4. Petro Lewis Corp
5. Erma 6-1
6. Sooner Trend
7. Kingfisher, OK
8. 1.0 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03205/00658
2. 35-073-21563
3. 108 000 000
4. Petro Lewis Corp
5. Sigl 18-1
6. Sooner Trend
7. Kingfisher, OK
8. 8.3 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03206/00659
2. 35-073-20607
3. 108 000 000
4. Petro Lewis Corp
5. Glenn 30-1
6. Sooner Trend
7. Kingfisher, OK
8. 5.7 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03207/00699
2. 35-093-20749
3. 108 000 000
4. Petro Lewis Corp
5. Patzkowsky 10-1
6. Sooner Trend
7. Major, OK
8. 7.7 million cubic feet
9. October 18, 1979
10. Phillips Petroleum Co

1. 80-03208/00701
2. 35-093-20811
3. 108 000 000
4. Petro Lewis Corp
5. Oscar 27-1
6. Sooner Trend
7. Major, OK
8. 7.9 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03209/00702

2. 35-093-20423
3. 108 000 000
4. Petro Lewis Corp
5. Schoonover 17-1
6. Sooner Trend
7. Major, OK
8. 11.5 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03210/00703
2. 35-093-20524
3. 108 000 000
4. Petro Lewis Corp
5. Paul Gregory 35-1
6. Sooner Trend
7. Major, OK
8. 12.5 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03211/00704
2. 35-093-20410-0
3. 108 000 000
4. Petro Lewis Corp
5. Elma 17-2
6. Sooner Trend
7. Major, OK
8. 12.4 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03212/00705
2. 35-093-20423
3. 108 000 000
4. Petro Lewis Corp
5. Schoonover 17-2
6. Sooner Trend
7. Major, OK
8. 11.5 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03213/00708
2. 35-093-20322
3. 108 000 000
4. Petro Lewis Corp
5. Blackburn 16-1
6. Sooner Trend
7. Major, OK
8. 16.4 million cubic feet
9. October 18, 1979
10. Union Texas Petroleum

1. 80-03214/00502
2. 35-071-21195
3. 103 000 000
4. Chase Exploration Corp
5. Miller # 4-24 (CEC)
6.
7. Kay, OK
8. 6.6 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03215/00501
2. 35-071-21024
3. 103 000 000
4. Chase Exploration Corp
5. Seaboch # 2-26 (CS# 2)
6.
7. Kay, OK
8. 20.4 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03216/00500
2. 35-071-20838
3. 103 000 000
4. Chase Exploration Corp
5. Denton # 1-1 (PW)
6.
7. Kay, OK
8. 20.7 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03217/00678
2. 35-073-00000
3. 108 000 000
4. Reading & Bates Petr Co
5. Mesis # 1
6. Sooner Trend
7. Kingfisher, OK
8. 5.0 million cubic feet
9. October 18, 1979
10. Exxon Company USA

1. 80-03218/00657
2. 35-073-00000
3. 108 000 000
4. Reading & Bates Petr Co
5. Borelli # 8-1
6. Sooner Trend
7. Kingfisher, OK
8. 5.0 million cubic feet
9. October 18, 1979
10. Exxon Company USA

1. 80-03219/00670
2. 35-073-00000
3. 108 000 000
4. Reading & Bates Petr Co
5. Teasley # 4
6. Sooner Trend
7. Kingfisher, OK
8. 5.0 million cubic feet
9. October 18, 1979
10. Exxon Company USA

1. 80-03220/00029
2. 35-009-20206
3. 103 000 000
4. The GHK Company
5. Baker-Fowler 1-20
6. Carpenter
7. Beckham, OK
8. .0 million cubic feet
9. October 18, 1979
10. Arkansas Louisiana Gas Co

1. 80-03221/00782
2. 35-007-36548
3. 108 000 000
4. Kaiser Francis Oil Co
5. Prewitt # 1
6. Mocane-Laverne
7. Beaver, OK
8. 17.0 million cubic feet
9. October 18, 1979
10. Panhandle Eastern Pipeline Co

1. 80-03222/00517
2. 35-071-20959
3. 103 000 000
4. Chase Exploration Corp
5. Turvey-Taylor # 2-22 (WA1)
6.
7. Kay, OK
8. 6.6 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03223/00508
2. 35-071-21175
3. 103 000 000
4. Chase Exploration Corp
5. Denton # 1-12 (CEC)
6.
7. Kay, OK
8. 15.0 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03224/00505
2. 35-071-21022
3. 103 000 000
4. Chase Exploration Corp
5. Miller # 3-24 (CS# 2)
6.
7. Kay, OK
8. 6.6 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03225/00507
2. 35-071-21196
3. 103 000 000
4. Chase Exploration Corp
5. Miller # 5-24 (CEC)
6.
7. Kay, OK
8. 6.6 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03226/00516
2. 35-071-20958
3. 103 000 000
4. Chase Exploration Corp
5. Taylor # 1-22 (WA2A/SR)
6.
7. Kay, OK
8. 60.0 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03227/00510
2. 35-071-20852
3. 103 000 000
4. Chase Exploration Corp
5. Horinek # 1-26 (PW)
6.
7. Kay, OK
8. 6.6 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03228/00509
2. 35-071-21023
3. 103 000 000
4. Chase Exploration Corp
5. Seaboch # 1-24 (CS# 2)
6.
7. Kay, OK
8. 17.7 million cubic feet
9. October 18, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc

1. 80-03229/00684
2. 35-073-21457
3. 108 000 000
4. Petro Lewis Corporation
5. Laporte 28 # 1
6. Sooner Trend
7. Kingfisher, OK
8. 6.6 million cubic feet
9. October 18, 1979
10. Partnership Properties Co

1. 80-03230/00685
2. 35-073-00000
3. 108 000 000
4. Petro Lewis Corporation
5. Meier 34-1
6. Sooner Trend

7. Kingfisher, OK
8. 13.7 million cubic feet
9. October 18, 1979
10. Partnership Properties Co
1. 80-03231/00686
2. 35-073-20728
3. 108 000 000
4. Petro Lewis Corporation
5. Duffy 14-1
6. Sooner Trend
7. Kingfisher, OK
8. 5.8 million cubic feet
9. October 18, 1979
10. Partnership Properties Co
1. 80-03232/00694
2. 35-047-20340
3. 108 000 000
4. Petro Lewis Corporation
5. Cozart 27-1
6. Sooner Trend
7. Garfield, OK
8. 3.4 million cubic feet
9. October 18, 1979
10. Partnership Properties
1. 80-03233/00707
2. 35-093-20383
3. 108 000 000
4. Petro Lewis Corporation
5. Loomis 16-1
6. Sooner Trend
7. Major, OK
8. 16.1 million cubic feet
9. October 18, 1979
10. Union Texas Petroleum
1. 80-03264/00693
2. 35-047-20312
3. 108 000 000
4. Petro Lewis Corporation
5. Staggs 35-1
6. Sooner Trend
7. Garfield, OK
8. 6.7 million cubic feet
9. October 19, 1979
10. Partnership Properties Co
1. 80-03265/00709
2. 35-003-20271
3. 108 000 000
4. Petro Lewis Corporation
5. Irwin 23-1
6. Sooner Trend
7. Alfalfa, OK
8. 16.0 million cubic feet
9. October 19, 1979
10. Partnership Properties Co
1. 80-03266/00700
2. 35-047-20259
3. 108 000 000
4. Petro Lewis Corporation
5. Rikli 17-1
6. Sooner Trend
7. Garfield, OK
8. 5.7 million cubic feet
9. October 19, 1979
10. Exxon Company USA
1. 80-03267/00784
2. 35-139-00000
3. 108 000 000
4. Kaiser Francis Oil Company
5. Jones A # 1
6. Guymon-Hugoton
7. Texas, OK
8. 8.0 million cubic feet
9. October 19, 1979
10. Cities Service Gas Company
1. 80-03268/00283
2. 35-059-20684
3. 103 000 000
4. Cities Service Co
5. McClung C-3
6. Mocane-Laverne
7. Harper, OK
8. 11.8 million cubic feet
9. October 19, 1979
10. Michigan-Wisconsin Pipe Line Co
1. 80-03269/00396
2. 35-095-20204
3. 103 000 000
4. B R Campbell
5. J E Sharp A1
6. Aylesworth
7. Marshall, OK
8. 100.0 million cubic feet
9. October 19, 1979
10. Aminoil USA Inc
1. 80-03270/00392
2. 35-015-20567
3. 103 000 000
4. Helmerich & Payne Inc
5. Darks Estate No 1
6. N E Binger
7. Caddo, OK
8. 25.0 million cubic feet
9. October 19, 1979
10. Phillips Petroleum Company
1. 80-03271/00393
2. 35-043-20922
3. 103 000 000
4. Amax Petroleum Corporation
5. Ray Hammer 2A-19
6. Webb-Putnam
7. Dewey, OK
8. 750.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company Michigan-Wisconsin P/L Co
1. 80-03272/00399
2. 35-139-21012
3. 103 000 000
4. Anadarko Production Co
5. Hawkins B No 1
6. Goff Creek
7. Texas, OK
8. 36.0 million cubic feet
9. October 19, 1979
10. Panhandle Eastern Pipeline Co
1. 80-03273/00402
2. 35-017-20980
3. 103 000 000
4. Gulf Oil Corporation
5. Harris West No 2-15
6. Yukon
7. Canadian, OK
8. 212.0 million cubic feet
9. October 19, 1979
10. Phillips Pipe Line Co
1. 80-03274/00403
2. 35-011-20790
3. 103 000 000
4. Bradley-Tarpley Resources Inc
5. Frost #1A-33
6. N W Okeene
7. Blaine, OK
8. 1652.0 million cubic feet
9. October 19, 1979
10. Arkansas Louisiana Gas Company
1. 80-03275/00511
2. 35-071-20839
3. 103 000 000
4. Chase Exploration Corporation
5. Denton #2-1 (PW)
6. Unnamed
7. Kay, OK
8. 19.0 million cubic feet
9. October 19, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc
1. 80-03276/00515
2. 35-071-20980
3. 103 000 000
4. Chase Exploration Corporation
5. Taylor-Turvey #3-22 (PSI)
6. Unnamed
7. Kay, OK
8. 6.6 million cubic feet
9. October 19, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc
1. 80-03277/00514
2. 35-071-20884
3. 103 000 000
4. Chase Exploration Corporation
5. Taylor #4-22 (RMC)
6. Unnamed
7. Kay, OK
8. 6.6 million cubic feet
9. October 19, 1979
10. Cities Service Gas Company Chase Gathering Systems Inc
1. 80-03278/00513
2. 35-071-20962
3. 103 000 000
4. Chase Exploration Corporation
5. Day #1-27 (WA2A/SR)
6. Unnamed
7. Kay, OK
8. 9.6 million cubic feet
9. October 19, 1979
10. Cities Service Gas Company Chase Gathering Sys Inc
1. 80-03279/00679
2. 35-073-22010
3. 103 000 000
4. Petro Lewis Corporation
5. Pribyl 4-1
6. Sooner Trend
7. Kingfisher, OK
8. 5.3 million cubic feet
9. October 19, 1979
10. Exxon Company USA
1. 80-03280/00676
2. 35-073-20807
3. 108 000 000
4. Petro Lewis Corporation
5. Marvin 19-1
6. Sooner Trend
7. Kingfisher, OK
8. 5.6 million cubic feet
9. October 19, 1979
10. Partnership Properties Co
1. 80-03281/00689
2. 35-073-21289
3. 108 000 000
4. Petro Lewis Corporation
5. Riley 9-1
6. Sooner Trend
7. Kingfisher, OK
8. 3.0 million cubic feet
9. October 19, 1979
10. Partnership Properties 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. 80-03343
2. 47-021-01404
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Earl Hardman 10382
6. West Virginia other A-85772
7. Gilmer, WV
8. 1.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03368
2. 47-059-0777
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Alden Hilbert 10848
6. Pineville Field Area A-59442
7. Mingo WV
8. 10.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03373
2. 47-033-00422-DD
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J W Sommerville 4970
6. West Virginia other A-85772
7. Harrison, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03282
2. 47-095-00043
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. C B Booher 7740
6. West Virginia other A-85772
7. Tyler, WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03283
2. 47-097-00498
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. W L Ashworth 10033
6. West Virginia other A-85772
7. Upshur, WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03284
2. 47-097-00538
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. G J Leeson 10141
6. West Virginia other A-85772
7. Upshur, WV
8. 11.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03285
2. 47-097-00680
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Howard M Carte 10391
6. West Virginia other A-85772
7. Upshur, WV
8. 1.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03286
2. 47-001-00026
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Cora M Peck 8983
6. West Virginia other A-85772
7. Barbour, WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03287
2. 47-001-00282
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. James F Saffle 10817
6. West Virginia other A-85772
7. Barbour, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03288
2. 47-001-00351
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. W Ralston Shaw 10915
6. West Virginia other A-85772
7. Barbour WV
8. 8.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03289
2. 47-001-00332
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. T Minter Lawson Heirs 1110
6. West Virginia other A-85772
7. Barbour WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03290
2. 47-001-00526
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Harrison-Ritchie O&G 11259
6. West Virginia other A-85772
7. Barbour WV
8. 8.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03291
2. 47-001-00394
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. H C Wright 10988
6. West Virginia other A-85772
7. Barbour WV
8. 2.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03292
2. 47-013-00349
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Allen Hardman 7744
6. West Virginia other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03293
2. 47-035-00745
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. L B Patterson 9449
6. West Virginia other A-85772
7. Jackson WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03294
2. 47-041-00038-FRAC
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Murray Heirs 8472
6. West Virginia other A-85772
7. Lewis WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03295
2. 47-041-00541
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. C A See 10287
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03296
2. 47-041-00857
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Ernest Rough 10351
6. West Virginia other A-85772
7. Lewis WV
8. 2.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03297
2. 47-041-00912
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. T Lee Hudkins 10357
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03298
2. 47-041-01280
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. George D Sloan 10536
6. West Virginia other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03299
2. 47-041-01412
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Eva Cole Logan 10745
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03300
2. 47-041-01565
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. George Lawson 10950
6. West Virginia other A-85772
7. Lewis WV

8. 6.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03301
2. 47-041-01862
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Henry Snider 11406
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03302
2. 47-045-00303
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Boone Co Coal Corp 9755
6. West Virginia other A-85772
7. Logan WV
8. 2.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03303
2. 47-045-00620
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dingess Rum Coal Co 10045
6. West Virginia other A-85772
7. Logan WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03304
2. 47-109-00475
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Leola S Damron 10007
6. Pineville Field Area A-59442
7. Wyoming WV
8. 14.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03305
2. 47-109-00568
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Anne W Kelley 10276
6. Pineville Field Area A-59442
7. Wyoming WV
8. 8.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03306
2. 47-081-00166
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Arch Mankin 9394
6. Pineville Field Area A-59442
7. Raleigh WV
8. 12.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03307
2. 47-0081-00159
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Gus Mankin 9374
6. Pineville Field Area A-59442
7. Raleigh WV
8. 10.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03308
2. 47-109-00113
3. 108 000 000
4. Consolidated Gas Supply Corp
5. New River & Poca Coal Co 9015
6. Pineville Field Area A-59442
7. Wyoming WV
8. 5.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03309
2. 47-109-00133
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Perry O Cook 9040
6. Pineville Field Area A-59442
7. Wyoming WV
8. 15.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03310
2. 47-109-00149
3. 108 000 000
4. Consolidated Gas Supply Corp
5. New River & Peca Coal Co 9061
6. Pineville Field Area A-59442
7. Wyoming WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03311
2. 47-109-00161
3. 108 000 000
4. Consolidated Gas Supply Corp
5. N River & Poca Con Coal Co 9063
6. Pineville Field Area A-59442
7. Wyoming WV
8. 11.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03312
2. 47-109-00062
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Loup Creek Colliery Co 8911
6. Pineville Field Area A-59442
7. Wyoming WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03313
2. 47-109-00043
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Loup Creek Colliery Co 8868
6. Pineville Field Area A-59442
7. Wyoming WV
8. 11.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03314
2. 47-081-00181
3. 108 000 000
4. Consolidated Gas Supply Corp
5. D W Worley 9625
6. Pineville Field Area A-59442
7. Raleigh WV
8. .7 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03315
2. 47-081-00190
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert Hanes Gray 9686
6. Pineville Field Area A-59442
7. Raleigh WV
8. .2 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03316
2. 47-045-00644
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lawson Hrs Inc 10039
6. West Virginia other A-85772
7. Logan WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03317
2. 47-045-00824
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Boone County Coal Co 10424
6. West Virginia other A-85772
7. Logan WV
8. 2.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03318
2. 47-049-00058-D
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Enoch C Morgan 7738
6. West Virginia Other A-85772
7. Marion WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03319
2. 47-085-01006
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J E Smith 8830
6. West Virginia Other A-85772
7. Ritchie WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03320
2. 47-005-00558
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Stacy B Miller 8635
6. West Virginia Other A-85772
7. Boone WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03321
2. 47-005-00927
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10316
6. West Virginia Other A-85772
7. Boone WV
8. 5.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03322
2. 47-005-00749
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. C T Hiteshaw et al 9073
6. West Virginia Other A-85772
7. Boone WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03323

2. 47-005-00950
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Federal Coal Co 10448
6. West Virginia Other A-85772
7. Boone WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03324
2. 47-007-00059-A
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. W A Nicholson 5064
6. West Virginia Other A-85772
7. Braxton WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03325
2. 47-001-00270
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. E W Ritter 10771
6. West Virginia Other A-85772
7. Barbour WV
8. 8.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03326
2. 47-047-00402
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. McDowell Pocahontas Coal Co 10958
6. Pineville Field Area A-59442
7. McDowell WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-033027
2. 47-047-00398
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. McDowell Pocahontas Coal Co 10966
6. Pineville Field Area A-59442
7. McDowell WV
8. 11.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03328
2. 47-047-00390
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. McDowell Pocahontas Coal Co 10924
6. Pineville Field Area A-59442
7. McDowell WV
8. 16.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03329
2. 47-047-00383
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 10899
6. Pineville Field Area A-59442
7. McDowell WV
8. 14.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03330
2. 47-047-00461
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Vera Pocahontas Coal Co 11251
6. Pineville Field Area A-59442
7. McDowell WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03331
2. 47-047-00463
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Ida Roberts 11282
6. Pineville Field Area A-59442
7. McDowell WV
8. 12.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03332
2. 47-047-00472
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Rose L Dennis 11255
6. Pineville Field Area A-59442
7. McDowell WV
8. 12.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03333
2. 47-047-00481
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Vera Pocahontas Coal Co 11321
6. Pineville Field Area A-59442
7. McDowell WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03334
2. 47-047-00484
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. McDowell Pocahontas Coal Co 11325
6. Pineville Field Area A-59442
7. McDowell WV
8. 15.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03335
2. 47-097-01513
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-501
6. Union District
7. Upshur WV
8. 5.2 million cubic feet
9. October 19, 1979
10. Consolidated Gas Supply Corp

1. 80-03336
2. 47-001-00923
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-705
6. Union District
7. Barbour WV
8. 15.8 million cubic feet
9. October 19, 1979
10. Consolidated Gas Supply Corp

1. 80-03337
2. 47-035-00715
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J W Parsons 9416
6. West Virginia Other A-85772
7. Jackson WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03338
2. 47-033-00822-DD
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. W N Yates 8010
6. West Virginia Other A-85772
7. Harrison WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03339
2. 47-033-00638
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. W S Burnside 11532
6. West Virginia Other A-85772
7. Harrison WV
8. 13.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03340
2. 47-097-00700
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. S R Harrison 10384
6. West Virginia Other A-85772
7. Upshur WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03341
2. 47-033-00123
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. M M Harbert 8027
6. West Virginia Other A-85772
7. Harrison WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03342
2. 47-021-01898
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10891
6. West Virginia Other A-85772
7. Gilmer WV
8. 8.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03344
2. 47-021-01014
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9907
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03345
2. 47-021-00642
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Almira Dent 8872
6. West Virginia Other A-85772
7. Gilmer WV
8. 2.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03346
2. 47-013-00757-FRAC
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Logan McDonald 8681
6. West Virginia Other A-85772

7. Calhoun WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03347
2. 47-013-00786
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. McClelland Barr 8857
6. West Virginia Other A-85772
7. Calhoun WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03348
2. 47-013-00815
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. O J Hueeman 8915
6. West Virginia Other A-85772
7. Calhoun WV
8. 2.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03349
2. 47-013-00825
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Clay McDonald 8950
6. West Virginia Other A-85772
7. Calhoun, WV
8. 5.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03350
2. 47-013-00832
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Arthur Offutt 8924
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03351
2. 47-021-00625
3. 108 000 000
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 19, 1979
10. General System Purchasers

1. 80-03352
2. 47-013-00396
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Clay McDonald 7768
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03353
2. 47-013-00401-FRAC
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Tell McDonald 7781
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03354
2. 47-013-00516
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. R. E. Lockney 7847
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03355
2. 47-013-00627
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. A L Gainer 8567
6. West Virginia Other A-85772
7. Calhoun, WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03356
2. 47-013-00685
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Samual A Hays 8619
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03357
2. 47-041-01882
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Mary O Edwards 11526
6. West Virginia Other A-85772
7. Lewis, WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03358
2. 47-045-00693
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Boone County Coal 10142
6. West Virginia Other A-85772
7. Logan, WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03359
2. 47-045-01484
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. R B Cole 10831
6. West Virginia Other A-85772
7. Lewis, WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03360
2. 47-061-00075
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. C L Eakin 7741
6. West Virginia Other A-85772
7. Monongalia, WV
8. 5.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03361
2. 47-047-00410
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 10979
6. Pineville Field Area A-59442
7. McDowell, WV
8. 10.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03362
2. 47-047-00407
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. McDowell Pocahontas Coal Co 10978
6. Pineville Field Area A-59442
7. McDowell, WV
8. 15.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03363
2. 47-047-00459
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 11145
6. Pineville Field Area A-59442
7. McDowell, WV
8. 13.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03364
2. 47-047-00411
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 11012
6. Pineville Field Area A-59442
7. McDowell, WV
8. 16.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03365
2. 47-081-00146
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. R R Clemans 9316
6. Pineville Field Area A-59442
7. Raleigh, WV
8. .4 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03366
2. 47-081-00136
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. O J Harvey 9303
6. Pineville Field Area A-59442
7. Raleigh, WV
8. 10.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03367
2. 47-081-00114
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Thomas Farmer 9199
6. Pineville Field Area A-59442
7. Raleigh, WV
8. 11.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03369
2. 47-047-00382
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 10874
6. Pineville Field Area A-59442
7. McDowell, WV
8. 10.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03370
2. 47-047-00381
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Vera Poca Coal Co 10895
6. Pineville Field Area A-59442
7. McDowell, WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03371
2. 47-033-00630-DD
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. G W Caynor 4641
6. West Virginia Other A-85772
7. Harrison, WV
8. 8.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03372
2. 47-033-00157-DD
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. L S Harbert 2193
6. West Virginia Other A-85772
7. Harrison, WV
8. 4.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03374
2. 47-033-00143-D
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. F M Robinson 2298
6. West Virginia Other A-85772
7. Harrison, WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03375
2. 47-013-01092
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Emma J Stevens 9494
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03376
2. 47-013-01224
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9859
6. West Virginia Other A-85772
7. Calhoun, WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03377
2. 47-013-01603
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Bernard R Hays 10133
6. West Virginia Other A-85772
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03378
2. 47-017-00100
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. S W Stout 7056
6. West Virginia Other A-85772
7. Doddridge, WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03379
2. 47-019-00074-R
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Vanetta Land Co 9224
6. West Virginia Other A-85772
7. Fayette, WV
8. 7.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03380
2. 47-021-00508
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Worthy Davis 8564
6. West Virginia Other A-85772
7. Gilmer, WV
8. 9.0 million cubic feet
9. October 19, 1979
10. General System Purchasers

1. 80-03381
2. 47-021-00543
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. W G Bennett 8618
6. West Virginia other A-85772
7. Gilmer, WV
8. 7.0 million cubic feet
9. October 19, 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. 80-03261 / G9-636
2. 17-715-40192-00S1-0
3. 102 000 000
4. C & K Marine Production Company
5. South Timbalier 203 No. A-3
6. South Timbalier
7. 203
8. 1080.0 million cubic feet
9. October 19, 1979
10. Trunkline Gas Company

1. 79-21812 / G9-656 Revised
2. 42-711-40292-00D1-0
3. 102
4. Union Oil Company of California
5. OCS G-2423 No. B-6
6. East High Island
7. 334
8. 59.0 million cubic feet
9. September 25, 1979
10. Texas Gas Transmission Corp., El Paso Natural Gas Co., Michigan-Wisconsin Pipeline Co.

1. 79-19955 / G9-399 Revised
2. 17-715-40152-00D2-0
3. 102
4. Gulf Oil Corporation
5. OCS G-2625 No. C-1-D
6. South Timbalier
7. 37
8. 1113.0 million cubic feet
9. September 12, 1979
10. Texas Eastern Transmission Corp., Southern Natural Gas Company, Tennessee Gas Pipeline Co.

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. 80-03155 / NM-20-79
2. 30-045-10589-0000-0
3. 108 000 000
4. Blackwood & Nichols Co., Ltd.
5. Northeast Blanco Unit No. 59-24
6. Blanco Mesaverde NE 24-31N-7W
7. San Juan, NM
8. 18.0 million cubic feet
9. October 2, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street 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 on or before November 28, 1979.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-34857 Filed 11-9-79; 8:45 am]
BILLING CODE 6450-01-M

[No. 109]

Determinations by Jurisdictional Agencies Under Natural Gas Policy Act of 1978

November 5, 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.

California Department of Conservation, Division of Oil and Gas

1. Control Number (FERC/State)

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

1. 80-03490/79-6-0057
2. 04-013-20137-0000
3. 102 000 000
4. Depco Inc
5. Bonnickson 48-7
6. South Oakley Field
7. Contra Costa CA
8. 548.0 million cubic feet
9. October 22, 1979
10.

1. 80-03491/79-6-0058
2. 04-013-20114-0000
3. 102 000 000
4. Depco Inc
5. McLeod 444-7
6. South Oakley Field
7. Contra Costa CA
8. 748.0 million cubic feet
9. October 22, 1979
10. DOW Chemical Company

1. 80-03492/79-6-0059
2. 04-013-00000-0000
3. 102 000 000
4. Depco Inc
5. Nunn 21-17
6. South Oakley Field
7. Contra Costa CA
8. 748.0 million cubic feet
9. October 22, 1979
10. DOW Chemical Company

Indiana Department of Natural Resources, 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. 80-03510
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Robert Haase #1
6. East Mt Carmel
7. Gibson IN
8. 5.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03511
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Robert Haase #2
6. East Mt Carmel
7. Gibson IN
8. 5.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03512
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Robert Haase #3
6. East Mt Carmel
7. Gibson IN
8. 2.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03513
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Robert Haase Lawrence Kieffer Cu #1
6. East Mt Carmel
7. Gibson IN
8. 2.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03514
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Robert Haase Lawrence Kieffer Cu #2
6. East Mt Carmel
7. Gibson IN
8. 10.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03515
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Mary Kieffer #3
6. East Mt Carmel
7. Gibson IN
8. 3.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03516
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Mary Kieffer #4
6. East Mt Carmel
7. Gibson IN
8. 3.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03517
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Mary Kieffer #6
6. East Mt Carmel
7. Gibson IN
8. 3.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03518
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Mary Kieffer #7
6. East Mt Carmel
7. Gibson IN
8. 3.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

1. 80-03519
2. 13-051-00000-0000
3. 102 000 000
4. Kieffer Bros Oil Co
5. Mary Kieffer #10
6. East Mt Carmel
7. Gibson IN
8. 5.0 million cubic feet
9. October 23, 1979
10. Crystal Oil Co

Mississippi Oil and Gas Board

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

1. 80-03520/68-79-467
2. 23-091-20072-0000
3. 107 000 000
4. Tomlinson Interests Inc
5. Board of Education #1
6. East Morgantown
7. Marion, MS
8. 2540.0 million cubic feet
9. October 22, 1979
10. Transcontinental Gas Pipeline Corp

1. 80-03521/84-79-224
2. 23-045-20064-0000
3. 102 000 000
4. Saga Petroleum US Inc
5. No. 1 GEX 31-13
6. Waveland
7. Hancock, MS
8. 1095.0 million cubic feet
9. October 22, 1979
10. United Gas Pipe Line Company

1. 80-03522/95-79-399
2. 23-113-20078-0000
3. 103 000 000
4. Meyers-Lasher Inc
5. Slaton Unit 4-15 #1
6. Chatawa
7. Pike, MS
8. 36.5 million cubic feet
9. October 22, 1979
10. Transcontinental Gas Pipeline Corp

1. 80-03523/93-79-224
2. 23-045-20063-0000
3. 102 000 000
4. Saga Petroleum US Inc
5. No. 1 Cox 2-3
6. Waveland
7. Hancock, MS
8. 1095.0 million cubic feet
9. October 22, 1979
10. United Gas Pipe Line Company

New Mexico Department of Energy and Minerals, Oil Conservation Division

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

1. 80-03524
2. 30-025-26228-0000
3. 103 000 000
4. Phillips Petroleum Company
5. E Vac GB/SA Unit TR 3202 #003
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 2.9 million cubic feet

9. October 23, 1979
10. El Paso Natural Gas Company
1. 80-03525
2. 30-045-23485-0000
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Blanco Unit No. 204
6. South Los Pinos PC SW 1-31N-7W
7. San Juan, NM
8. 200.0 million cubic feet
9. October 23, 1979
10. El Paso Natural Gas Company
1. 80-03526
2. 30-015-22870-0000
3. 103 000 000
4. Yates Petroleum Corporation
5. Wright JA No. 4
6. Atoka Yeso
7. Eddy, NM
8. .0 million cubic feet
9. October 23, 1979
10. Transwestern Pipeline Company

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. 80-03527/03195
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Rubin-McDowell well No. 7
6. Panhandle-Hutchinson
7. Hutchinson, TX
8. 12.1 million cubic feet
9. October 24, 1979
10. Panhandle Eastern Pipeline Co
1. 80-03528/03196
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Thom-A No. 3
6. Panhandle-Hutchinson
7. Hutchinson, TX
8. .3 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03529/03198
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Thornburg No. 1
6. Panhandle-Carson
7. Carson, TX
8. 5.0 million cubic feet
9. October 24, 1979
10. Getty Oil Co
1. 80-03530/03199
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Thornburg No. 3
6. Panhandle-Carson
7. Carson, TX
8. 5.0 million cubic feet
9. October 24, 1979
10. Getty Oil Co
1. 80-03531/03202
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Jord No. 4
6. Panhandle-Carson
7. Carson, TX
8. 3.9 million cubic feet
9. October 24, 1979
10. Cabot Corp
1. 80-03532/03203
2. 42-179-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Leopold-B No. 1
6. Panhandle Gray
7. Gray, TX
8. .2 million cubic feet
9. October 24, 1979
10. Getty Oil Co
1. 80-03533/03204
2. 42-079-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Leopold-B No. 3
6. Panhandle Gray
7. Gray, TX
8. .3 million cubic feet
9. October 24, 1979
10. Getty Oil Co
1. 80-03534/03205
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Bryan No. 1
6. Panhandle-Carson
7. Carson, TX
8. .5 million cubic feet
9. October 24, 1979
10. Cabot Corp
1. 80-03535/03206
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Turner-Harris No. 4
6. Panhandle Hutchinson
7. Hutchinson, TX
8. .4 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Co
1. 80-03536 / 03207
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Turner-Harris No. 5
6. Panhandle Hutchinson
7. Hutchinson, TX
8. 4.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Co
1. 80-03537 / 03208
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Thom A No. 5
6. Panhandle-Hutchinson
7. Hutchinson, TX
8. 0.3 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Co
1. 80-03538 / 03218
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Cooper C No. 22
6. Panhandle Carson
7. Carson, TX
8. 1.5 million cubic feet
9. October 24, 1979
10. Getty Oil Co
1. 80-03539 / 03219
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Jordan D Well No. 39
6. Panhandle-Carson
7. Carson, TX
8. 2.1 million cubic feet
9. October 24, 1979
10. Cabot Corporation
1. 80-03540 / 03220
2. 42-179-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Skoog-A No. 2
6. Panhandle Gray
7. Gray, TX
8. .8 million cubic feet
9. October 24, 1979
10. Getty Oil Company
1. 80-03541 / 03527
2. 42-435-30368-0000
3. 108 000 000
4. Amoco Production Company
5. H E Glasscock et al No. 1
6. Sawyer/Canyon
7. Sutton, TX
8. 10.0 million cubic feet
9. October 24, 1979
10. Lone Star Gas Company
1. 80-03542 / 07517
2. 42-103-00000-0000
3. 108 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. W N Waddell et al No. 900
6. Sand Hills West (Wolfcamp)
7. Crane, TX
8. 13.0 million cubic feet
9. October 24, 1979
10. H & T Gathering Company
1. 80-03543 / 07525
2. 42-103-00000-0000
3. 108 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. W N Waddell No. 914
6. Waddell (Grayburg)
7. Crane, TX
8. 11.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Co
1. 80-03544 / 07544
2. 42-479-00000-0000
3. 108 000 000
4. Gulf Oil Corporation
5. S J Martin No. 3 RRC No. 63537
6. Laredo (Lobo)
7. Webb, TX
8. .0 million cubic feet
9. October 24, 1979
10. Lovaca Gathering Company

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. 79-03463
2. 47-013-02465-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Gertrude B Howell 11286
6. West Virginia other A-85772
7. Calhoun, WV
8. 16.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03448
2. 47-041-01754-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Boyd Gum 11273
6. West Virginia other A-85772
7. Lewis, WV
8. 15.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03449
2. 47-041-01759-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. S D Camden 8235
6. West Virginia other A-85772
7. Lewis, WV
8. 11.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03450
2. 47-041-01814-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. T P Barh 11351
6. West Virginia other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03451
2. 47-097-00707-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J E Rusmisell 10414
6. West Virginia other A-85772
7. Upshur, WV
8. 9.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03452
2. 47-041-00976-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. A W Woodford 10387
6. West Virginia other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03453
2. 47-041-01279-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. G L White 8206
6. West Virginia other A-85772
7. Lewis, WV
8. 6.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03454
2. 47-041-01284-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. A W Woodford 10547
6. West Virginia other A-85772
7. Lewis, WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03455
2. 47-041-01652-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Daniel Queen 10061
6. West Virginia other A-85772
7. Lewis, WV
8. 15.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03456
2. 47-041-01668-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Elizabeth Jewell 11128
6. West Virginia other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03457
2. 47-041-01744-Revo
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Israel Simmons 11218
6. West Virginia other A-85772
7. Lewis, WV
8. 9.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03458
2. 47-033-00585-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. G W. Washburn 1787
6. West Virginia other A-85772
7. Harrison, WV
8. 11.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03459
2. 47-033-02118-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J N Swiger 2948
6. West Virginia other A-85772
7. Harrison, WV
8. 7.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03460
2. 47-045-00826-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Dingess Run Coal Co 10506
6. West Virginia other A-85772
7. Logan, WV
8. 19.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03461
2. 47-021-01013-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9897
6. West Virginia other A-85772
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03462
2. 47-013-02440-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Louis Bennett 11206
6. West Virginia other A-85772
7. Calhoun, WV
8. 16.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03464
2. 47-017-00030-Frac
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. R L Barnes 2103
6. West Virginia other A-85772
7. Doddridge, WV
8. 7.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03465
2. 47-017-00155-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. D C Stewart 8977
6. West Virginia other A-85772
7. Doddridge, WV
8. 6.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03466
2. 47-017-00163-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. M J McMillan 3013
6. West Virginia other A-85772
7. Doddridge, WV
8. 7.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03467
2. 47-019-00085-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Vanetta Land Co 9779
6. West Virginia Other A-85772
7. Fayette WV
8. 4.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03468
2. 47-007-00973-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. I N Brown 11244
6. West Virginia Other A-85772
7. Braxton WV
8. 4.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03469
2. 47-007-00977-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. I N Brown 11368
6. West Virginia Other A-85772
7. Braxton WV
8. 8.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03470

2. 47-097-00632-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. E L Smith 10311
6. West Virginia Other A-85772
7. Upshur WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03471
2. 47-097-00681-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. C J Martin 10413
6. West Virginia Other A-85772
7. Upshur WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03472
2. 47-021-01363-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Louis Bennett 10377
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03473
2. 47-085-01738-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Craig Station-Miller 10032
6. West Virginia Other A-85772
7. Ritchie WV
8. 7.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03474
2. 47-085-01714-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J R Westfall 10029
6. West Virginia Other A-85772
7. Ritchie WV
8. 6.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03475
2. 47-021-02075-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Powell Heirs 3125
6. West Virginia Other A-85772
7. Gilmer WV
8. 14.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03476
2. 47-021-03481-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Franklin Harden 6351
6. West Virginia Other A-85772
7. Gilmer WV
8. 9.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03477
2. 47-035-00709-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Sallie J Rhodes 9422
6. West Virginia Other A-85772
7. Jackson WV
8. 7.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03478
2. 47-041-00391-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. James L West 10232
6. West Virginia Other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03479
2. 47-021-01919-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Okey Stalnaker 10951
6. West Virginia Other A-85772
7. Gilmer WV
8. 9.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03480
2. 47-085-01095-DDFR
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. James T Johnson 5583
6. West Virginia Other A-85772
7. Ritchie WV
8. 6.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03481
2. 47-097-00606-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J M Ireland 10265
6. West Virginia Other A-85772
7. Upshur WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03482
2. 47-021-00018-FRAC
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Luverna J Pearcy 5879
6. West Virginia Other A-85772
7. Gilmer WV
8. 6.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03483
2. 47-021-00774-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. L S Vannoy 9240
6. West Virginia Other A-85772
7. Gilmer WV
8. 16.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03484
2. 47-097-00547-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Rudy Kalmar 10163
6. West Virginia Other A-85772
7. Upshur WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03485
2. 47-097-00541-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Houston Radabaugh 10158
6. West Virginia Other A-85772
7. Upshur WV
8. 3.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03486
2. 47-097-00469-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. J C Reed 9972
6. West Virginia Other A-85772
7. Upshur WV
8. 4.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03487
2. 47-097-00411-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. L Zickefoose 9797
6. West Virginia Other A-85772
7. Upshur WV
8. 4.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

1. 80-03488
2. 47-097-00350-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Alice C Bailey 9242
6. West Virginia Other A-85772
7. Upshur WV
8. 7.0 million cubic feet
9. October 22, 1979
10. General System Purchasers

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. 80-03391/COA-3144-79A
2. 05-067-06169-0000-1
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 11-3 32-9
6. Ignacio Blanco PC
7. La Plata CO
8. 107.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03392/COA-3144-79B
2. 05-067-06169-0000-2
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 11-3 32-9
6. Ignacio Blanco
7. La Plata CO

8. 110.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03393/COA-3145-79A
2. 05-067-06184-0000-1
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 30-1 33-9
6. Ignacio Blanco-Mesaverde
7. La Plata CO
8. 110.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03394/COA-3145-79B
2. 05-067-06184-0000-2
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 30-1 33-9
6. Ignacio Blanco-Pictured Cliffs
7. La Plata CO
8. 50.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03395/COA-3146-79A
2. 05-067-06153-0000-1
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 22-1 32-8
6. Ignacio Blanco
7. La Plata CO
8. 200.0 million cubic feet
9. October 19, 1979
10. Western Slope Gas Company

1. 80-03396/COA-3146-79B
2. 05-067-06153-0000-2
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 22-1 32-8
6. Ignacio Blanco
7. La Plata CO
8. 110.0 million cubic feet
9. October 19, 1979
10. Western Slope Gas Company

1. 80-03399/COA-3149-79
2. 05-067-06172-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 13-2 32-8
6. Ignacio Blanco
7. La Plata CO
8. 110.0 million cubic feet
9. October 19, 1979
10. Western Slope Gas Company

1. 80-03400/COA-3150-79
2. 05-067-06174-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 13-1 32-9
6. Ignacio Blanco
7. La Plata CO
8. 155.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 80-03423/COA-3180-79
2. 05-067-06167-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 2-3 32-9
6. Ignacio Blanco
7. La Plata CO
8. 217.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03428/COA-3170-79
2. 05-067-06176-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 14-1 32-10
6. Ignacio Blanco-Dakota
7. La Plata CO
8. 365.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03438/COA-3183-79
2. 05-067-06152-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 16-1 32-8
6. Ignacio Blanco-Dakota
7. La Plata CO
8. 282.0 million cubic feet
9. October 19, 1979
10. Western Slope Gas Company

1. 80-03439/COA-3184-79
2. 05-067-06151-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 15-1 33-10
6. Ignacio Blanco-Mesaverde
7. La Plata County CO
8. 100.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03440/COA-3185-79
2. 05-067-06165-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 1-2 32-9
6. Ignacio Blanco-Pictured Cliffs
7. La Plata CO
8. 153.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03444/COA-3193-79
2. 05-067-06168-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 11-2 32-9
6. Ignacio Blanco
7. La Plata CO
8. 153.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp

1. 80-03445/COA-3142-79
2. 05-067-06167-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 1-3 32-9
6. Ignacio Blanco
7. La Plata CO
8. 110.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 80-03446/COA-3143-79A
2. 05-067-06148-0000-1
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 2-2 32-9 (PC)
6. Ignacio Blanco-Pictured Cliffs
7. La Plata CO
8. 107.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corporation

1. 80-03447/COA-3143-79B
2. 05-067-06148-0000-2
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 2-2 32-9 (MV)
6. Ignacio Blanco-Mesaverde
7. La Plata CO
8. 110.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corporation

1. 80-03498/COA-3141-79
2. 05-067-06173-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Southern Ute 14-2 32-8
6. Ignacio Blanco
7. La Plata CO
8. 110.0 million cubic feet
9. October 19, 1979
10. Western Slope Gas Company

1. 80-03382/NM-3016-79
2. 30-015-21104-0000-0
3. 108 000 000
4. Windfohr Oil Company
5. Gissler B #13
6. Grayburg Jackson Queen Grb Sa
7. Eddy NM
8. 1.0 million cubic feet
9. October 19, 1979
10. Continental Oil Company

1. 80-03383/NM-3022-79
2. 30-015-22213-0000-0
3. 103 000 000
4. Windfohr Oil Company
5. Gissler B #15
6. Square Lake
7. Eddy NM
8. 2.0 million cubic feet
9. October 19, 1979
10. Continental Oil Company

1. 80-03384/NM-3023-79
2. 30-015-22620-0000-0
3. 103 000 000
4. Windfohr Oil Company
5. Jackson B #31
6. Square Lake
7. Eddy NM
8. 6.6 million cubic feet
9. October 19, 1979
10. Continental Oil Company

1. 80-03385/NM-3068-79A
2. 30-039-21728-0000-1
3. 103 000 000
4. Northwest Production Corporation
5. Jicarilla 152-W #2A (Mesaverde)
6. Blanco
7. Rio Arriba NM
8. 90.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corporation

1. 80-03386/NM-3068-79-B
2. 30-039-21728-0000-2
3. 103 000 000
4. Northwest Production Corporation
5. Jicarilla 152W #2A (Pictured Cliffs)
6. South Blanco
7. Rio Arriba NM
8. 60.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corporation

1. 80-03387/NM-3071-79
2. 30-039-21309-0000-0
3. 103 000 000
4. Northwest Production Corporation
5. Jicarilla 117E #9A
6. Blanco

7. Rio Arriba NM
8. 74.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corporation
1. 80-03388/NM-3072-79-1
2. 30-039-21314-0000-0
3. 103 000 000
4. Northwest Production Corporation
5. Jicarilla 119N #8A
6. Blanco
7. Rio Arriba NM
8. 61.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corporation
1. 80-03389/NM-3072-79-2
2. 30-039-21310-0000-0
3. 103 000 000
4. Northwest Production Corporation
5. Jicarilla 119N #7A
6. Blanco
7. Rio Arriba NM
8. 40.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corporation
1. 80-03390/NM-3182-79
2. 30-039-21846-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Chacon Federal #8
6. Chacon-Dakota
7. Rio Arriba NM
8. 280.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03397/NM-3147-79-A
2. 30-045-22518-0000-1
3. 103 000 000
4. Arco Oil and Gas Company
5. Marron Wn Federal Com No 1 (MV)
6. Blanco Mesa Verde
7. San Juan NM
8. 185.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03398/NM-3147-79-B
2. 30-045-22518-0000-2
3. 103 000 000
4. Arco Oil and Gas Company
5. Marron Wn Federal Com No 1 (Chacra)
6. Blanco Largo Chacra
7. San Juan NM
8. 60.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03412/NM-3168-79
2. 30-045-22516-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Graham C Wn Federal Com #1-A (Chacra)
6. Blanco Largo Charcra
7. San Juan NM
8. 165.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03413/NM-3163-79
2. 30-045-22519-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Marron Wn Federal Com Well #1-A
6. Blanco Mesa Verde
7. San Juan NM
8. 160.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03414/NM-3161-79
2. 30-045-23259-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Blanco 1-A
6. Blanco Mesa Verde
7. San Juan NM
8. .0 million cubic feet
9. October 19, 1979
10.
1. 80-03421/NM-3109-79
2. 30-043-20241-0000-0
3. 108 000 000
4. Chace Oil Company Inc
5. Rusty Navajo #4
6. Rusty Chacra
7. Sandoval NM
8. 13.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03422/NM-3108-79
2. 30-043-20264-0000-0
3. 108 000 000
4. Chace Oil Company Inc
5. Rusty Navajo #7
6. Rusty Chacra
7. Sandoval NM
8. 7.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03424/NM-3178-79
2. 30-039-21810-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Chacon-Federal #6
6. Chacon-Dakota
7. Rio Arriba NM
8. 285.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03425/NM-3176-79
2. 30-045-22625-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Jacquez No 1
6. Blanco Mesa Verde
7. San Juan NM
8. 183.0 million cubic feet
9. October 19, 1979
10. Northwest Pipeline Corp
1. 80-03426/NM-3175-79
2. 30-039-21579-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Chacon Federal #1
6. Chacon Dakota
7. Rio Arriba NM
8. 245.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03427/NM-3173-79
2. 30-039-21588-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Chacon Federal #5
6. Chacon Dakota
7. Rio Arriba NM
8. 300.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03429/NM-3169-79
2. 30-025-25699-0000-0
3. 107 000 000
4. Arco Oil and Gas Company
5. Langley Deep No 1
6. Langley Ellenburger
7. Lea County NM
8. 1000.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03436/NM-3129-79
2. 30-045-22332-0000-0
3. 103 000 000
4. Texaco Inc
5. Navajo Tribe BS No 5
6. Tocito Dome
7. San Juan NM
8. 5.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03437/NM-3137-79
2. 30-039-21346-0000-0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D-6
6. Chacon Dakota Associated
7. Rio Arriba NM
8. 16.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03441/NM-3188-79
2. 30-045-22520-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Hammond Wn Federal #7
6. Blanco Mesa Verde
7. San Juan NM
8. 199.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03442/NM-3189-79
2. 30-039-21580-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Chacon Federal #2
6. Chacon Dakota
7. Rio Arriba NM
8. 335.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03443/NM-3187-79
2. 30-039-21839-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Chacon Federal #7
6. Chacon Dakota
7. Rio Arriba NM
8. 285.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03494/NM-3107-79
2. 30-043-20219-0000-0
3. 108 000 000
4. Chace Oil Company Inc
5. Rusty Navajo #3
6. Rusty Chacra
7. Sandoval NM
8. 7.2 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03495/NM-3106-79
2. 30-043-20252-0000-0
3. 108 000 000
4. Chace Oil Company Inc
5. Rusty Navajo #5
6. Rusty Chacra
7. Sandoval NM
8. 15.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company
1. 80-03496/NM-3104-79

2. 30-039-60113-0000-0
3. 108 000 000
4. Chace Oil Company Inc
5. Jicarilla 70-1
6. Ballard P C
7. Rio Arriba NM
8. 2.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

1. 80-03497/NM-3103-79
2. 30-039-05111-0000-0
3. 108 000 000
4. Chace Oil Company Inc
5. Jicarilla 47 M-1
6. Ballard P C
7. Rio Arriba NM
8. 4.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

1. 80-03499/NM-3140-79
2. 30-045-23214-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Blanco #1
6. Blanco Mesa Verde
7. San Juan NM
8. 200.0 million cubic feet
9. October 19, 1979
10.

1. 80-03500A/NM-3139-79A
2. 30-045-22516-0000-1
3. 103 000 000
4. Arco Oil and Gas Company
5. Graham C Wn Fed Com 1-A (MV)
6. Blanco MV
7. San Juan NM
8. 170.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

1. 80-03500B/NM-3139-79B
2. 30-045-22516-0000-2
3. 103 000 000
4. Arco Oil and Gas Company
5. Graham C Wn Fed Com 1-A (Chacra)
6. Largo Chacra
7. San Juan NM
8. 170.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

1. 80-03501/NM-3181-79
2. 30-039-21583-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Chacon Federal No 3
6. Chacon Dakota
7. Rio Arriba NM
8. 322.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

1. 80-03502/NM-3138-79
2. 30-039-21346-0000-0
3. 103 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla Apache D-101
6. Chacon Dakota Associated
7. Sandoval NM
8. 200.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

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. 80-03401/UA-3213-79
2. 43-037-30388-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit E-13
6. Greater Aneth
7. San Juan, UT
8. 11.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03402/UA-3212-79
2. 43-037-30387-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit D-15
6. Greater Aneth
7. San Juan, UT
8. 54.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03403/UA-3211-79
2. 43-037-30380-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit F-12
6. Greater Aneth
7. San Juan, UT
8. 30.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03404/UA-3210-79
2. 43-037-30386-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit D-14
6. Greater Aneth
7. San Juan, UT
8. 5.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03405/UA-3218-79
2. 43-037-30376-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit G-11
6. Greater Aneth
7. San Juan, UT
8. 12.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03406/UA-3217-79
2. 43-037-30401-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit T-12A
6. Greater Aneth
7. San Juan, UT
8. 27.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03407/UA-3216-79
2. 43-037-30414-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit J-15B
6. Greater Aneth
7. San Juan, UT
8. 23.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03408/UA-3215-79
2. 43-037-30416-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit I-16B
6. Greater Aneth
7. San Juan, UT
8. 14.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03409/UA-3214-79
2. 43-037-30381-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit F-16
6. Greater Aneth
7. San Juan, UT
8. 55.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03410/UA-3127-79-A
2. 43-037-30371-0000-1
3. 103 000 000
4. Texaco Inc
5. Aneth Unit No E-226 (Desert Crk)
6. Aneth
7. San Juan, UT
8. 15.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03411/UA-3127-79-B
2. 43-037-30371-0000-2
3. 103 000 000
4. Texaco Inc
5. Aneth Unit No E-226 (Ismay)
6. Aneth
7. San Juan, UT
8. 15.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03415/UA-3221-79
2. 43-037-30355-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creet Unit P-8
6. Greater Aneth
7. San Juan, UT
8. 81.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03416/UA-3220-79
2. 43-037-30356-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit O-9
6. Greater Aneth
7. San Juan, UT
8. 55.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03417/UA-3219-79A
2. 43-037-30352-0000-1
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-9 (Desert Crk)
6. Greater Aneth
7. San Juan, UT
8. 4.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03418/UA-3219-79B
2. 43-037-30352-0000-2
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-9 (Ismay)
6. Greater Aneth.

7. San Juan, UT
8. 4.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03419/UA-3111-79-2
2. 43-037-30368-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit Well No H-326
6. Aneth
7. San Juan, UT
8. 1.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03420/UA-3111-79-1
2. 43-037-30413-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit Well No J-231
6. Aneth
7. San Juan, UT
8. 7.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03430/UA-3123-79
2. 43-037-30343-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit Well No E425
6. Aneth
7. San Juan, UT
8. 10.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03431/UA-3112-79
2. 43-037-30347-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit Well No H322
6. Aneth
7. San Juan, UT
8. 11.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03432/UA-3113-79
2. 43-037-30348-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit No H-126
6. Aneth
7. San Juan, UT
8. 3.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03433/UA-3124-79
2. 43-037-30350-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit No. E424
6. Aneth
7. San Juan, UT
8. 1.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03434/UA-3125-79
2. 43-037-30370-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit Well No E423
6. Aneth
7. San Juan, UT
8. 11.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03435/UA-3126-79
2. 43-037-30346-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit Well No E422
6. Aneth
7. San Juan, UT
8. 18.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03493A/UA-3114-79A
2. 43-037-30404-0000-1
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #H-120X (Ismay)
6. Aneth
7. San Juan, UT
8. 7.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03493B/UA-3114-79B
2. 43-037-30404-0000-2
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #H-120X (Desert Crk)
6. Aneth
7. San Juan, UT
8. 7.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03503/UA-3122-79
2. 43-037-30373-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #F222
6. Aneth
7. San Juan, UT
8. 1.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03504/UA-3115-79
2. 43-037-30375-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #G-422
6. Aneth
7. San Juan, UT
8. 8.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03505/UA-3117-79
2. 43-037-30410-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #G-236
6. Aneth
7. San Juan, UT
8. 6.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03506/UA-3118-79
2. 43-037-30369-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #G-226
6. Aneth
7. San Juan, UT
8. 10.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Co

1. 80-03507/UA-3119-79
2. 43-037-30372-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #G-126X
6. Aneth
7. San Juan, UT
8. 3.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

1. 80-03508/UA-3120-79
2. 43-037-30349-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #F324
6. Aneth
7. San Juan, UT
8. 3.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

1. 80-03509/UA-3121-79
2. 43-037-30345-0000-0
3. 103 000 000
4. Texaco Inc
5. Aneth Unit #F322
6. Aneth
7. San Juan, UT
8. 15.0 million cubic feet
9. October 19, 1979
10. El Paso Natural Gas Company

U.S. Geological Survey—Tulsa, Okla.

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. 80-03489/OK54-9
2. 35-043-20951-0000-0
3. 103 000 000
4. Publishers Petroleum
5. Strongwolf Rt #1
6. N W Canton
7. Dewey, OK
8. 91.3 million cubic feet
9. October 22, 1979
10. Phillips Petroleum Company

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

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before November 28, 1979.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-34862 Filed 11-9-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER80-49]

Central Illinois Public Service Co.; Filing

November 5, 1979.

The filing Company submits the following:

Take notice that on October 29, 1979, Central Illinois Public Service Company tendered for filing a proposed new Wholesale Electric Agreement with the City of Sullivan. This Agreement is proposed to become effective November 8, 1979, and supersedes the previous agreement with the City of Sullivan dated November 25, 1974.

A copy of the filing was sent to the City of Sullivan. The new Agreement will be filed with the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34841 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-55]

Consumers Power Co.; Proposed Tariff Change

November 5, 1979.

The filing Company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on October 31, 1979 tendered for filing proposed changes in its FERC Electric Service Tariff, Original Volume No. 1. Consumers Power states that the following wholesale customers in the State of Michigan would be affected by the changes: City of Eaton Rapids, City of Charlevoix, Village of Union City, Edison Sault Electric Company, City of Harbor Springs, City of of Marshall, City of Petoskey, Village of Chelesa, City of Portland, City of St. Louis, City of Coldwater, Wolverine Electric Cooperative, Inc., City of Bay City, Southeastern Michigan Rural Electric Cooperative, Inc., Alpena Power Company, City of Lowell, and Northern Michigan Rural Electric Cooperative, Inc.

Consumers Power states that the rate increase should be placed into effect in two phases. Consumers Power states that the proposed changes in the first phase would increase annual revenues from jurisdictional sales and service by approximately $3,511,000 or 12.1%, based on the 12-month test period ending December 31, 1980, and in the second phase would increase such annual revenues by $5,909,000, or 20.6% above the presently effective rates. The filing also provides: (1) a new Electric Facilities Policy, (2) the use of a four weekly average 30-minute kW determination instead of a single, maximum 30-minute kW determination for billing the on-peak billing demand charge, (3) a new maximum demand charge to recover the capacity costs associated with substation facilities, and the subtransmission and primary distribution systems, (4) the addition of a third time period, "Intermediate Hours", for energy pricing and billing demand determination, (5) an increase in the limitation on the off-peak kW demands from three times to five times the on-peak billing demands, (6) a billing option for customers with multiple points of delivery, and (7) a redefinition of the availability of rate "WR".

Consumers Power states that, following a period of negotiation with its wholesale customers, all customers assented to the rate increase and other changes to the terms and conditions of service contained in the filing, and join Consumers Power in requesting Commission approval of the Settlement Agreement. Consumers Power states that the requested effective date for the phase one rate increase is February 7, 1980, and for the phase two rate increase is the commercial operation date of its new 700 MW, coal-fired James Campbell No. 3 unit, which date is expected to be on or about September 1, 1980.

Consumers Power states that the increase in rates is necessary because of continuing increases experienced in all elements of cost since the end of 1978, which was the test year for the last rate filing by Consumers Power, particularly by the increases in costs associated with the James Campbell No. 3 unit, and the need to provide earnings adequate to attract capital to finance Consumers Power's ongoing construction program.

Copies of the filing were served upon Consumers Power's jurisdictional customers and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34842 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TC80-1 and RP72-6]

El Paso Natural Gas Co.; Order Accepting Tariff Sheets, Granting Interventions and Denying Protests and Request for Suspension

October 30, 1979.

On October 1, 1979, El Paso Natural Gas Company (El Paso) filed certain original and revised tariff sheets to El Paso's FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A. Such tariff sheets are submitted pursuant to Order No. 29, issued May 2, 1979, at Docket No. RM79-15 and ordering paragraph (E) of the Commission's order issued July 29, 1977, at Docket No. RP72-6.

Order No. 29, as amended, provides that unless an adjustment is granted, effective November 1, 1979, no curtailment plan of an interstate pipeline, to the maximum extent practicable, may result in curtailment of deliveries for any essential agricultural users, unless such curtailment is required to protect the needs of high priority users, or unless the Commission determines that an alternative fuel is economically practicable and reasonable available for use in satisfying such requirements. Ordering Paragraph (E) of the Federal Power Commission's Order issued July 29, 1977, in Docket No. RP72-6, modified the curtailment plan formulated in Opinion Nos. 697 and 697-A, as clarified, so as to (i) upgrade the requirements of gas turbines used to generate electric energy to Priority 3 and (ii) reflect in the base period requirements the annualized effect of net new Priority 1 and 2 attachments between October 31, 1974, and December 19, 1974.

The modifications to the Opinion Nos. 697 and 697–A curtailment plan were in response to the remand to the Federal Power Commission issued June 30, 1977, in *City of Willcox* v. *FPC*, 567 F. 2d 394 (D.C. Cir. 1977). Other issues remanded by the United States Court of Appeals for the District of Columbia Circuit are now in hearing before the Federal Energy Regulatory Commission.

On September 28, 1977, El Paso, at Docket No. RP72–6, moved that the Presiding Administrative Law Judge certify to the Commission for its consideration certain proposed tariff sheets intended, *inter alia*, to modify El Paso's Gas Tariff in conformity with the Commission's July 29, 1977, order at Docket No. RP72–6. Such tariff sheets were certified on October 5, 1977, and are presently pending before the Commission. Concurrently, with the filing of the tariff sheets under consideration here, El Paso filed its notice of withdrawal of the tariff sheets certified October 5, 1977.

To comply with the aforementioned orders, El Paso's filing modifies the seasonal base volumes of its customers in the currently effective Index of Base Volumes and Index of Priority limitations in several respects. The revisions made pursuant to Order No. 29 reflect (1) the reclassification of requirements to be included in Priority 1, described as "high-priority users" in Section 281.203 of the Commission's Regulations; (2) the establishment of Priority 2(a) to reflect the reclassification and protection of requirements associated with essential agricultural users; and (3) the reservation of Priority 2(b) to reflect essential industrial process and feedstock uses to be certified in the future under Section 402 of the Natural Gas Policy Act.

The changes in the seasonal base volumes are also responsive to the order issued July 29, 1977, at Docket No. RP72–6. El Paso requested data from data from each of its customers having Priority 1 and 2 requirements and/or gas turbine fuel uses. The data obtained were used to adjust Priority 1 and 2 requirements to account for net new Priorities 1 and 2 attachments between October 31, 1974, and December 19, 1974, and to adjust Priority 3 requirements to account for the upgrading of gas used for turbine fuel from priorities 4 and 5 to Priority 3, pending a final decision in the remanded proceedings in Docket No. RP72–6 (Turbine Fuel) on the proper classification of these requirements.

El Paso has modified the definitions contained in the current tariff sheets to conform to the definitions found in Section 281.203 of the Commission's Regulations.

In addition, even though El Paso's currently effective FERC Gas Tariff already provides for the granting of special exemptions from curtailment during emergency situations, that emergency relief clause has been clarified as required by Section 281.204(c) to provide special exemption for minimum plant protection requirements when a plant is shut down.

Finally, El Paso notes that Section 281.205(c) of the Commission's Regulations requires interstate pipelines to classify customer storage injection volumes in the same manner as in the currently effective curtailment plan. Since El Paso's present curtailment plan calls for the prioritization of net storage injection volumes according to the actual service provided during the base period, pending a final determination on the treatment of storage in the remanded proceedings in Docket No. RP72–6 (Storage), the net storage injection volumes are not affected by the reclassification required by Order No. 29 and the July 29, 1977, order.

However, El Paso has revised the wording in the Priorities of Service section of its tariff to make it clear that historic customer storage injection requirements are "sprinkled" not only in Priority 2(c) but also in Priorities 3, 4 and 5. This does not represent a change from its currently effective tariff but merely spells out how the existing "sprinkling" method works and it consistent with priors orders clarifying Opinion Nos. 697 and 697–A

Data Verification Committee

The Data Verification Committee (DVC) met on June 26, 1979, August 7 and 8, 1979, and September 13 and 14, 1979. The committee examined requests from El Paso's customers to reclassify as Priority 1, schools, hospitals and other similar institutions not already classified as Priority 1, and requests from Essential Agricultural Users for classification to a new high Priority 2(a) classification. The committee examined individual requests and summaries of requests from distribution companies and municipalities for consistency, for arithmetic errors, to determine if signatures were properly affixed, and for proper identification as to standard industrial classification code numbers. Where errors were encountered or deficiencies noted, the forms were returned to the approriate party for correction and recertification.

The committtee was unanimous in recommending approval of each of the requests received for either Priority 1 reclassification or Priority 2 classification for Essential Agricultural Uses as certified by the Secretary of Agriculture.

The Data Verification Committee also examined El Paso's draft tariff sheets to be filed pursuant to Order No. 29 and suggested certain minor changes which have been incorporated into the tariff sheets filed concurrently by El Paso. Copies of these draft tariff sheets were mailed to all of El Paso's customers on September 14, 1979; the Data Verification Committee received no unfavorable comments.

Interventions

El Paso's tariff filing was noticed on October 9, 1979, and several petitions to intervene and/or protest were timely filed by the due date of October 19, 1979. Three petitions for leave to file for intervention out of time were also received, and the State of Oklahoma entered an appearance. The petitions will be discussed individually.

1. *Process Gas Consumers Group.*—The Process Gas Consumers Group (PGC) filed a timely conditional protest, request for suspension and petition to intervene. PGC is an association of industrial consumers of natural gas which are supplied by El Paso. PGC states its belief that Order No. 29 is unlawful in certain respects. Therefore, PGC concludes that the tariff revisions filed by El Paso proposing to implement Order No. 29 are also defective. In particular, PGC states that the Commission has required the filing of tariff revisions implementing Order No. 29 while unlawfully failing to make the alternative fuel determination required by Section 401(b) of the NGPA. PGC, therefore, conditionally protests these tariff filings and requests that the Commission suspend the proposed tariff filings for the maximum period of five months or until such time as Section 401(b) is lawfully implemented, whichever comes first. By way of response, the Commission notes that it has in Docket No. RM79–40, approved interim regulations implementing Section 401(b) of the NGPA. The issuance of those regulations, therefore, moots PGC's conditioned protest.

In its conditional protest, PGC does not raise any argument to the effect that the tariff sheets herein do not comply with Order No. 29. Rather, PGC's protest is with Order No. 29 itself. That complaint is before the court of appeals[1] and need not be considered further herein.

We will, therefore, reject PGC's conditional protest and its request for

[1] *Process Gas Consumers Group, et al. v. FERC*, D.C. Cir. Nos. 79–1449, *et al.*

suspension, while permitting it to intervene.

2. *Phelps Dodge Corporation, El Paso Electric Company and Salt River Project Agricultural Improvement and Power District.*—These three petitions to intervene are identically worded and while they do not protest El Paso's filings, the petitioners do wish to reserve the right to protest at a later date after reviewing the voluminous requests made to the DVC for classification as high priority or essential agricultural users. The petitions also allege that industrial customers were not represented at the DVC meetings and that these were composed almost entirely of distributors. In response, the Commission points out that Order No. 29 does not require direct industrials to be represented on the DVCs, which were to be composed of a representative of the interstate pipeline, Commission Staff, a large and small local distribution company and an essential agricultural user.[2] However, the petitions to intervene are granted.

3. *Arizona Electric Power Cooperative and City of Willcox (AEPCO).*—AEPCO protests El Paso's inclusion of several provisions in the proposed tariff sheets:

(1) AEPCO states that revision of the seasonal base volumes of El Paso's customers in the Index of Base Volumes and Index of Priority Limitations to reflect net new Priority 1 and 2 attachments during the period October 31, 1974, to December 19, 1974, is not in conformity with the Order of July 29, 1977, and cites order language allegedly calling for further hearings;

(2) AEPCO argues that the groupings in the Index of Base Volumes of delivery points for certain direct industrial sales and sales-for-resale distributors which are also dual utilities should not be allowed without an evidentiary hearing;

(3) AEPCO alleges that the tendered tariff sheets eliminate the priority-by-priority limitation on nominations for each customer;

(4) AEPCO protests the fact that customer storage prioritization provisions reflect winter usage and an alleged double-counting of requirements;

(5) Finally AEPCO argues that the partial requirements formula does not reflect differences in the degree of service actually being rendered by the California and East of California distributors.

Each of the points raised will be discussed in turn. First of all, Ordering Paragraph (E) of the order of July 29, 1977, clearly states that "requirements of new residential and commercial customers attached between October 31, 1974, and December 19, 1974, shall be included in base period requirements." In adjusting its customers' seasonal base volumes, El Paso was complying with the Commission's order. The language cited by AEPCO in its petition is clearly inappropriate since it refers to hearings to be held on the issue of additional base period adjustments for attachments occurring *after* December 19, 1974.

The grouping issue is raised by AEPCO with respect to Arizona Public Service Company (APS), Tucson Gas and Electric (TG&E), Southwest Gas Corporation (Southwest), and West Texas Gas. The assets used by TG&E in its gas operations were sold to Southwest earlier this year and TG&E assigned to Southwest its rights under its gas sales contract with El Paso. In issuing a certificate of public convenience and necessity to El Paso to deliver and sell the gas under the said contracts to Southwest, the Commission stated that:

> [T]he formerly non-jurisdictional direct sale by El Paso to TG&E will be converted into a jurisdictional sale for resale through Southwest. Consequently, the delivery points, delivery pressure, daily contract volumes, and term provisions of the superseded gas sales contract have been provided for under the new service agreement in the standard form A contained in El Paso's FERC Gas Tariff." [2]

As regards grouping by APS and West Texas, this is already in effect and no change has been made by the tendered tariff sheets. Therefore, no evidentiary hearing is required.

The third issue is also one that does not involve any changes to the currently effective tariff sheets. The proposal to limit nominations of gas priority-by-priority was rejected by the Commission in its Order Denying Rehearing and Accepting Tariff Sheets, Docket No. RP72-6, issued June 1, 1977. AEPCO's protest is in effect an untimely petition for rehearing and is therefore denied.

Next AEPCO argues that prioritization of customer storage injections reflect winter usage of those volumes. this is correct and is consistent with the orders clarifying Opinion Nos. 697 and 697-A as modified. Any further discussion of the treatment accorded to customer storage volumes (including the allegation of double counting) is more appropriately reserved to the hearing established by the Order of July 29, 1977, in Docket No. RP72-6 (Storage), since the tendered filings do not in any way change the currently effective treatment of customer storage volumes.

AEPCO's final objection concerning equalization of California and East of California curtailment levels is also without merit in that the tendered tariffs in no way alter the partial requirements formula currently used to determine delivery volumes to El Paso's California customers. This formula is the subject of a recent court order [3] and a petition filed by AEPCO requesting further hearings on the issue is under consideration.

AEPCO's protests are dismissed and its petition to intervene is granted.

The timely petition of Southern California Gas Company is granted and the petitions by Pacific Gas and Electric, Southwest Gas Corporation and Arizona Public Service Company for leave to intervene out of time are also granted for good cause shown.

The Commission orders: (A) El Paso's tariff sheets file October 1, 1979, in Docket Nos. TC80-1 and RP72-6 are accepted for filing and ordered into effect on November 1, 1979.

(B) PGC's conditional protest and request for suspension is denied. AEPCO's protest is dismissed.

(C) PGC, AEPCO, Phelps Dodge Corporation, El Paso Electric Company, Salt River Project Agricultural Improvement and Power District, Pacific Gas and Electric Company, Southern California Gas Company, and Arizona Public Service Company, are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided however,* that participation by such intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission. Chairman Curtis was present for the quorum and not voting.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34858 Filed 11-9-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER80-57]

Gulf States Utilities Co.; Proposed Tariff Change

November 5, 1979.

The filing Company submits the following:

Take notice that on October 31, 1979, Gulf States Utilities Company (GSU)

[2] Section 281.213, Commission's Rules and Regulations.

[2] Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity, Permitting and Approving Abandonment and Granting Petitions to Intervene, Docket No. CP79-90, *et al.*, February 23, 1979, mimeo p. 3, fn. 3.

[3] Arizona Electric Power Cooperative v. FERC, D.C. Cir. No. 78-2114, *et al.*, July 13, 1979.

tendered for filing proposed changes in its presently effective rate schedules under transmission service contracts which are filed under FPC Docket No. E-8300 (with Cajun Electric Power Cooperative, Inc.), FPC Docket No. E-8600 (with the City of Lafayette, Louisiana), and FPC Docket No. E-8601-(with the City of Plaquemine, Louisiana) ("presently effective Rate Schedules"), which cover charges for jurisdictional wholesale transmission services. The proposed changes are proposed to be placed into effect as of January 1, 1980. The proposed changes would increase revenues from jurisdictional sales and service by $1,204,635.00 based on the twelve (12) month period ending March 31, 1980.

The reasons for the proposed changes are that (i) under the presently effective Rate Schedules, GSU earned a rate of return on rate base of only 1.35 percent for the period from April 1, 1978 to March 31, 1979, and expects to earn a rate of return on rate base of only 1.14 percent for the period from April 1, 1979 to March 31, 1980. The proposed revised Rate Schedules have been designed to enable GSU to have the opportunity to earn a rate of return on rate base of 10.69 percent; and (ii) the proposed changes reflect the revenue and earning requirements in light of GSU's present financial and operating needs.

Copies of the filing were served upon GSU's jurisdictional wholesale transmission customers (being the City of Lafayette, Louisianna, the City of Plaquemine, Louisiana, and Cajun Electric Power Cooperative, Inc. (CEPCO), the Public Utilities Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-34843 Filed 11-9-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP80-1]

Hampshire Gas Co.; Order Accepting for Filing and Suspending Rate Increase Subject to Conditions and Establishing Procedures

October 31, 1979.

On October 1, 1979, Hampshire Gas Company (Hampshire) filed Second Revised Sheet No. 5 to its S-1 Rate Schedule, FERC Gas Tariff, Original Volume No. 1. The revised tariff sheet is designed to increase by $133,027 annually its revenues under its cost of service tariff for service rendered to its parent and sole customer, Washington Gas Light Company (Washington Gas). Hampshire proposes November 1, 1979 as the effective date for the revised tariff sheet. The test period is based upon actual costs for the twelve months ended June 30, 1979.

The proposed rate increase is based upon claimed increased capital costs to cover operating costs for the storage service provided to Washington Gas. Hampshire claims an overall rate of return of 10.60% which, when applied to the consolidated capital structure of Washington Gas, produces a return on common equity of 15.63%.

Based upon a review of Hampshire's filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Hampshire's Second Revised Sheet No. 5 to its FERC Gas Tariff, Original Volume No. 1 for filing, suspend its effectiveness for five months until April 1, 1980, subject to refund and the conditions set forth below, and set the matter for hearing.

Hampshire, noting that its application for a rate increase is not accompanied by an opinion of an accountant as required by § 154.63(e)(6) of the Commission's Regulations, requests a waiver of that provision. Hampshire argues that because its books are audited annually on a calendar year basis, it would be unduly costly and burdensome to require a mid-year audit, especially in view of the amount of the proposed rate increase. For good cause shown, Hampshire's request for a waiver is granted.

The Commission Orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 of the Act, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Hampshire.

(B) Pending hearing and decision, Hampshire's proposed Second Revised Sheet No. 5 to its FERC Gas Tariff, Original Volume No. 1 is accepted for filing and suspended for five months until April 1, 1980, when it may become effective subject to refund, in the manner prescribed by the Natural Gas Act.

(C) The Commission Staff shall prepare and serve top sheets on all parties on or before February 1, 1980.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever or dismiss) as provided for in the rules of practice and procedure.

(E) Hampshire's request for a waiver of § 154.63(e)(6) of the Commission's Regulations is granted.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-34859 Filed 11-9-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. SA80-15]

Lawrenceburg Gas Transmission Corp.; Application for Adjustment

November 5, 1979.

Take notice that on October 29, 1979, Lawrenceburg Gas Transmission Corporation (Lawrenceburg), P. O. Box 960, Cincinnati, Ohio 45201, filed in Docket No. SA80-15 an application pursuant to § 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41) for an adjustment from the requirements of section 401 of the Natural Gas Policy Act of 1978 and § 281.204 of the Regulations thereunder (18 CFR 281.204) to permit the filing of proposed Second Revised Sheet No. 11A to Lawrenceburg's FERC Gas Tariff to provide protection for high priority and essential agricultural users in a manner

other than that required by the Regulations under the Natural Gas Policy Act of 1978. Lawrenceburg also requests interim relief pending action on the instant application. The application is on file with the Commission and open to public inspection.

Lawrenceburg states that it has a permanent *pro rata*-type of curtailment plan in its tariff that has been in effect since November 1, 1975, which exempts high priority users of natural gas and has no priority of service levels and related data base and that there is nothing to revise to conform to the requirements of the Regulations under the Natural Gas Policy Act of 1978. Lawrenceburg alleges that its *pro rata* plan has operated effectively without specific priority classes of curtailment, that this has provided protection to high priority users of natural gas, and that the proposed tariff sheet expands the protection to essential agricultural users of natural gas.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before November 28, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34844 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-54]

Montana Power Co.; Agreements for Storage of Energy

November 5, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on October 29, 1979, tendered for filing in accordance with Section 34 of the Commission's regulations (1) a Letter Agreement dated December 29, 1978, between Eugene Water and Electric Board and Montana; (2) a Letter Agreement dated December 22, 1978, between Cowlitz County PUD and Montana; (3) a Letter Agreement dated May 14, 1979, between Cowlitz County PUD and Montana; (4) a Letter Agreement dated January 8, 1979, between PUD No. 2 of Grant County and Montana; (5) a Letter Agreement dated January 16, 1979, between PUD No. 1 of Chelan County and Montana; (6) a Letter Agreement dated May 14, 1979, between PUD No. 1 of Chelan County and Montana; (7) a Letter Agreement dated August 6, 1979, between PUD No. 1 of Chelan County and Montana; (8) a Letter Agreement dated March 20, 1979, between the City of Tacoma and Montana; (9) a Letter Agreement dated March 9, 1979, between Seattle City Light and Montana; (10) a Letter Agreement dated February 27, 1979, between PUD No. 1 of Douglas County and Montana; and (11) a Letter Agreement dated May 14, 1979, between PUD No. 1 of Douglas County and Montana. Montana states that these letter agreements are for storage of energy in Montana's reservoirs with right of first refusal for Montana to acquire this energy if the storing party elects not to have the storage energy returned.

Montana indicates that the proposed letter agreements would not increase its revenues since the transactions involve storage for other parties. Montana states that the right of first refusal to purchase energy not returned at the indicated rates under the letter agreements was negotiated.

Effective dates as follows are proposed and waiver of the Commission's requirements is therefore requested.

Eugene Water & Electric Board—December 29, 1978
Cowlitz County PUD—December 22, 1978
Cowlitz County PUD—May 14, 1979
PUD No. 2 of Grant County—January 8, 1979
PUD No. 1 of Chelan County—January 16, 1979
PUD No. 1 of Chelan County—May 14, 1979
PUD No. 1 of Chelan County—August 6, 1979
City of Tacoma—March 20, 1979
Seattle City Light—March 9, 1979
PUD No. 1 of Douglas County—February 27, 1979
PUD No. 1 of Douglas County—May 14, 1979

Any person desiring to be heard or to protect said filing should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Northeast, Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34845 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-51]

Montana Power Co.; Amendment of Agreement for Sale of Firm Energy

November 5, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on October 29, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement amending previously filed Letter Agreements, with the City of Pasadena ("Pasadena"). Montana states that this amendment provides for the sale of additional firm energy between Montana and Pasadena at a rate previously accepted by the Commission.

Montana indicates that the proposed amendment would increase revenues from jurisdictional sales by an estimated $8,050 based upon energy delivered through September 30, 1979, under this Amendatory Agreement.

An effective date of September 4, 1978, is proposed and waiver of the Commission's requirements is therefore requested.

With this filing Montana tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 49 and all its supplements, an agreement for the sale of firm energy between Montana and Pasadena. Montana states that the agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34846 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-50]

Montana Power Co.; Amendment of Agreement for Sale of Firm Energy

November 5, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on October 29, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement amending previously filed Letter Agreements, with the City of Glendale ("Glendale"). Montana states that this amendment provides for the sale of additional firm energy between Montana and Glendale at a rate previously accepted by the Commission.

Montana indicates that the proposed amendment would increase revenues from jurisdictional sales by an estimated $13,475 based upon energy delivered through September 30, 1979, under this Amendatory Agreement.

An effective date of September 4, 1978, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 47 and all its supplements, an agreement for the sale of firm energy between Montana and Glendale. Montana states that the agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34847 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-52]

Montana Power Co.; Amendment of Agreement for Sale of Firm Energy

November 5, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on October 29, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements amending previously filed Letter Agreements, with the Los Angeles Department of Water and Power ("Los Angeles"). Montana states that these amendments provide for the sale of additional firm energy between Montana and Los Angeles at a rate previously accepted by the Commission.

Montana indicates that the proposed amendments would increase revenues from jurisdictional sales by an estimated $205,275 based upon energy delivered through September 30, 1979, under this Amendatory Agreement.

An effective date of September 4, 1978, is proposed and waiver of the Commission's requirements is therefore requested.

With this filing Montana tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 50 and all its supplements, an agreement for the sale of firm energy between Montana and Los Angeles. Montana states that the agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34848 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-53]

Montana Power Co.; Amendment of Agreement for Sale of Firm Energy

November 5, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on October 29, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement amending previously filed Letter Agreements, with the City of Burbank ("Burbank"). Montana states that this amendment provides for the sale of additional firm energy between Montana and Burbank at a rate previously accepted for filing.

Montana indicates that the proposed amendment would increase revenues from jurisdictional sales by an estimated $13,475 based upon energy delivered through September 30, 1979, under this Amendatory Agreement.

An effective date of September 4, 1978, is proposed and waiver of the Commission's requirements is therefore requested.

With this filing Montana tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 48 and all its supplements, an agreement for the sale of firm energy between Montana and Burbank. Montana states that the agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34849 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-14]

Natural Gas Pipeline Co. of America; Application for Adjustment

November 5, 1979.

Take notice that on October 29, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. SA80-14 an application pursuant to § 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41) for an adjustment to extend by three months until January 31, 1980, the time in which Natural is required to file tariff sheets and supporting materials in accordance with § 281.204 of the Regulations under the Natural Gas Policy Act of 1978 (18 CFR 281.204) and section 401 of the Natural Gas Policy Act of 1978 pursuant to orders issued May 2, 1979, and August 24, 1979, in Docket No. TC79-128, all as more fully set forth in the application on file with the Commission and open to public inspection.

Natural states that it and its curtailed customers have been diligently attempting to comply with the orders of the Commission so that the required

tariff sheets and other materials could be filed by November 1, 1979, but that Natural has encountered unforeseen difficulties in collecting the necessary data and drafting the tariff sheets. Natural alleges that the extension of time will not endanger the protection of service to high priority or essential agricultural users of natural gas because Natural has on file tariff sheets for this purpose which will remain in effect until Natural files the new tariff sheets.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Section 1.41. All petitions to intervene must be filed on or before November 28, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34850 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Dockets Nos. RP74-102 and RP76-52, Consolidated; CP77-83, CP67-47, CP68-57, and CP68-193]

Northern Natural Gas Co.; Order Waiving Compliance With Filing Requirements of Order No. 29, as Amended, and Ordering Filing of Tariff Sheets To Be Effective for 30 Days

October 31, 1979.

Due to the lack of a quorum to take action upon the merits of Northern's proposed curtailment settlement offer in the above-captioned dockets the Commission defers action thereon.

The Commission, in such circumstances, waives compliance by Northern with the filing requirements in Section 281.204(a) of its Regulations, as promulgated by Order No. 29, issued May 2, 1979, and amended by Order No. 29-B, issued July 20, 1979.

In this regard, the Commission orders that within 10 days of the issuance of this order, Northern shall file tariff sheets continuing its presently-effective interim curtailment plan in effect for the period November 1, 1979 to November 30, 1979. Northern shall request that such sheets be retroactively effective as of November 1, 1979.

Finally, the Commission specifically reserves decision on Northern's request that, if the settlement should be approved, the proposed tariff sheets thereunder be effective as of October 27, 1979.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34860 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-61]

Pacific Power & Light Co.; Rate Schedule Filing

November 5, 1979.

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on October 30, 1979, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, a new rate schedule for power sales to Black Hills Power and Light Company (Black Hills).

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective October 1, 1979, which it claims is the date service commenced.

Copies of the filing were supplied to Black Hills.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34851 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-60]

Southern California Edison Co.; Proposed Tariff Change

November 5, 1979.

The filing Company submits the following:

Take notice that Southern California Edison Company ("Edison") on October 30, 1979, tendered for filing a change of rate for scheduling and dispatching services under the provisions of Edison's agreements with the parties listed below as embodied in their FERC Rate Schedules. Edison requests that the new rates for these services be made effective January 1, 1980.

	FERC No.	New rate per month	Monthly increase over 1979	Total 1980 increase
1. City of Anaheim	83	$553	$28	$336
2. City of Riverside	84	553	28	336
3. City of City of Pasadena	88	884	44	528
4. Arizona Power Pool Association	92	3,647	182	2,184
5. Arizona Power Pool Association	93	553	28	336
6. City of Glendale:				
First Supplier:				
Point of Interconnection				
Point of Delivery Combination	97	995	50	600
Each Additional Combination		553	28	336
7. City of Riverside	98	553	28	336
8. City of Anaheim	99	553	28	336
9. City of Los Angeles	102	995	50	600
10. San Diego Gas & Elec. Company				
First Supplier:				
Point of Receipt				
Point of Delivery Combination		995	50	600
Each Additional Combination		553	28	336
11. Pacific Gas & Elect. Co	(1)	995	[1]50	[1]600
12. Pacific Gas & Elect. Co	(1)	995	[1]50	[1]600

[1] FERC Rate Schedule Number not yet assigned; will supersede FERC Rate Schedules Nos. 87 and 89 respectively; monthly and total 1980 increases are from the rates tendered for filing by letter dated 5, 1979.

Said filing is in accordance with the terms of each of these agreements, which state that the rates for these services will be redetermined prior to January 1 of each year based on Edison's annual budget for load dispatching and production section function expenses for that year.

Copies of this filing were served upon all the interested parties and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, §§ 1.8, 1.10). All such petitions or

protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34852 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-0-M

[Docket No. ER 80-58]

Southern Co. Services, Inc.; Filing of Rate Schedule

November 5, 1979.

The filing Company submits the following:

Take notice that Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company on October 31, 1979, tendered for filing an initial rate schedule constituting an interchange contract between such companies and Florida Power & Light Company. The service under the rate schedule is scheduled to commence on January 1, 1980. The interchange contract between Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Company Services, Inc., and Florida Power & Light Company provides for an intial interconnection between the respective electric systems. The interchange contract provides for emergency assistance, short-term power and economy interchange transactions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plum,

Secretary.

[FR Doc. 79-34853 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-48]

Southern Indiana Gas & Electric Co.; Filing

November 5, 1979.

The filing Company submits the following:

Take notice that Southern Indiana Gas and Electric Company on October 26, 1979, tendered for filing, Supplement No. 7 to Electric Power Agreement dated May 28, 1971 (Alcoa Generating Corporation Rate Schedule FPC No. 2) modifying said Agreement, as modified by the First, Second, Third, Fourth, Fifth and Sixth Supplements thereto (Southern Indiana Gas and Electric Company Rate Schedule FPC No. 32).

The instant filing proposes firm power at a demand charge of $3.00 per KW per month.

Waiver of the Commission's notice requirements is requested to allow for an effective date of October 1, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34854 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TC80-26]

Southern Natural Gas Co.; Order Accepting and Suspending Tariff Sheets, Requiring Filing of Tariff Sheets, Requiring Filing of Report, Establishing Procedure and Accepting Petitions to Intervene

Issued: October 31, 1979.

On October 2, 1979, Southern Natural Gas Company (Southern) submitted for filing proposed tariff sheets pursuant to § 281.204(a)(1) of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) intended to conform to the requirements of Section 401 of the NGPA and Subpart B of Part 281 of the Regulations.[1]

These proposed tariff sheets contain changes in Southern's presently effective tariff, including modifying priority-of-service category one (1), creating a new priority-of-service category 2.1, redesignating existing priority-of-service category 2 to 2.2, modifying the definitions applicable to Section 9 of the general terms and conditions in the tariff, and modifying the index of requirements to reflect the requirements seen by the data verification committee responsible for Southern to be (1) high-priority requirements, within the meaning of § 281.206 of the Regulations, in priority-of-service one and (2) essential agricultural use requirements, within the meaning of § 281.207 of the Regulations, in priority-of-service category 2.1. The proposed effective date of these tariff sheets is November 1, 1979. The tariff sheets are designed to amend the curtailment plan currently in effect on Southern's system, which was approved by the Commission in Opinion No. 5 on November 17, 1977.

On October 19, 1979, Atlanta Gas Light company (AGL), a utility that owns and operates natural gas distribution systems in 202 cities and communities in the State of Georgia, filed a protest to the proposed tariff sheets and a petition for leave to intervene. In its filing, AGL asserts that the operation of the revisions in Southern's tariff filed herein, together with certain currently effective tariff sheets, "unlawfully provides for curtailment of high priority uses and essential agricultural uses while lower priority uses are being served." AGL, filing of October 19, 1979, at 2. AGL asserts that such result will occur by operation of Section 9.7(1) of the general terms and conditions of Southern's tariff, which contains a special contract demand limitation applicable only to high priority jurisdictional sales, including sales to essential agricultural users, and which may operate while lower priority requirements are served. AGL alleges that this result is contrary to Section 401(a) of the NGPA and the Economic Regulatory Administration's regulations implementing Section

[1] Section 281.204(a)(1) set an October 1, 1979, deadline for filing tariff sheets. Southern requested in its filing that it be granted a one day extension of this deadline, due to last minute administrative difficulties. This request will be granted herein.

401(a) [2] and creates undue discrimination between direct and indirect essential agricultural uses. To remedy this alleged unlawful result, AGL proposed a modification of Section 9.7(1) of the Southern tariff.

AGL further asserts that the index of requirements filed herein reflects current essential agricultural uses, but fails to reflect current requirements of certain higher priority uses, which are determined on the basis of data for the years 1972–73. AGL asserts that this result is inconsistent with the intent of Congress that certain human-needs requirements be accorded a higher priority than essential agricultural uses. AGL further asserts that certain used, such as heating, cooking and cooling, in hotels should be accorded Priority 1 classification in the index of requirements, from which they are currently excluded.

AGL further asserts that storage injection requirements should be given a higher priority than essential agricultural uses on the ground that storage volumes primarily serve winter heating requirements of residential and commercial used. To remedy this, AGL proposes the adoption of a sprinkling method for Southern's storage requirements.

AGL further asserts that the revised index of requirements improperly includes requirements of certain essential agricultural uses, such as crop drying, based on the assumption that such requirements occur everyday in a given year, while, in reality, such requirements are seasonal in nature. To correct this, AGL proposes a special seasonal index for these essential agricultural uses, limiting gas requirements to a particular season, with an allowance for requirements out-of-season upon a showing that such requirements exist at such time.

On October 26, 1979, Alabama Gas Corporation (Alabama Gas), a utility that sells natural gas in 149 cities or communities in the State of Alabama, filed a protest to Southern's filing and a request for leave to intervene. In its filing, Alabama Gas argues that the southern data verification committee's recommendation to include a 45,000 Mcf per day amount of gas in the index of requirements for Columbia Nitrogen (Columbia) was reached in an improper manner and that Southern should change the index to reflect 36,667 Mcf per day as the essential agricultural requirements of Columbia. Alabama Gas bases its protest of the 45,000 Mcf per day amount for Columbia on the fact that the vote to include that amount was made by a telephone poll of members of the committee who attended the September 25, 1979, meeting, such poll being initiated when one member, Kaiser Agricultural Chemicals, indicated to the chairmen of the committee that it intended to change the vote it made at the meeting to support the 45,000 Mcf per day amount for Columbia. Alabama Gas argues that this course of action violates the principle that Southern may accept vote changes only in the confines of a formal data verification committee meeting.

On October 29, 1979, Southern filed an answer to the protests of AGL and Alabama Gas. In its answer, Southern raised a series of arguments in opposition to AGL's request for modification of Section 9.7(1) of Southern's tariff.

Southern asserts that AGL was barred from any attack on Section 9.7(1) of its tariff since AGL participated in a settlement agreement in an earlier proceeding that led to Opinion No. 5, which included Section 9.7(1) as part of Southern's tariff and which barred attack on the subject tariff provisions for a period of two years from the date of Commission approval, or November 17, 1979.

Southern further asserts that the contract demand limitation in Section 9.7(1) is a provision that is critical to the operation of its system in that it, in part, is derived from existing capacity limitations of its pipeline transmission facilities and from the recognition of the existence of supplemental supplies available to certain distributors on Southern's system. Southern notes that the contract demand limitation was specifically discussed and approved in the Federal Power Commission's Opinion Nos. 747 and 747–A.

Southern further asserts that modification of its contract demand limitation is prohibited by Section 281.204(c)(2) of the Commission's NGPA regulations, which provides that the delivery requirements of Section 281.205 shall not exceed existing volumetric requirements limits in contracts between a pipeline and its customers.

Southern further asserts that any modification of Section 9.7(1) will not necessarily prevent curtailment of essential agricultural requirements. It asserts that any actual curtailment of essential agricultural deliveries results from allocation decisions of its distributors, such as AGL.

Southern further objects to AGL's proposed modification on the grounds that it adds not only essential agricultural requirements but also all Priority 2 and 3 requirements to contract demand amounts.

In summary, Southern argues that Section 9.7(1) is consistent with Order No. 29.

In response to other arguments raised by AGL, Southern asserts that such arguments have been raised and dealt with by the Commission in other proceedings.

In response to the arguments of Alabama Gas, Southern asserts that the telephone poll procedure is fair, but states that if the Commission decides to review Columbia's essential agricultural requirements it may request a report from the data verification committee or call an informal conference to resolve the matter.

In disposing of the arguments made by AGL, the arguments concerning the contract demand limitation on certain high priority custumers and for a special seasonal index for essential agricultural uses will be dealt with last. As for the second argument raised by AGL, concerning the alleged improper disparity in base periods of data between high priority and essential agricultural requirements, the justification for not reviewing the base period for all requirements in formulating revised curtailment plans pursuant to Section 401(a) is set forth in the preamble to Order No. 29, issued May 8, 1979, and in Order No. 29–C, issued October 22, 1979 (at 11–12) and need not be discussed herein.

The third argument raised by AGL, concerning the exculsion of hotels from Priority 1, should be decided by reference to the definition of "residence" set forth in § 281.203(a)(8) of the Regulations and to the intent underlying the scope of high-priority uses. The definition of residence in § 281.203(a)(8) does not include hotels and the fact that other kinds of buildings that would have human needs uses, such as hospitals, are separately defined in § 281.203 indicates that the phrase "other multi-unit buildings" in § 281.203(a)(8) should be read narrowly to refer to merely permanent residences, and as not including hotels.

The fourth argument made by AGL, concerning the need to give storage injection requirements a higher priority than essential agricultural requirements, is inconsistent with the rule set forth in § 281.205(c) of the Regulations, which clearly requires that storage injection volumes be classified, in any traiff sheets submitted pursuant to Section 281, in the same manner as in currently effective curtailment plans. The sole exception, set forth in § 281.205(c)(2), does not apply here.

AGL's argument concerning the operation of the proposed tariff sheets filed herein in conjunction with the

[2] 10 CFR 580.03

contract demand limitation currently in Southern's tariff assertedly resulting in service to customers in a manner inconsistent with Section 401 of the NGPA, the Economic Regulatory Administration's regulations promulgated under Section 401, as well as creating an undue discrimination between direct and indirect essential agricultural uses, is not susceptible to disposition on the basis of the pleadings filed herein and a review of Southern's tariff. The same is true with regards to AGL's argument that a special index of essential agricultural requirements based upon seasonal need should be established. These matters, and only these matters, will be set for a limited hearing before a single Commissioner at the earliest possible date, to be set by the Commissioner. The Commission notes that the hearing ordered herein is limited to the issue whether Southern's tariff comports with Order No. 29 and specificially to the two above-stated issues raised by AGL and should not involve any unrelated matters concerning the underlying curtailment plan in effect on Southern's system.

Commissioner Hall is hereby designated to hear this matter and report to the Commission. He is authorized to issue such further orders in this matter as may be appropriate to establish procedures and to designate members of the Staff to address questions to the parties.

The Commission, under Section 4(e) of the Natural Gas Act, will accept the tariff sheets of Southern for filing as of November 1, 1979, and suspend the date of effectiveness of the tariff for 5 months. The interim curtailment plan currently in effect should be continued. In this regard, Southern will be required to file tariff sheets within 10 days from the date of this order continuing the interim plan which implements Section 401 of the NGPA. Such sheets shall remain in effect on Southern's system for 5 months or until such earlier time as proper superceding tariff sheet become effective. Such sheets shall propose a retroactive effective date of November 1, 1979.

The Commission notes that Southern pursuant to the Rules of Practice and Procedure may at any time during the pendency of this matter seek leave to withdraw the tariff sheets hereby accepted and suspended. The Commission for good cause shown may permit such withdrawal.

The Commission further notes that Southern has the option of seeking relief from the provisions of Order No. 29 under Section 502(c) of the NGPA, which permits the Commission to authorize adjustments to the rules it promulgates under the NGPA, as may be necessary to prevent special hardship, inequity, or an unfair distribution of burdens. Upon the filing of any Section 502(c) request and an attendant request to withdraw the tariff filing made herein, the Commission would envision suspending the hearing established by ordering paragraph (E).

The argument made by Alabama Gas concerning the telephone poll procedure followed to change the index amount for Columbia is of concern for the reasons that this procedure is apparently inconsistent with earlier Southern data verification committee action and because apparently only 13 of the 16 committee members were polled, leading to a 7–6 vote in favor of 45,000 Mcf per day for Columbia.

To insure that this vote reflects the action of the full committee, a formal vote of all committee members should be taken as soon as possible and reported to the Commission, and we will act, upon receipt of the report, in the manner deemed appropriate.

On October 19, 1979, the Process Gas Consumers Group (PGC), and association of industrial consumers of natural gas whose members operate over 1,000 plants in 46 states, filed a conditional protest to the Southern tariff filing herein, a request for suspension of the tariff, and a petition for leave to intervene. PGC's protest to the Southern tariff filing is conditional upon Commission acceptance of its argument made in the proceedings in Docket Nos. RM79–15 and 79–40 that a final rule under Section 401 of the NGPA should not be issued prior to the issuance of a rule on alternate fuel capability under Section 401(b). In Order No. 29–C, issued October 22, 1979, the Commission (at 4–6) rejected the above-mentioned argument. Since PGC's request for suspension is based upon this argument, that request, as well as its conditional protest, will be denied.

It is noted that the action followed herein in regards to Southern's tariff filing differs from the action taken by the Commission in regard to the essential agricultural curtailment compliance tariff filing of Arkansas Louisiana Gas Company (Arkla). See, orders issued July 18, 1979, and September 10, 1979, in Docket No. TC79–134. This difference results from the fact that the tariff filing of Arkla was deficient on its face in two respects, order of July 18, 1979, at 4, and the Commission rejected the filing as a legal nullity, invoking the rule of *Municipal Light Boards of Reading and Wakefield, Mass.* v. *FPC*, 450 F. 2d 1341, 1346 (D. C. Cir., 1971), *cert. den.*, 405 U.S. 989 (1972), order of September 10, 1979, at 5. In the present case, the issues set for limited hearing concern the operation of certain Southern tariff provisions, when implemented, and as stated above, is not susceptible to disposition on the basis of the pleadings.

After due notice by publication in the Federal Register on October 16, 1979 (44 FR 59631), timely petitions for leave to intervene were, as stated above, filed by AGL and PGC, as well as by Mississippi Chemical Corporation (MCC) and South Carolina Electric and Gas Company (SCE &G). A late petition to intervene was filed on October 23, 1979, by the Alabama Municipal Distributors Group (MDG), a group of municipalities or political agencies located in the States of Alabama and Georgia. MDG asserts that its late filing should be accepted on the grounds that the relatively short time period between the date of notice and the due date for petitions to intervene—notice was issued by the Secretary on October 9, 1979, and the due date was set on October 19, 1979—did not permit coordinated action among the large number of members in MDG. For that reason, we will find the requisite good cause showing needed to accept a late petition to intervene pursuant to Section 1.8(d) of the Commission's Rules of Practice and Procedure. In addition, other late-filed petitions for leave to intervene were filed by Mississippi Valley Gas Company (Mississippi Valley), the Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia (Dalton) and, as stated above, by Alabama Gas. Although these petitions contain no argument supporting their acceptance out-of-time they will be accepted since the notice period set in this proceeding was exceptionally short in time.

The Commission finds:

(1) A waiver of the requirement set in § 281.204(a)(1) of the Regulations under the NGPA that tariff sheets submitted pursuant to such subsection of the Regulations be filed on October 1, 1979, should be granted to Southern.

(2) The tariff sheets filed herein by Southern have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act and the NGPA that the tariff sheets filed herein by Southern be accepted for filing as of November 1, 1979, and be suspended for five months.

(4) The arguments raised in the protests filed herein by AGL, Alabama Gas and PGC should be rejected, subject to the above-mentioned filing of a report by the Southern data verification

committee and convening of a hearing before a single Commissioner and such other persons who may participate in the hearing, as described above, on the two above stated issues raised by AGL.

(5) Participation in this proceeding by AGL, PGC, MCC and SCE & G may begin the public interest.

(6) The late filings for leave to intervene of MDG, Mississippi Valley, Dalton and Alabama Gas should be accepted.

The Commission Orders:

(A) A waiver of the requirement set in § 281.204(a)(1) of the Regulations under the NGPA that tariff sheets submitted pursuant to such subsection of the Regulations be filed on October 1, 1979, is granted to Southern.

(B) The tariff sheets filed herein by Southern are accepted for filing as of November 1, 1979, and suspended for five months.

(C) Southern is required to file tariff sheets within 10 days of the date of issuance of this order providing that the interim curtailment rule promulgated under Section 401 of the NGPA by the Commission on March 1, 1979, shall remain in effect on Southern's system.

(D) The chairman of the Southern data verification committee shall file with the Commission the above-mentioned report concerning the essential agricultural requirements of Columbia as soon as possible.

(E) A hearing will be convened on the earliest possible date concerning the two above-stated issues raised by AGL.

(F) The single Commissioner mentioned above is hereby granted the authority to designate members of the Staff of the Commission to participate in the above-mentioned hearing.

(G) The requests made by AGL, Alabama Gas and PGC are denied, subject to the filing of a report by the Southern data verification committee and the convening of a hearing, as mentioned above in ordering paragraphs (D) and (E).

(H) AGL, PGC, MCC, SCE, & G, MDG, Mississippi Valley Dalton, and Alabama Gas are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by such intervenors shall be limited to matters set forth in their respective petitions to intervene; and *Provided further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission, Chairman Curtis was present for the quorum and not voting.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34861 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-56]

Southwestern Electric Power Co.; Cancellation

November 5, 1979.

The filing Company submits the following:

Take notice that on October 29, 1979, Southwestern Electric Power Company (Southwestern) tendered for filing a notice of cancellation which cancels the letter agreement between Central Louisiana Electric Company and Southwestern. The letter agreement is dated October 17, 1978.

That agreement terminates by its own terms on December 31, 1979 and is considered cancelled as of that date.

A copy of this filing has been served upon Central Louisiana Electric Company, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34855 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-47]

Upper Peninsula Power Co., Filing

November 5, 1979.

The filing Company submits the following:

Take notice that on October 29, 1979 Upper Peninsula Power Company (Power Co.) filed a revision to Service Schedule III (Energy Interchange Rate) of the 1978 Basic Agreement. Power Co. states that the revision will increase from 24.8 mills/kwh to 28.8 mills/kwh the rate at which energy is exchanged under that service schedule. The 1978 Basic Agreement is a comprehensive interconnection and coordination agreement among Power Co., Cliffs Electric Service Company (Service Co.) and Upper Peninsula Generating Company (Generating Co.). Certificates of concurrence to the filing were filed by Service Co. and Generating Co.

Power Co. requests an effective date of January 1, 1980.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1979. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34856 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-17]

Wise Operating, Inc.; Application for Adjustment

November 5, 1979.

On August 9, 1979, Wise Operating, Inc. of Tyler Texas, 200 Cooperative Savings & Loan Building, Tyler, Texas 75701 (Applicant) filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), wherein Applicant sought relief from section 105(b)(1) of the NGPA and section 271.502(a) of the regulations thereunder (18 CFR § 271.502(a)). Applicant is a seller of natural gas under an existing intrastate contract at a contract price of $.35 per Mcf. Specifically, Applicant requested authorization to charge and collect $1.60 per Mcf of gas sold under that existing intrastate contract. The request is more fully set forth in the application which is on file with the Commission and open to public inspection.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before November 28, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-34863 Filed 11-9-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of March 19 Through March 23, 1979

Notice is hereby given that during the week of March 19 through March 23, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Akin, Gump, Hauer & Feld, Washington, D.C., DFA-0321, freedom of information

Akin, Gump, Hauer & Feld (AGH&F) appealed from a partial denial by the Director of the Division of Freedom of Information and Privacy Act Activities (the Director) of a request for information that the firm had submitted. In its Appeal, AGH&F requested the release of 57 documents or portions thereof that had been withheld pursuant to 5 U.S.C. 552(b)(4) and (5) (Exemptions 4 and 5). In considering the Appeal, the DOE determined that the Director had properly withheld pursuant to Exemption 4 volumetric data and other commercial information that had been submitted to the DOE by several firms. The DOE found that since this material was customarily considered to be privileged or confidential, it was not necessary for the agency to contact the firms that submitted the information to ascertain whether they were willing to permit it to be released. However, two of the documents withheld under Exemption 4 were released since the submitter of this material did not request that their confidentiality be maintained. Two other documents were remanded for further review since the DOE found that the proprietary information therein had probably been disclosed at a public hearing. The DOE also determined that the material withheld under Exemption 5 was, for the most part, the type of information which that exemption was designed to protect from disclosure since it consists of deliberative, pre-decisional intra-agency records. Nevertheless, the DOE concluded that two of the documents consist of factual material which could be segregated and were therefore not exempt from disclosure. In addition, the DOE determined that seven other documents or portions thereof should be released on the grounds that disclosure would not be contrary to the public interest. Finally, the DOE remanded two documents for further review since the Director's determination did not provide an explanation for the non-disclosure of this material.

Clark Oil & Refining Corp., Washington, D.C., DFA-0324, freedom of information

Clark Oil & Refining Corp. appealed from a partial denial by the DOE Director of Freedom of Information and Privacy Acts Activities (the Director) of a request for information which the firm had filed under the Freedom of Information Act (the FOIA). In its request, Clark sought access to documents which relate to the sale of a refinery in Mt. Pleasant, Texas, by American Petrofina, Inc., to Dorchester Gas Corporation, and an exception proceeding regarding that transaction. The Director released several documents to Clark, but withheld portions of two documents on the ground that they contained confidential financial information that was exempt from public disclosure under Section 552(b)(4) (Exemption 4) of the FOIA. In addition, two more documents were withheld in their entirety on the ground that they were predecisional inter-agency or intra-agency memoranda which are exempt from disclosure pursuant to Section 552(b)(5) (Exemption 5) of the FOIA. The Director also found that release of these documents would be contrary to the public interest. In responding to Clark's request, the Director also found that part of the request did not reasonably describe the records sought.

On Appeal of the Director's determination, the DOE found that the deleted portions of the documents which were withheld under Exemption 4 contain confidential financial information about the firms involved in the sale of the refinery. The DOE also found that release of this information could cause substantial competitive harm to the firms involved in the refinery transactions. For these reasons, the agency determined that the Director appropriately withheld the information from mandatory disclosure pursuant to Exemption 4. With respect to the documents which were withheld under Exemption 5, the DOE found that the documents involved contained recommendations of officials within the DOE regarding the disposition of a pending Application for Exception and were therefore predecisional in nature. The agency therefore concluded that they were properly withheld from release to the public under Exemption 5. Finally, the DOE found that portions of Clark's request did not adequately describe the records it sought. This portion of Clark's Appeal was therefore denied.

Common Cause, Washington, D.C., DFA-0320, freedom of information

Common Cause appealed from a partial denial by the Director of Freedom of Information and Privacy Acts Activities (the Director) of a request for information under the Freedom of Information Act. In its initial request, Common Cause sought the names, business addresses, and affiliations of all consultants hired by the DOE during the period October 1, 1977 through October 1, 1978. The Director released the names of those consultants. However, he withheld their business addresses and affiliations on the ground that they were exempt from mandatory disclosure under Section 552(b)(6) of the Act. That section exempts from mandatory disclosure information the release of which would result in a clearly unwarranted invasion of an individual's private affairs. The DOE held that the determination as to whether the release of the data was clearly unwarranted requires a balancing of the seriousness of the invasion of privacy and the importance of the public interest served by the disclosure of the information. The DOE noted that Common Cause asserted that the public interest would be served by disclosure of the business addresses and affiliations of DOE consultants because such disclosure would permit possible conflicts of interest of department employees to be identified and eliminated. The DOE also found that the Director gave no explanation of the privacy interest which led him to delete the business addresses and affiliations of the individuals in question. The DOE therefore remanded the matter to the Director with directions to release the business addresses and affiliations of the individuals, or to inform Common Cause in writing of the specific privacy interests that would be invaded by disclosure.

Jones, Day, Reavis & Pogue, Washington, D.C., DFA-0331, freedom of information

Jones, Day, Reavis & Pogue (Jones) appealed from a denial by the Director of the Division of Freedom of Information and Privacy Acts Activities (the Director) of a request for information which the firm had filed under the Freedom of Information Act (the Act). In its request for information, Jones has sought a copy of a report prepared by the consulting firm of Teknekron, Inc. which purported to analyze in depth the design of public utility rate structures. In response to this request, the Director withheld the Teknekron report on the ground that it was exempt from disclosure as an intra-agency memorandum under Exemption 5 of the Act and that the release of the report would not be in the public interest because of the policies underlying Exemptions. In considering Jones's Appeal, the DOE noted that the Teknekron report had been transmitted to two members of Congress and that the DOE had made specific references to the report in at least one ratemaking proceeding. The DOE further noted that the DOE Office of Coal, Utilities and Integrated Energy Analysis, whose earlier recommendations had apparently served as a basis for the Director's determination that disclosure of the Teknekron report would not be in the public interest, had indicated that it no longer opposed release of the requested comment. The DOE therefore determined that release of the Teknekron report would not involve a sufficient prospect of actual harm to legitimate public or private interests to justify non-disclosure. Accordingly; the Jones Appeal was granted.

Petition for Special Redress

Don Tutcher, Tutcher Magic Gas Co., and T & T Gas Products, Ltd., Overbrook, Kans., DSG-0046, DES-0159, propane, butane, fuel oil, motor gasoline

Don Tutcher filed a Petition for Special Redress on behalf of himself and two firms in which he held an executive position. The Petition, if granted, would have resulted in the issuance of an Order quashing a *subpoena ad testificandum* which the DOE Region VII issued to Tutcher. Tutcher also filed an Application for Stay in which he requested that the provisions of the subpoena be stayed pending a determination on his Petition. In his Petition, Tutcher contended that the subpoena should be quashed on the grounds that the official who issued the subpoena had no authority to do so, that the subpoena failed to give notice of its scope and purpose, that a subpoena requiring oral testimony could be issued only in conjunction with an oral hearing, that the DOE had not yet responded to a Freedom of Information request for material related to the subject of the subpoena, and that a previous Consent Order entered into between one of Tutcher's firms and the FEA barred the investigation to which the subpoena pertained. In considering the Tutcher Petition, the Office of Hearings and Appeals initially noted that it is required fully to consider the merits of a Petition seeking to quash a subpoena only when the petitioner makes a threshold showing that immediate review of the subpoena is warranted to correct substantial errors of law, to prevent substantial injury to legal rights, or to cure a gross abuse of administrative discretion. If this showing is not made, the Petition should be dismissed. Based on its consideration of the record in this proceeding and applicable regulations and decisions, the Office of Hearings and Appeals found that Tutcher had failed to make the required threshold showing with respect to the above contentions, and accordingly, dismissed the Petition for Special Redress and denied the Application for Stay.

Requests for Exception

Rickelson Oil and Gas Co., Tulsa, Okla., DEE-0363, crude oil

Rickelson Oil and Gas Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil which it intended to produce from the Chapman Lease at prices in excess of the applicable ceiling price levels. In considering the exception request, the DOE found that a considerable capital investment would be necessary to restore the productive capabilities of the Chapman Lease. The DOE further found that the production and operating expense estimates submitted by the firm indicated that the required capital investment would be uneconomic if the crude oil produced from the property had to be sold at the applicable ceiling prices. In addition, the DOE determined that a substantial quantity of crude oil would not be recovered if Rickelson did not undertake the capital investment program. Accordingly, a Proposed Decision and Order was issued permitting Rickelson to sell during the economic life of the project a sufficient portion of the crude oil to be produced as a result of the investment at prices in excess of applicable ceiling price levels in order to permit the working interest owners to attain a 15 percent return on their investment at the Chapman Lease. On February 6, 1979, Rickelson submitted a Statement of Objections to the Proposed Decision and Order in which it stated that a 15 percent rate of return would not provide the firm with a sufficient economic incentive to undertake the project and that a 23 percent rate of return should be accorded the firm instead. The firm also claimed that the present value of the equipment currently in place of the lease should be included as an additional investment expense in the calculation of the relief that should be accorded the firm. The DOE agreed with the contentions that were raised by Rickelson in its Statement of Objections. Accordingly, using revised expense figures, the DOE permitted Rickelson to sell a sufficient quantity of crude oil at upper tier ceiling and market price levels over the productive life of the project to enable the firm to attain a 23 percent rate of return on its investment.

Southland Royalty Co., Fort Worth, Tex., DEE-1964, DEE-1965, crude oil

Southland Royalty Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, which, if granted, would permit the firm to charge market prices for the crude oil produced from the Joss Federal Lease located in the Kaye Field, Niobara County, Wyoming, and from the House Creek Federal 12-1 Lease located in the House Creek (Sussex) Field, Campbell County, Wyoming. In considering the exception request, the DOE found that Southland's operating costs had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the two leases if the crude oil were subject to the lower tier ceiling price rule. The DOE also determined that if Southland abandoned its operations at the leases, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous Decisions, the DOE determined that Southland should be permitted to sell at upper tier ceiling prices 55.73 percent of the crude oil produced and sold for the benefit of the working interest owners from the Joss Federal Lease and 66.30 percent of the crude oil produced and sold for the benefit of the working interest owners of the House Creek Federal 12-1 Lease. The DOE also determined that Southland should be permitted to sell at market prices 33.70 percent of the crude oil produced for the benefit of the working interest owners of the House Creek Federal 12-1 Lease.

Texaco, Inc., Denver, Colo., DXE-2172, crude oil

Texaco, Inc., filed an Appplication for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would result in the extension of exception relief previously granted and would permit the firm to continue to sell a portion of the crude oil produced from the Northern Pacific "G" (NCT-12) Lease at upper tier ceiling prices. In considering the exception request, the DOE found that Texaco was continuing to incur increased operating expenses in connection with the operation of that lease and that in the absence of exception relief the firm would lack an economic incentive to continue to produce crude oil from that lease. Accordingly, the DOE permitted Texaco to sell 38.80 percent of the crude oil produced for the benefit of the working interest at upper tier ceiling prices for a six month period. Since there were no factual issues in dispute in the proceeding and since Texaco was previously granted exception relief for the reasons advanced in this proceeding, the DOE issued a final decision to Texaco without first issuing a proposed decision, pursuant to section 205.69C(a) of the procedural regulations governing exception proceedings that were issued on March 20, 1979. 44 Fed. Reg. 16884 (1979).

Texaco, Inc., Los Angeles, Calif., DEE-1004, crude oil

On April 7, 1978, Texaco, Inc., filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm requested that it be permitted to sell the crude oil produced from the Shiells Intermediate Zone Unit located in Ventura County, California, at upper tier ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide the firm with an economic incentive to continue its crude oil extraction operations at the Shiells Intermediate Zone Unit. Accordingly, exception relief was granted.

Texaco, Inc., Denver, Colo., DEE-1394, crude oil

Texaco, Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm requested that it be permitted to sell the crude oil which is produced from the Government Graves Lease located in Campbell County, Wyoming, at upper tier ceiling prices. After considering the request, the DOE issue a Proposed Decision and Order in which it tentatively determined that Texaco should be permitted to sell a portion of the crude oil produced from that property at upper tier ceiling prices in order to provide the firm with an economic incentive to continue crude oil production. Upon consideration of a Statement of Objections to the issuance of the Proposed Decision and Order in final form filed by the True Oil Purchasing Company, the DOE issued the Proposed Decision and Order in final form with an additional provision which eliminates any inconsistency between the certification requirements of 10 CFR 212.131 and the exception relief granted to the applicant.

Request for Stay

New York Petroleum Co., New Orleans, La., DRS-0171, DST-0028, crude oil

New York Petroleum Company (NYPC) filed an Application for Temporary Stay and Application for Stay from the provisions of a Remedial Order pending judicial review. In considering the Applications, the Office of Hearings and Appeals found that there was little likelihood that NYPC would prevail on the merits upon judicial review, that NYPC had failed to establish that a denial of stay relief would result in irreparable harm to the firm, and that the interest of NYPC's purchasers and the public in obtaining timely restitution for the firm's overcharges would be frustrated by approval of the requested stay relief. Accordingly, the NYPC

Application for Temporary Stay and Application for Stay were denied.

Motion for Evidentiary Hearing

General Motors Corp., Washington, D.C., DEH-0299, synthetic natural gas

General Motors Corporation filed a Motion for Evidentiary Hearing which, if granted, would result in the issuance of an Order directing that an evidentiary hearing be held in connection with GM's Appeal of a Decision and Order which the Economic Regulatory Administration issued to Consumers Power Company on December 28, 1978. GM requested that an evidentiary hearing be convened in order to determine the minimum plant protection requirements of Consumers' Marysville, Michigan, synthetic natural gas plant. In considering the evidentiary hearing request, the DOE noted that Consumers had indicated that at the present time the firm believed that no SNG feedstock allocation was necessary in order to protect its Marysville plant. The DOE consequently determined that no substantial dispute existed as to a material issue of fact. Accordingly, the DOE concluded that GM's Motion for Evidentiary Hearing should be dismissed.

Motion for Discovery

Schulze Processing, Inc., Talla Bena, La., DED-0274, crude oil

Schulze Processing, Inc., filed a Motion for Discovery in connection with an Appeal of the Entitlements Notice for October 1978. In its Motion, Schulze requested that the Office of Fuels Regulation of the Economic Regulatory Administration be directed to respond to eight interrogatories and two requests for admission. In considering the Schulze request, the DOE noted that while the procedural regulations do not provide for discovery in an appeal proceeding, the agency has permitted discovery when necessary to allow a firm to pursue effectively the relief it seeks. The DOE found in the present case that Schulze had not been provided with sufficient information to permit it to pursue its claim that its entitlement obligations were erroneously calculated. The DOE also observed that responding to the discovery request would not impose a significant burden upon the Office of Fuels Regulation. Accordingly, the Schulze Motion for Discovery was granted.

Supplemental Orders

Charter Oil Co., Jacksonville, Fla., DEX-0147, crude oil

On March 19, 1979, the DOE issued a Decision and Order to Charter Oil Company staying that firm's obligation to purchase entitlements to the extent specified in a Proposed Decision and Order which was issued to the firm on the same date. In granting the stay, the DOE stated that as a result of new exceptions procedures which have been adopted effective September 14, 1977, the March 19, 1979 Proposed Decision and Order could not be finalized for at least 10 days after service of the Order in proposed form. The DOE noted that under those procedures, it was possible that an Entitlement Notice could be issued in the interim period which would not reflect the relief tentatively approved in the proposed determination. Consequently, the DOE determined that the entitlement purchase obligations of Charter should be stayed to the extent specified in the Proposed Order until the conclusion of the pending exception proceeding.

Exxon Co., USA, Houston, Tex., FEX-0184. —Continental Oil Co., Houston, Tex., FEX-0185, crude oil

On September 12, 1977, the Office of Regulatory Programs of the FEA requested the Office of Exceptions and Appeals (predecessor of the DOE Office of Hearings and Appeals) to reconsider exception relief previously granted to Continental Oil Company (Continental) and Exxon Company, USA (Exxon). The relief previously extended to the two firms reduced their sales obligations under the Mandatory Crude Oil Buy/Sell Program (10 CFR 211.65). In considering the request, the DOE pointed out that the previous grants of exception relief had the effect of totally eliminating the firms' sales obligations under the Buy/Sell Program. The DOE noted that in view of the current crude oil supply shortage, some participation by Continental and Exxon was desirable in order to insure the successful operation of the Buy/Sell Program. However, the DOE also determined that neither firm had yet been fully relieved of the inequitable situation upon which the exceptions were based and accordingly concluded that the relief granted to Continental and Exxon should not be totally eliminated. Consequently, the DOE determined that Continental and Exxon should be required to resume their Buy/Sell sales obligations as of April 1, 1979, with a reduced fixed percentage share for each firm.

Little America Refining Co., Washington, D.C., DEX-0146, crude oil

On March 19, 1979, the DOE issued a Decision and Order to the Little America Refining Company (LARCO) which stayed the firm's obligations to purchase entitlements to the extent that exception relief was tentatively approved in a Proposed Decision and Order which was also issued to LARCO on that date. In granting the stay, the DOE noted that as a result of the applicable procedural regulations, the Proposed Decision and Order would not be issued in final form for at least ten days, and all Entitlement Notices issued during the interim period of time would not take into account the exception relief proposed for LARCO. Consequently, the DOE determined that the entitlement purchase obligations of LARCO should be stayed to the extent specified in the Proposed Decision until the conclusion of the pending exception proceeding.

Applications For Exception

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception and/or Applications for Stay from the provisions of Standby Regulations Activation Order No. 1. After reviewing the material presented by these firms, the DOE concluded that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company Name, Location and Case No.

Duke Oil Co., Mineral, VA, DEE-2334.
Carse Oil Co., Orlando, FL, DEE-2367, DST-2367.
C. M. Spiegel Oil Co., St. Louis, MO, DES-2308, DST-2308.

Applications for Stay and/or Temporary Stay

The following firms filed Applications for Stay and/or Temporary Stay from the provisions of Standby Regulation Activation Order No. 1. The stay request, if granted, would result in an increase in the firm's base period allocation of motor gasoline pending determination of the firm's Application for Exception. The DOE issued Decisions and Orders which determined that the stay and/or Temporary Stay requests be granted:

Name, Location, and Case No.

DeLozier Chevron, Atlanta, GA, DES-2300, DST-2300.
Sabo Oil Co., Topeka, KS, DST-2467.
Action Gas Co., Sullivan, IN, DST-2260.
Rally Oil Co., Washington, DC, DST-0022.
Deacons Corner, Tampa, FL, DST-2278.
Riverdale Chevron, Riverdale, GA, DEX-0140.
Terry Exxon, Holly Hill, FL, DES-2349, DST-2349.
Sav Mor Oil Co., Los Angeles, CA, DST-0033.
James Tidwell Chevron, Nipomo, CA, DES-2398.
Harrison Gas & Oil, Los Angeles, CA, DES-0160.
Craig Oil Co., Macon, GA, DST-2468.
Central City Shell, Ferguson, MO, DES-2281.
River Oil Co., Marietta, OH, DES-2335.
Sunset 66, Inc., Miami, FL, DST-0028.
Kettle Moraine Standard, Delafield, WI, DES-2412.
J. Austin Oil Co., Flint, MI, DES-2255.
Nu-Way Service, Inc., St. Louis, MO, DES-2283, DST-2283.
M&G Food Center, Eden, NC, DES-0178, DST-0178.
Lloyd R. Crais Oil Co., New Orleans, LA, DES-2478.
Brudder's Exxon, Baltimore, MD, DES-2448.
Dalworth Oil Co., Inc., Arlington, TX, DES-2435.
Steve Paschall's Texaco, Lubbock, TX, DES-2395, DST-2395.
Leo Anger, Inc., Austin, TX, DES-2326, DST-2326.
Canal & Claiborne Rentals, New Orleans, LA, DES-2181.
Haneyside Oil Corp., Elcho, WI, DES-2380, DST-2380.

Applications for Stay and/or Temporary Stay

The following firms filed Applications for Stay and/or Temporary Stay from the provisions of Standby Regulation Activation Order No. 1. The stay request, if granted, would result in an increase in the firm's base period allocation of motor gasoline pending determination of the firm's Application for Exception. The DOE issued Decisions and Orders which determined that the stay requests be denied:

Name, Location, and Case No.

Barnes & Rogers, Inc., Long Beach, CA, DST-0020.

Superior Oil Co., Miami, FL, DST-2352.
Grossenbacker Oil Co., Austin, TX, DST-2324.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name, Location, and Case No.

O'Briens North Star Station, Superior, WI, DEE-2103.
Western Petroleum Co., Washington, DC, DEE-1292.
Puerto Rico Sun Oil Co., Washington, DC, DPI-0031.
Cundari Oil Co., Inc., Birmingham, AL, DEE-0347.
Regional Oil Co., Monroe, LA, DEE-2414, DES-2414.
Lee-Moore Oil Co., Sanford, NC, DEE-2436, DES-2436.
Champion Petroleum Corp., Painesville, OH, DEE-2522.
Holland Oil Co., Valdosta, GA, DEE-2305, DST-2305.
Duke Oil Co., Mineral, VA, DST-2334, DEE-2334.
Blanton Petroleum Distributors, Moultree, GA, DEE-2340.
Carl M. Schultz, Inc., Lapeer, MI, DST-2631, DES-2631, DEE-2631.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
November 6, 1979
[FR Doc. 79-34961 Filed 11-9-79; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of April 23 Through April 27, 1979

Notice is hereby given that during the week of April 23 through April 27, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Remedial Orders

Great Plains Corporation, Wichita, Kans., DRO-0171, reseller

Great Plains Corporation filed a Statement of Objections to a Proposed Ancillary Order that the Region VI Office of Enforcement issued to the firm in connection with a Consent Order between the DOE and one of Great Plains' suppliers. The DOE concluded that the procedural regulations did not contemplate the issuance of an ancillary order in proposed form. Rather, an ancillary order may be issued only as a final order, subject to an administrative appeal to the Office of Hearings and Appeals. Accordingly, the matter was remanded to the Regional Office for further action.

Wadsworth Oil Company, Houston, Tex., DRO-0143, crude oil

Wadsworth Oil Company filed a Statement of Objections to a Proposed Remedial Order (PRO) that the Region VI Office of Enforcement issued to the firm. In the PRO, the Region found that Wadsworth had improperly certified crude oil production from one of its leases as new oil and had sold it at exempt of upper tier prices, resulting in overcharges to the purchasers. Wadsworth argued that production from two new reservoirs should be considered "new oil." The DOE held that production from a single right to produce is considered production from the same property for purposes of computing new and old oil quantities, and that the determination is not dependent on state certification of a reservoir as a new discovery. Consequently, Wadsworth's objections were denied and the PRO was issued as a final Remedial Order.

Requests for Exception

Biglane Operating Company, Natchez, Miss., FEE-4050, crude oil

Biglane Operating Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. If granted, the exception would permit Biglane to sell the crude oil produced from the Board of Supervisors #2 Well and the Wilbert & Sons Lease at stripper well prices. In addition, Biglane requested the exception be made retroactive to January 1973. Biglane first contended that the "down time" experienced at each of the properties during prior periods was not excessive and therefore should be included in determining whether the properties qualified as stripper well properties. The DOE held that this issue should properly be raised in a compliance proceeding rather than in an exception proceeding. Furthermore, the DOE found that Biglane would not have qualified for prospective exception relief in prior years with respect to the #2 Well even if it had applied in a timely manner. Retroactive exception relief was therefore denied. Similarly, the DOE found that Biglane's current revenues from the #2 Well exceeded its operating expenses, and consequently the firm's request for prospective exception relief from the #2 Well was also denied. The DOE concluded with respect to the Wilbert Lease that Biglane had not shown that it would experience a severe and irreparable injury in the absence of retroactive relief and had not presented any compelling reasons why such relief was warranted. In addition, Biglane indicated subsequent to the filing of its initial exception application that the Wilbert Lease qualified as a stripper well property. The firm stated that it therefore had no need for prospective exception relief. The DOE therefore determined that the Biglane exception application should be denied in its entirety.

Caribbean Gulf Refining Company, Houston, Tex., DEE-1053, crude oil

Caribbean Gulf Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67(i)(4) which, if granted, would increase the entitlement benefits afforded to the firm under the DOE regulations. Gulf owns a refinery in Puerto Rico which, like other Puerto Rican refineries, is adversely affected by the provisions of Section 211.67(i)(4). Through the operation of this Section, a refiner of imported crude oil experiences a cost disadvantage vis-a-vis refiners of domestic crude oil equal to $0.21 times the domestic old oil supply ratio for each barrel of imported crude oil run by the refiner. In a previous Decision and Order issued to several Puerto Rican firms, the DOE found that Section 211.67(i)(4) was adopted primarily to provide refiners with an incentive to refine domestic crude oil. In that prior Decision, the DOE also observed that as a result of the provisions of the Jones Act, Puerto Rican refiners had no feasible economic alternative to the continued use of imported crude oil, and that consequently the purpose of Section 211.67(i)(4) was not furthered by its application to those refiners. In addition, the DOE found that the refiners involved had established their facilities in Puerto Rico largely as a result of incentives provided by the United States and Puerto Rican Governments. In view of these factors and the potential found for damage to the Puerto Rican economy, the DOE concluded that exception relief should be granted to the Puerto Rican refiners involved. *See Phillips Puerto Rico Core, Inc. et al.*, 2 DOE Par. 81,106 (1978). In the present case, the DOE determined that precisely the same factors that warranted relief in the *Phillips* case were also applicable in the case of Gulf. Therefore, the firm was granted prospective exception relief from the provisions of Section 211.67(i)(4). Gulf's request for retroactive exception relief from the provisions of that same section, however, was denied because the firm failed to demonstrate that it would experience a severe or irreparable injury in the absence of such relief.

Finally, several other firms objected to the granting of any exception relief in this case. Some of the firms dismissed the grounds for relief cited above as "policy" considerations which are not appropriate bases for the approval of exception relief. The DOE found that it had already rejected this contention in *Phillips* in finding that the unique conjunction of these factors constituted the specific inequity that justified exception relief. The DOE also rejected the contention that Gulf's situation is no different than that of many mainland refiners that are dependent on foreign crude oil and that the general problem should be remedied instead through a rulemaking proceeding. In this regard, the DOE found that the problem being experienced by Gulf and the other Puerto Rican firms is unique, and that the exceptions process is thus an appropriate forum for

rectifying the inequities experienced by Gulf. The DOE also did not agree with the objecting firms' contention that exception relief should be denied in this case because it would increase the post-entitlement cost of crude oil to mainland refiners. In rejecting this claim, the DOE reaffirmed its finding in *Phillips* that this adverse effect on mainland refiners was outweighed by the inequities being experienced by Puerto Rican refiners.

Great Southern Oil & Gas Co., Inc., Shreveport, La., DXE-2132, crude oil

The Great Southern Oil & Gas Co., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Supart D. The exception request, if granted, would result in an extension of the exception relief previously granted to Great Southern and would permit the firm to continue to sell 100 percent of the crude oil produced from the St. Martin Bank & Trust Company Lease located in St. Martin Parrish, Louisiana, at market prices. *Great Southern Oil & Gas Co., Inc.*, 2 DOE Par. 81,085 (1978). In considering the exception application, the DOE found that Great Southern continued to incur increased operating expenses at the St. Martin Lease and that in the absence of exception relief the working interest owners would lack an economic incentive to continue to produce crude oil from the Lease. In view of this determination and on the basis of the operating data Great Southern had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Great Southern to sell at market prices 100 percent of the crude oil produced from the St. Martin Lease for the benefit of the working interest owners.

R. W. Tyson Producing Company, Inc., Jackson, Miss., DXE-2068 through DXE-2071, crude oil

R. W. Tyson Producing Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. If granted, the exception would result in the extension of exception relief previously granted for four properties (the Vickers No. 3 well, the Federal Land Bank No. 1 well, the McCann well and the Carter No. 1 well), and would permit Tyson to continue to sell the crude oil produced from these four properties, located in the Ovett Field in Jones County, Mississippi, at prices in excess of ceiling price levels. *R. W. Ryson Producing Company Inc.*, 2 DOE Par. 81,176 (1978). In considering the exception request, the DOE found that Tyson was continuing to experience per barrel operating costs that exceeded the ceiling price at each of the four wells. The DOE therefore determined that in the absence of exception relief, the firm would have no economic incentive to continue its production activities at the four properties. The DOE also determined that if Tyson abandoned its operations at the four leases, a substantial quantity of crude oil would not be recovered. Consequently, on the basis of these considerations, the DOE concluded that Tyson should be permitted to sell 100 percent of the crude oil produced for the benefit of the working interest owners from the four leases at market price levels.

Tyson also sought in its Application for Exception assurances from the DOE that in the event the firm replaced its existing down-hole pumping system with a modified conventional surface system, the costs incurred in the conversion would be treated as a "operating expense" in any further request for exception relief that Tyson might file. In reviewing this request, the DOE noted that the description of the type of pumping system replacement Tyson was contemplating appeared to fall within the general definition of "operating expenses" discussed in *M. J. Mitchell*, 1 DOE 80,130 (1977). Consequently, the DOE concluded that there was no basis for concluding that the Tyson pump replacement expenses would be excluded from operating expenses in future exception application.

Reading & Bates Petroleum Company, Tulsa, Okla., DXE-2125, crude oil

The Reading & Bates Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief previously granted to Reading & Bates and would permit the firm to continue to sell a portion of the crude oil produced from the Dempsey Mantooth 2-A Lease, located in McClain County, Okalahoma, at upper tier ceiling prices. *Reading & Bates Oil Gas Co.*, 2 DOE Par. 81,031 (1978). In considering the exception application, the DOE found that Reading & Bates continue to incur increased operating expenses at the Dempsey Mantooth Lease and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue to produce crude oil from that Lease. In view of this determination and on the basis of the operating data that Reading & Bates submitted for the second fiscal quarter of 1978, the DOE concluded that exception relief should be continued to permit Reading & Bates to sell 50.14 percent of the crude oil produced from the Dempsey Mantooth Lease for the benefit of the working interest owners at upper tier ceiling prices.

Texaco, Inc., Denver, Colo., DEE-1397, crude oil

Texaco, Inc. sought an exception from the provisions of 10 CFR 212.76 that would permit it to recertify as upper tier an additional amount of crude oil produced from the Aneth Unit in San Juan County, Utah, during the month of April 1978. In considering the request, the DOE found that during a two-week period in April 1978 Texaco had ceased all production at the Aneth Unit at the request of the U.S. Geological Survey. The U.D.G.S. request was a result of the takeover of the Aneth Unit production facilities by a group of Navajo Indians, which gave rise to the possibility of environmental damage if production were to continue without supervision. Shutting in the Aneth Unit reduced by 900,000 barrels the volumes of crude oil that Texaco would otherwise have produced. Under the circumstances the DOE concluded that Texaco had experienced a gross inequity warranting exception relief. Accordingly, both Texaco and the Aneth Unit royalty interests, who were equally affected, were granted exception relief that permits Texaco to sell as upper tier oil the same percentage of its actual April 1978 production from the Aneth Unit it would have been able to sell if production had not been interrupted.

Tosco Corporation, Washington, D.C., DXE-1910, motor gasoline

Tosco Corporation filed an Application for Exception from the provisions of the refiner price rule. The exception request, if granted, would result in an extension of exception relief previously granted to *Tosco, Corporation*, 1 DOE Par. 80,193 (1978), and would permit the firm to include certain variable price contracts in determining its weighted average May 15 selling prices of motor gasoline to certain classes of purchases. The DOE had previously found tha because Tosco relied to its detriment on advice received from an FEA official, the application of the provisions of the Mandatory Petroleum Price Regulations would be inequitable. It had also funnd, however, that the adverse consequences of Tosco's detrimental reliance on FEA advice would diminish in the future. On the basis of a review of Tosco's current financial statements, the DOE found in the present case that Tosco's financial position had improved significantly. Nevertheless, the DOE found that Tosco continued to be affected adversely by the consequences of the incorrect advice it had received and that its imcome and cash resources remained significantly below the levels it had projected at the time it made its investment decision relying on the incorrect guidance. Consequently, the DOE concluded that the application of the provisions of 10 CFR 212.83 continued to produce a gross inequity. Tosco's request for an extension of the relief previously accorded the firm was therefore granted.

Requests for Stay

Memphis Aero Corporation, Memphis, Tenn. DES-2810, aviation gasoline; jet fuel

Memphis Aero Corporation, a fixed based operator engaged in retail sales of aviation gasoline and kerosene-based jet fuel, filed an Application for Stay of the provisions of a Remedial Order issued to the firm on March 15, 1979, pending a determination on an Application for Exception. In its exception application Memphis Aero requested that it be relived of its obligation to refund $755,301.48 of overcharges made in sales of aviation gasoline and jet fuel. Memphis Aero asserted in its stay request that the only practicable means by which it can make the bulk of the required refunds is pursuant to a provision in the Remedial Order that requires the firm to reduce its selling prices of aviation gasoline and jet fuel until its refund obligations are satisfied. However, the firm asserted that as a result of the recent removal of price controls on these products, it is uncertain as to how it should comply with the price reduction provision. The DOE determined that Memphis Aero could incur irreparable harm in the form of civil or criminal penalties for failure to implement price reductions in the proper manner. The DOE also concluded that Memphis Aero's customers and the publid have an interest in ensuring that Memphis Aero does not evade its refund obligations. The DOE therefore concluded that the provisions of the Remedial

Order should be stayed pending the issuance of a Supplemental Order clarifying the manner in which Memphis Aero should satisfy its refund obligation. However, the DOE found that the firm's contention that it would incur irreparable financial injury if required generally to refund the overcharges cited in the Remedial Order was unpersuasive, and it therefore refused to grant a further stay of the Remedial Order pending a determination on Memphis Aero's Application for Exception.

Powerine Oil Company, Santa Fe Springs, California; DES-2878, motor gasoline

Powerine Oil Company filed an Application for Stay of the provisions of 10 CFR 212.83(h)(2)(i) (the equal application rule) pending a decision on the merits of an Application for Exception that it filed simultaneously. Powerine sought a stay of the 3 cents per gallon limitation on the unequal passthrough of increased costs of motor gasoline among PAD Districts in order to pass through to PAD III the cost of the gasoline that it expected to purchase to fulfill its base period supply obligations in PAD III. The DOE found that Powerine failed to demonstrate that there was a substantial likelihood of success on the merits of its Application for Exception, because it did not show that there were compelling reasons for the DOE to depart from its policy requiring refiners to distribute their increased costs evenly over all classes of purchasers or that the effect of the regulation on Powerine differed significantly from its effect on other similarly situated refiners. The DOE also found unpersuasive Powerine's contention that a denial of the stay would result in an immediate serious financial hardship, because unrecovered increased costs can be "banked" and the firm's current financial position is relatively strong. The stay was therefore denied.

Supplemental Order

Michaelson Producing Company, Regan County, Texas; DRX-0159 crude oil

On March 9, 1979 the DOE issued a Decision and Order to the Michaelson Producing Company sustaining in part a Statement of Objections filed by Michaelson to a Proposed Remedial Order issued to the firm on May 25, 1978. *See Michaelson Producing Company*, 3 DOE Par. — (March 9, 1979). In the March 9 Decision the DOE remanded the PRO the Director of Enforcement of DOE Region VI with instructions to issue a revised Remedial order within 45 days. On April 23, 1979 the Director of Enforcement requested fifteen additional days within which to comply with the March 9 Decision. The DOE granted the request and modified the March 9 Decision to specify that the Director of Enforcement of Region VI should issue a revised Remedial order within 60 days.

Temporary Stay

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Company Name, Case No. and Location

Southland Oil Company, DST-3607 Savannah, GA

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Temporary Stay of the provisions of Standby Regulation Activation Order No. 1. The stay requests, if granted, would result in an increase in the applicant's base period allocation of motor gasoline pending determination of an Application for Exception. The DOE issued Decisions and Orders granting the following stay requests:

Company Name, Case No. and Location

Terry's Mobil, DES-2900, Red Lake Falls, MN
Red Bluff Mobil Service Center, DES-3111, Pasadena, TX
Walter's North Bellmore Exxon, DES-3344, North Bellmore, NY
Palm Oil Co, DES-2497, Costa Mesa, CA
Sav-Mor Oil Co, DES-3170, Los Angeles, CA
Getty Refining & Marketing Co, DST-2098, Tusla, OK
Jesse Morales, Jr., DES-3084, Uvalde, TX
L. J. Bonnaffons, DST-0053, New Orleans, LA
Town & Country Food Markets, Inc., DEX-0157, Wichita, KS
Phillips & Munzel Shell, DES-2925, DST-2725, Ruskin, FL
Bingo Exxon, DES-2726, DST-2726, Muscle Shoals, AL
Givan's Exxon, DES-3116, Watertown, TX
Roarda Inc., DST-3342, Wash., DC
Steve's Gulf Service, DES-2574, Tryon, NC

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Temporary Stay of the provisions of Standby Regulation Activation Order No. 1. The stay requests, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Applications for Exception. The DOE issued Decisions and Orders denying the following stay requests:

Company Name, Case No. and Location

Town & Country Food Markets, Inc., DES-0169, Wichita, KS
Fortune Oil Corporation, DST-3212, Fayetteville, NC

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception and/or Applications for Stay and/or Temporary Stay from the provisions of Standby Regulation Activation Order No. 1. After reviewing the material presented by these firms, the DOE issued Decisions and Orders which determined that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company Name, Case No. and Location

Rinehart Oil, Inc., DEE-3321, DST-3321, Ukiah, CA
C&I Transport, Inc., DEE-2787, Levelland, TX
Smith-Rogers Oil Co., DEE-3013, Mullins, SC
Henderson Oil Co., DEE-2475, DES-2475, DST-2475, Columbia, MO

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Osceola Refining Co., DEE-2288
Jenkins Construction Corporation, DEE-3599
Spring Valley 76, DEE-2393
Norcom Oil Co., Inc., DEE-2399, DES-2339, and DST-2339
C.R. Enterprises, DEE-2413, DES-2413
J.B. Davis, Inc., DEE-2345, DST-2345
Bob's Amoco, DEE-2524
Energy Oil Co., DEE-2753, DES-2753
Haywood Oil Co., Inc., DEE-3160
Alton-17 Shell, DEE-3435
Scottsboro Chevron, DEE-3336, DES-3336
Walworth Standard Carwash, DEE-3165
Whitfield Oil Co., DEE-2621
Sunny Service Oil Co., DEE-2984
Dew Oil Co., DST-0038
Raeford Oil Co., DEE-2629, DES-2629, and DST-2629
Rocket Oil Co., DEE-2637
Paul's Exxon, DEE-2936, DST-2936
Richard Oil Corporation, DEE-3022
Jack Ritter Oil, DEE-2365, DES-2365, DST-2365
U.S. Transport, DEA-0259, DEA-0264
Standish Oil Co., DEE-2288
Gurley Oil Co., DEE-2296, DES-2296
Marshall Oil Co., DEE-2742, DES-2742, DST-2742
Bickham Pet. Corp., DES-3151, DES-3151
Brownfield Oil Co., DEE-2605
Fast & Friendly Market, DEE-2957
Caledonia Oil Co. Inc., DEE-3020
Butch's Standard, DEE-3083
Lincoln Land Oil Co., DEE-3383
Rurolator Courier Service, DEE-3161
Saveway Oil, Inc., DEE-2376, DES-2376, and DST-2376
Shelnutt Food Store, DEE-3619, DST-3619
Southern Automotive Inc., DEE-2834 and DST-2834
Tullock's Mini-Market, DEE-3364, DES-3364
Wallace W. Harris, DEE-3646
Wiegand Oil Co., Inc., DEE-2779
Wilkes Oil Co., DEE-2468, DST-2468
William Cosenza Amoco, DEE-3681
Estel Noe's Chevron, DEE-3854, DES-3954
Frank's Chevron, DEE-3597
Fred's Conoco Service, DEE-2769
Gibson's Komfort Air, DEE-3182, DST-3182
Greentree Exxon, DEE-3537
Gregory's Exxon, DEE-3058
Gulf Oil Products, DEE-2649, DES-2649
H. F. Lovvorn, DST-0031
Hall's Grocery, DEE-2934, DST-2934
Harris Exxon Service, DEE-3838
Harry Jacobs & Associates, Inc., DST-0025
I-10 Shell, DEE-3799
J. H. Kaspar Oil Company, DEE-2829, DES-2829
James D. Rembold, DEE-3654
James W. Abston, DEE-3325, DES-3325
Andy's Exxon, DEE-3904
Anthony P. Catanese, DEE-3180, DES-3180
Kelly Gas & Oil, DEE-2517
Leo's Exxon Station, DEE-3549
Leonard Perry, DEE-3725
Mays' Quality Oil & Tire Co., Inc., DEE-3881, DST-3881

McCalister Shell, DEE-3827
Metro Servicenter, Inc., DEE-3558
Mrohs City Gas, Inc., DEE-3578
Nabeeh Benyameen, DEE-3758, DES-3758
Pulaski Exxon, DEE-2693
Ron Corda's Chevron, DEE-3411
Rustom Bros. Foreign & Domestic Car Service, DEE-2826, DST-2826
S&S Tire & Auto Skelly, DEE-3755
Sam's Gulf Service, DEE-2999, DES-2999
Apex Oil Co., DEE-2992, DST-2992
B&T Automotive Service, DEE-3766, DES-3766
Beadel Enterprises, DEE-2321, DST-2321
Billy R. Morris, DEE-3296
Bingham D. Edwards, DEE-3269
Brown's Kerr-McGee, DEE-3591
C. C. Anacker Chevron, DEE-3235
Cascade Stop & Shop, DEE-3064
Charles L. Malan Inc., DEE-2818, DES-2818, and DST-2818
Clete's 66, DEE-2930, DST-2930
Coloma Road Exxon, DEE-3214, DST-3214
Diamond Drilling/Udy Core Drilling, DEE-2403
Doug Parrish, DEE-3386
E&S Shell Station-Food Market, DEE-3775, DST-3775
Ed Savage Chevron, DEE-3413
Acker Oil Co., DEE-2658
Aggies Exxon, DEE-3804
Arthur W. Miller, DEE-3398
Astro, Inc., DEE-3601
Baker's Exxon, DEE-3856, DES-3856
Chabot's Service, DEE-3914
Charles Hasting Oil, DEE-2350, DST-2350
Commonwealth Oil, DPI-0037
Cumberland Exxon, DEE-3788
Cushing Highway, DEE-3894
D&D Oil Co., DEE-2667
D&D Shell, DEE-3712
Dodson's Texaco, DEE-3108
Doussan Shell, DST-0054
Eastview Service, DEE-2819, DES-2819, and DST-2819
Ed Page Exxon, DEE-3802
Exxon Sav-A-Lot, DEE-3567
Fairfield Woods S.C., DEE-3893
Fast Chek Store #7, DEE-3301
Fred Kistler Oil, DEE-3213, DST-3213
Frederick State Sunoco, DEE-2961
Fulton Industrial, DEE-3496
H. L. Young, DEE-3855, DES-3855
Holland's Gulf, DEE-3401
I-20 & Industrial, DEE-3077
J.A.W., Inc., DEE-3635
J. E. Sharber Oil, DEE-3457
Jack B. Ripsteen, DEE-3385
James Bradshaw, DEE-3518, DES-3518
James Rowland, DEE-3075
Jerry Hill's Amoco, DEE-3671
Krewstown Rd. & Grant, DEE-3687
Lassalle Gas Station, DEE-3868
Leblanc Oil Co., DEE-3033, DST-3033
Lefevre Oil & Tire, DEE-2600
Little Canada Mobil, DEE-3197, DES-3197, and DST-3197
Loco, Inc., DEE-2770
Mattson & Stone, DEE-3844
Melvin Grover Motor, DEE-2480, DES-2480
Memphis Aero, DES-2810
Milt's Hess Station, DEE-3499
Robert B. Davison, DEE-2506
Roger L. Burgess Getty, DEE-2622, DES-2622, and DST-2622
Ron's Motoring Service, DEE-3901
Sam's Service & Groc., DEE-3554, DES-3554
Scott's Arco, DEE-3015
Sosenko Chevron, DEE-3239, DES-3239
Stand. Oil (Ind.), DEE-2817
Stephen L. Lipton, DEE-3743
Steven's Service, DEE-3307
University Amoco, DEE-3636
Valley Car Wash, DES-0168
W. E. Jersey & Sons, DEE-3594
Wadsworth Moving, DEE-3821
Walnut Cash & Carry, DEE-2937, DES-2937
Waterford Oil Co., DEE-2838, DST-2838
Westwood Tune-up, DEE-3241
Willie R. Garrett, Sr., DEE-3482, DES-3482
Woburn St. Exxon, DEE-3900

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
November 2, 1979.

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Issuance of Decisions and Orders; Week of May 14 Through May 18, 1979

Notice is hereby given that during the week of May 14 through May 18, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Bonham, Carrington & Fox, Houston, Tex., DFA-0364, freedom of information

The law firm of Bonham, Carrington & Fox filed an Appeal from a partial denial by the Director of Freedom of Information and Privacy Acts Activities of the Department of Energy (the FOI Director) of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). In its Request, Bonham, Carrington & Fox had sought copies of records related to an audit of its client, Southwest Petrochem, Inc., conducted by the Department of Energy. The FOI Director identified 33 documents as within the scope of the firm's Request and released 27 of those documents in their entirety. However, he withheld part or all of 5 documents on the ground that they were exempt from mandatory disclosure under Section 552(b)(7)(A) of the Act and withheld an additional document as exempt from mandatory disclosure under Section 552(b)(5). In considering the Appeal, the DOE determined that the FOI Director had properly applied Section 552(b)(7)(A) to the documents withheld under that exemption. The DOE found that he had correctly concluded that the five documents contained investigatory records compiled for law enforcement purposes and that their production would interfere with an ongoing DOE enforcement proceeding against Southwest Petrochem, Inc. However, the DOE determined that the single document withheld under Section 552(b)(5) did not fall within that exemption because it did not contain predecisional analyses and recommendations the release of which would injure the agency's deliberative process. Therefore, the DOE directed the release of this document. The Bonham, Carrington & Fox Appeal was therefore granted in part and denied in part.

Irving Oil Co., Boston Mass., DFA-0366, freedom of information

Irving Oil Company filed an Appeal from a partial denial by the Northeast District Deputy District Manager of the Office of Enforcement of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the Deputy District Manager had correctly determined that the documents requested by the applicant were exempt from mandatory public disclosure under Exemption 5.

Northern Illinois Gas Co.; General Motors Corp.; Petrochemical Energy Group, Washington, D.C., DEA-0239, DEA-0240, DEA-0242, propane, natural gasoline, naphtha

Northern Illinois Gas Company, General Motors Corporation, and the Petrochemical Energy Group filed Appeals from a Decision and Order issued by the Economic Regulatory Administration to NI-Gas, assigning that firm a base period volume of propane, natural gasoline, and naphtha for use as a synthetic natural gas feedstock. The Department of Energy determined that since the appeals all involved similar issues, they would be consolidated for consideration in this proceeding. In considering the Appeals, the DOE found that, one aspect of the Decision and Order should be remanded to ERA for further consideration. In all other respects, however, the DOE found that the appellants had failed to present grounds for reversing the ERA determination and the Appeals were therefore denied.

Petrochemical Energy Group; Attorney General of Ohio, Washington, D.C.; Columbus, Ohio, DEA-0241, DEA-0245, natural gas liquids

The Petrochemical Energy Group (PEG) and the Attorney General of Ohio (AG) appealed from a Decision and Order to Columbia LNG Corporation (Columbia LNG) by the Economic Regulatory Administration (ERA) of the DOE on September 30, 1978. In that Order, the ERA temporarily extend Columbia LNG's historic allocation of natural gas liquids for use as feedstock in a synthetic natural gas (SNG) plant which the firm operates in Green Springs, Ohio. The PEG and AG Appeals, if granted, would result in

the issuance of an Order which would substantially reduce the volume of SNG feedstock assigned to Columbia LNG by the ERA. In their Appeals, PEG and AG contended that Columbia LNG had not met its burden, under 10 CFR, Section 211.29, of showing that an allocation sufficient to operate its SNG plant at full capacity was necessary to meet the priority uses of its customers and that therefore the ERA's determination to grant an interim allocation of SNG feedstocks to Columbia LNG was arbitrary and capricious. Appellants contended that evidence which they submitted to ERA demonstrated that the customer demand data used by Columbia LNG to project natural gas curtailments was too stale to serve as the basis for a temporary feedstock order. The DOE rejected this asertion, concluding that it was permissible for ERA to rely on Columbia LNG's customer demand data until it received information which demonstrated that this data was inaccurate. Although the evidence which AG and PEG submitted to the ERA raised serious questions concerning the validity of Columbia LNG's data, it did not constitute an adequate basis for reducing or eliminating Columbia LNG's SNG feedstock allocation. Furthermore, the lateness of appellants' submissions prevented the ERA from collecting new data prior to the expiration of Columbia LNG's preceding SNG feedstock allocation. In view of the severe economic impacts which could result from shortages of natural gas during the 1978–79 winter heating season, the ERA acted within its regulatory discretion when it continued to rely on Columbia LNG's customer data for the limited purpose of structuring a temporary feedstock allocation order until it could gather and assess complete updated evidence of customer demand for SNG. In considering other arguments raised by PEG and AG, the DOE determined that the ERA's allocation order correctly found that: (i) certain emergency supplies of natural gas available to Columbia Transmission Company were not assured sources of supply and should not be subtracted from the Company's projected need for SNG; and (ii) Columbia Transmission Company's available natural gas supplies included only 217.8 Bcf of the 436.4 Bcf of gas in storage, since the remainder must be held in reserve to meet coincident design peak day requirements and increased system requirements resulting from colder than normal weather. Finally, the DOE rejected appellants assertion that 41.5 Bcf of gas owed to Columbia LNG by Natural Gas Pipeline should have been included in ERA's estimates of Columbia LNG's natural gas supplier. It found that this supply agreement was rescinded prior to the issuance of the ERA's temporary allocation order to Columbia LNG. Based on these considerations, the DOE determined that PEG and AG had failed to establish that the Order issued to Columbia LNG on September 30, 1978 was erroneous in fact or law, and the Appeals were therefore denied.

Petitions for Special Redress

Priam Trading Co., Dallas, Tex., DSG–0048, crude oil

Priam Trading Company filed a Petition for Special Redress with the Office of Hearings and Appeals, requesting that a subpoena issued by the DOE Office of Enforcement be quashed. That subpoena sought the production of corporate documents in the custody of Priam's bank. In its submission, Priam claimed that: (i) the DOE enforcement officials abused their discretion and violated DOE procedural regulations by ignoring the firm's Application to Quash; (ii) the subpoena was impermissibly vague and overbroad; and (iii) compliance with the subpoena by its bank would irreparably harm the firm by revealing proprietary corporate financial information. In considering these claims, OHA first held that it had jurisdiction to review the Petition, in view of the claims presented the DOE officials had failed to adhere to mandatory regulatory requirements. With respect to the issue of Priam's standing to challenge a subpoena issued to its bank, the OHA found that although 10 CFR 205.8(h) did not authorize a firm to contest a third-party subpoena, the procedural regulations in Subpart R of Part 205 did permit a firm such as Priam to present claims of improper agency conduct in a petition for special redress. In view of the allegations presented, the OHA found that a full review of Priam's contentions was warranted. As to the merits of Priam's Petition, the OHA held that the failure of DOE Enforcement personnel to respond to the firm's Application to Quash or provide an explanation for effectively denying that request did not result in a denial of due process since the OHA agreed to conduct a *de novo* review of the firm's contentions in the present proceeding. The OHA also found that the subpoena was within the agency's broad investigatory authority, notwithstanding the fact that the named target of the investigation was a firm other than Priam. Finally, the OHA concluded that Priam lacked a "right to financial privacy" which would bar the DOE from issuing a subpoena to the firm's bank. In this regard, OHA cited a 1976 Supreme Court opinion which ruled that in the absence of legislation, no such right existed. The OHA also noted that a recently-enacted federal statute, while providing certain protections where subpoenas were issued to financial institutions, applied only when the bank customer was an individual or member of a small partnership, but not when the customer was a corporation, as was Priam. In view of these considerations, the Priam Petition was denied.

Western Crude Oil, Inc., Denver, Colo., DSG–0051, DES–0200, crude oil

Western Crude Oil, Inc. filed a Petition for Special Redress which, if granted, would have resulted in the issuance of an order quashing a subpoena which a DOE investigator in the Rocky Mountain District of the Office of Enforcement issued to the firm on February 9, 1979. Western also requested a stay of the provisions of the subpoena pending a final determination on its Petition. In considering the Petition, the DOE noted that at the time the subpoena was issued, Section 205.8(h)(4) provided for a preliminary review of the Petition by the Office of Hearings and Appeals in order to determine whether a reasonable probability exists that the petitioner will be able to satisfy the criteria for relief. If the Office of Hearings and Appeals determines that a Petition might satisfy those criteria, the Petition will be considered on its merits. On the other hand, if the determination is made that the Petition fails to meet the threshold standard, the Petition will be dismissed. 41 Fed. Reg. 55322 (December 20, 1976). The DOE reviewed the contentions which Western advanced in its Petition and concluded that the firms had failed to demonstrate that an immediate review was warranted to correct substantial errors of law, to prevent substantial injury to legal rights, or to cure a gross abuse of administrative discretion. The Western Petition was therefore dismissed and its Application for Stay was denied.

Requests for Exception

Navajo Refining Co., Artesia, N. Mex., DXE–1937, crude oil

Navajo Refining Company filed an Application of Exception from its regulatory obligations under the Old Entitlements Program (10 CFR 211.67) The exception request, if granted, would relieve the firm of any obligation to purchase entitlements for the period October 1978 through March 1979. On December 6, 1978, the DOE issued a Proposed Decision and Order in which it reached the preliminary determination that Navajo should received entitlement exception relief for the period October through December 1978 in the amount of $995,187 per month, and $169,758 per month in relief for the month of January through March 1979.

In its Statement of Objections to the December 6 Proposed Decision, Navajo challenged the adoption and application of an adjustment to its current profitability data to eliminate the effect of increased resale activities by the firm. In considering Navajo's contentions, the DOE found that without an adjustment to exclude the effect on a firm's revenues of expanded resale transactions, any comparison between a firm's historical and current profit margin would not result in a meaningful comparison. The DOE noted that since resale transactions yield a return which is significantly lower than the return which Navajo realizes on the revenues generated from its own refining operations, the increase in the percentage of resales to the firm's total revenues serves to reduce the firm's projected profitability and thus increases the level of exception relief which it would otherwise receive. On the basis of these considerations, the DOE concluded that for purposes of calculating the level of exception relief, the most equitable method for obtaining comparability between historical and current profit margin calculations would be to exclude only projected increases in resales over the historical period from the firm's projected current year sales. Accordingly the level of relief for the first three months of 1979 was increased to $351,047 per month.

Petroleum, Inc., Wichita, Kans., DEE–2084, crude oil

Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subparts D and I, in which the firm sought retroactive exception relief to permit it

to recertify 464.09 barrels of crude oil produced from the Johnson #1-29 Lease property, located in Converse County, Wyoming, as upper tier (new) crude oil. In considering the request, the DOE found that the firm failed to demonstrate that its attempt to make a timely certification had been frustrated by external circumstances. Accordingly, exception relief was denied.

R. W. Tyson Producing Co., Jackson, Miss., DXE-2005, crude oil

On November 14, 1978, the R. W. Tyson Producing Company, Inc. (Tyson) filed an Application for Exception from the provisions of 10 CFR, part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Stevens #4 and #5 Wells at market prices. *R. W. Tyson Producing Co.*, 2 DOE Par. 81,030 (1978). In considering the exception request, the DOE found that the Stevens #4 and #5 Wells ceased producing in April 1978 and that exception relief was therefore necessary in order to provide Tyson with an incentive to invest substantial amounts of capital to restore the productive capabilities of the two wells. Accordingly, the DOE concluded that exception relief should be approved which would enable Tyson to attain a 23 percent rate of return on the capital investment necessary to restore production activities at the property. Tyson was therefore permitted to sell at market prices 100 percent of the crude oil produced for the benefit of the working interest owners from the Stevens #4 and #5 Wells over the five year productive life of the project.

Tenneco Oil Co., Houston, Tex., DXE-2218, crude oil

On February 26, 1979, the Tenneco Oil Company (Tenneco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the South Coast Unit at upper tier ceiling prices. *Tenneco Oil Co.*, 2 DOE Par. 81,105 (1978). In considering the exception application, the DOE found that Tenneco continued to incur increased operating expenses at the South Coast Unit and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that unit. In view of this determination and on the basis of the operating data which Tenneco had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Tenneco to sell at market prices, not to exceed $15.90, 100 percent of the crude oil produced from the South Coast Unit for the benefit of the working interest owners for a six-month period.

Texaco, Inc., Denver, Colo., DEE-2183, crude oil

On February 15, 1979, Texaco, Inc. (Texaco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the T. F. Stroock Lease located in Moffat County, Colorado. In considering the Application, the DOE found that the cost of producing crude oil from the Stroock Lease had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Texaco had no economic incentive to continue to produce crude oil from the lease, and that it was unlikely that the crude oil in the reservoir underlying the lease could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Texaco and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Texaco to sell at upper tier ceiling prices 100 percent of the crude oil produced from the T. F. Stroock Lease for the benefit of the working interest owners for the period February 15, 1979 through August 31, 1979.

Requests For Stay

Mobil Oil Corp., Los Angeles, Calif., Ashland Oil Co., Ashland, Ky., DES-0195, DST-0393, motor gasoline

Mobil Oil Corporation and Ashland Oil Company filed Applications for Stay and for Temporary Stay, respectively, of temporary assignment orders which had been issued to them by the DOE Region VII Office of Fuels Regulation, pending resolution of Appeals which the firms planned to file. Those Temporary Assignment Orders directed the firms to supply certain amounts of motor gasoline to Highway Oil, Inc. In considering the firms' Applications, the DOE noted that the orders had been issued in connection with a Temporary Stay issued by the DOE Office of Hearings and Appeals in the case of *King & King Enterprises Inc. and Carl King d/b/a King Gas and Oil Co.*, Case No. DST-2240 (unpublished Decision issued March 8, 1979). In the King case, the DOE had determined that Highway customers would suffer irreparable injury unless temporary assignment orders were issued in order to provide Highway with motor gasoline. In the present proceeding, the DOE found that Mobil and Ashland had failed to present any evidence in support of their contentions that their customers would suffer irreparable injury in the absence of stay relief. The DOE therefore concluded that neither firm had met the criteria for the specific type of stay relief which it requested, and the Applications for Stay and for Temporary Stay were accordingly denied.

Sun Co., Inc., Washington, D.C., DRS-0204, DRT-0204, motor gasoline

Sun Company, Inc. filed an Application for Temporary Stay and an Application for Stay of the requirement that the firm comply with the terms of an Interim Remedial Order for Immediate Compliance which the DOE Office of Special Counsel, Northeast District, issued to Sun on April 27, 1979. The Interim Remedial Order for Immediate Compliance requires Sun to commence supplying a motor gasoline station located in Roslindale, Massachusetts which is operated by Peter Kaltsunas.

On May 9, 1979, the DOE convened a hearing to consider the two Sun submissions. At the conclusion of the hearing, the presiding officer determined that the regulatory criteria for the approval of stay relief had not been met and that accordingly, the Application for Temporary Stay and Application for Stay should be denied.

Request for Temporary Stay

Oklahoma Refining Co., Cyril, Okla., DRT-0205, motor gasoline

Oklahoma Refining Company (ORC) filed an Application for Temporary Stay of an Interim Remedial Order for Immediate Compliance which directed the firm to immediately resume supplying motor gasoline to Mid-South Oil Company. In considering the Application, the DOE found that ORC had failed to demonstrate that it would be irreparably harmed by compliance with the IROIC. Accordingly, the DOE determined that the request for a temporary stay should be denied.

Supplemental Order

Port Petroleum, Inc., Washington, D.C., DEX-0167, crude oil

On May 4, 1979, the DOE issued a Decision and Order to Port Petroleum, Inc. *Port Petroleum, Inc.* 3 DOE Par. — (May 4, 1979) In that Decision, the DOE approved stay relief which permitted Port to discharge its outstanding January 1979 entitlement obligation in the months of May, June and July 1979. However, since the method employed by the DOE in implementing the stay relief might adversely affect certain other refiners which were entitled to sell entitlements for January 1979, a supplemental order was issued modifying the provisions of the May 4 Decision and Order.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Temporary Stay of the provisions of Standby Regulation Activation Order No. 1. The stay requests, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Applications for Exception. The DOE issued Decisions and Orders which determined that the stay requests be granted:

Company Name, Case No., and Location

Hondo Oil Company, DES-2782, Ventura, CA
Colonial Oil Company, DST-0051, Jacksonville, FL
Colonial Shell Service, DES-3259, Wallingford, CT
Jim's Chevron, DES-3045, Battle Mt., NV
Marina Car Wash South, DES-3476, Redondo Bch., CA
Murray Oil Company: Marcum Oil Company, DXE-0168, Savannah, MO
Oklahoma Refining Co., DES-0187, Washington, DC
Black's Shell Service, DEN-2544, DES-2544, Spartanburg, SC

Charles F. Ellett, DES-4181, Richmond, CA
Hampton Station, DES-3828, Brothers, OR
Melvin Olsen, DES-3227, Woburn, MA

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Temporary Stay of the provisions of Standby Regulation Activation Order No. 1. The stay requests, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Applications for Exception. The DOE issued Decisions and Orders which determined that the stay requests be denied:

Company name, Case No., Location

Holland Oil Company, DES-3340, DST-3340, Akron, OH
Moody Oil Company, DES-2831, DST-2831, Hollywood, SC
Southern Oil Company, DST-3876, Geigh, AL

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception and/or Applications for Stay and/or Temporary Stay from the provisions of Standby Regulation Activation Order No. 1. After reviewing the material presented by these firms, the DOE issued Decisions and Orders which determined that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company name, Case No., Location

Ruby's Cash & Carry, DEE-3826, Apex, NC.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Active Heating & Air Conditioning, DEE-3500
Arlington Citgo, DEE-4365; DES-4365; DST-4365
Arnold Ownes Oil Co., DEE-4362; DES-4362
Auto Bath, DEE-3676; DES-3676
Barth Bros. Service; DEE-3292
Bill's Gulf Service Center, DEE-4667
Bob's Gulf Service, DEE-2903
Bob's Service Station, DEE-2959
Bruce Schauer, DEE-3923
California-Fresno Oil, DEE-4261
Charlie's Shell, DEE-4066; DES-4066
Chittick Oil Company, DEE-4241
Cliff Evan's Chevron DEE-3792
Colesville Amoco, DEE-4264
Colesville Citgo DEE-2956
Country Club Texaco, DEE-2666
Daly Oil Company, DEE-2886; DST-2886
Delmarva Oil Company, DEE-3810
Don Gideon, DEE-4411
Donald Hawthorne, DEE-3304
Eash High 66, DEE-2409
Eastern Exxon Service, DEE-4524; DES-4524
Gallucci's Gulf, DEE-4694
Gayles & Gayles Enterprises, Inc., DEE-3682; DES-3682
George Glagola, DEE-4155; DES-4155
George R. Houck, DEE-3673
George's Amoco, DEE-3633
Hagen's Gulf, DEE-4347
Hamilton's Market; DEE-4239
Hart's Quick Stop, DEE-3801
Highway 53 Chevron, DEE-4359
Hollywood Car Wash, DEE-4227
J. B. McBride Distributor, Inc., DEE-2483; DES-2483
Jacobs Gulf Service; DEE-4352; DES-4352
Jim's Quick Stop, DEE-3812; DES-3812
Johnson's Shell, DEE-2973
Jon Ray Oil Company, DEE-2923
Joseph Ridenour, DEE-4278
Keefer Oil Company, DEE-4356
Kerr McGee No. 7, DEE-3998; DES—3998
Lacassine Shell, DEE-3260; DES-3260
McQueeney's Exxon, DEE-2686
Michael B. Adamick, DEE-3363
Mickey E. Cleveland, DEE-4157; DES-4157
Mid-West Steel Building Co., Inc., DEE-3531; DES-3531
Mobile Car Repair, DEE-3570
Mobil 76 Auto/Truck, DEE-3294
Natalizia Service, DEE-3912
Nicholas F. Spano, DEE-3684
Oak Ridge Exxon, DEE-4761; DST-4761
Oliver's Tire Store, DEE-4248; DES-4248
R&P Gulf, DEE-3915; DES-3915
Ralph E. Webb Mobile, DEE-4308
Ray's 66, DEE-2832; DST-2832
Remote Services, Inc., DEE-4309
Richards Oil Company, DEE-2654; DES-2654
River Oaks Amoco, DEE-4156; DES-4156
Ron Lowery's Texaco, DEE-3999; DES-3999
Rubin Villanueva, DEE-4382
Ryan Oil Company, DEE-2922
Schroeder Fuel Company, DEE-4281
Sheridan Oil Company, DEE-2290; DES-2290
Sirum Brothers, Inc., DEE-4317
Snyder's Exxon, DEE-4318
Southwest Oil Company, DEE-2357
Speer & Logan Conoco, DEE-3979; DES-3979
Steve's Nova Chevron, DEE-3872; DST-3872
Texaco of Norwalk, DEE-4011
The Hartley Company, DEE-4270
Tri-Town Auto Service Center, Inc., DEE-3842; DES-3842
Vito's Chevron, DEE-4635
Xerxes Service, DEE-2824; DES-2824; DST-2824
Zali Csik Texaco, DEE-4418
Art's Mobil Service DEE-4580
Bland's Gulf, DEE-4238
Bowen's Grocery Store, DEE-4671
Brinson & Blount Company, DEE-4906; DST-4096
Bruce Dudley, DEE-3385
Certified Roofing Systems, Inc., DEE-4589
Clyde Greer, DEE-3631
Colonial Market, DEE-4533
Heberer Shell, DEE-4406
Hillcrest Mobil, DEE-4543
Hillcrest Shell, DEE-3417
Interstate 40 Fina, DEE-4233
J.P.R. Phillips 66, DEE-4120
J. W. Cameron, DEE-4220
J. Lawson Gilbert Dist, Inc., DEE-4492
Jack's Gulf Service, DEE-4700
James B. Harrison, Sr., DEE-3655
Joseph Middleton, DEE-3271
Kellogg-Moore Oil Co., DEE-4250; DES-4250; DST-4250
Lacy's 66 Service, DEE-4847
Lewis Petroleum Products, DEE-3053
McCain's Chevron, DEE-4553
Northgate Mobil, DEE-3692
Pete's Gulf Service, DEE-4727
Poway Texaco Service, DEE-3538
Register Oil Company, DEE-4179
Rolling Green Service Center, Inc., DEE-3358
Roy's Standard Station, DEE-3112
S. K. Gulf Service, DEE-4735
Schaal's Mini-Market, DEE-4280
Walnut Hills Conoco, DEE-4427
Ahser Oil & Gas Co., DEE-2119
Chevron U.S.A. Inc., DEE-1939
Poe's Exxon Service, DEE-0179
Stop-N-Go, Inc., DEE-4851

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidlines*, a commerically published loose leaf reporter system.

November 6, 1979

Melvin Goldstein,

Director, Office of Hearings and Appeals.

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Issuance of Decisions and Orders; Week of May 21 Through May 25, 1979

Notice is hereby given that during the week of May 21 through May 25, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Champlin Petroleum Co., Forth Worth, Tex., DRA-0012, motor gasoline

The Champlin Petroleum Company filed an Appeal from a Remedial Order that was issued to it by Region VI of the Federal Energy Administration. In the Remedial Order, the Regional Office concluded that Champlin had violated the Mandatory Petroleum Price Regulations by calculating its weighted average May 15, 1973 selling prices of motor gasoline to 17 cargo lot purchasers on the basis of an improper class of purchaser determination. According to the Remedial Order, Champlin had placed all of its cargo lot purchasers in a single class rather than a minimum of nine such classes. The Remedial Order required Champlin to: refund overcharges of $16,571,368 plus interest; calculate and refund additional overcharges occurring between February 1, 1976 and September 19, 1977; and calculate its maximum allowable prices in future transactions based on the class of purchaser categories and May 15 prices established by the Remedial Order. In considering the Appeal, the DOE first noted that a supplier of covered products was required to establish reasonable class of purchaser categories by recognizing major factors that affected its pricing decisions prior to regulation.

However, it noted that a reasonable class of purchaser determination established by a supplier would not be overturned simply because another determination adhered more closely to regulatory objectives. Applying these principles to the Champlin case, the DOE found that location was a major factor influencing the prices paid by Champlin's cargo lot purchasers prior to the imposition of price controls. The DOE also found that contrary to both the Remedial Order and the claims of the firm, Champlin should have recognized at least four classes of purchaser based on location. Accordingly, the enforcement proceeding was remanded for the issuance of a Modified Remedial Order. In reaching that result, the DOE addressed the following issues: reliance on incorrect advice given by Internal Revenue Service auditors; estoppel of agency enforcement action because of an internal IRS memorandum; *ex parte* contacts between FEA enforcement officials and representatives of an interested party; the right to an adversarial hearing prior to the issuance of the Remedial Order; procedural rulemaking requirements relating to both FEA Ruling 1975-2 and the equal application rule.

Jozef Willem Eerkens, Los Angeles, Calif., DFA-0372, freedom of information

Jozef Willem Eerkens filed an Appeal from a partial denial by the Director of the Division of Freedom of Information and Privacy Acts Activities of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Director had correctly determined that the documents requested were exempt from mandatory public disclosure under Exemption 5.

Exxon Co., U.S.A., Washington, D.C., DFA-0376, freedom of information

Exxon Company, U.S.A. filed an Appeal from a partial denial by the Director of Freedom of Information and Privacy Acts Activities of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that one of the documents which was initially withheld under Exemption 5 should be released to the public and that the Director should conduct a further search for documents responsive to Exxon's request.

Kinetic Research, Inc., Madison, Wis., DFA-0363, freedom of information

Kinetic Research, Inc. filed an Appeal from a partial denial by the Associate Director of the Office of Procurement Operations of the Department of Energy (the Associate Director) of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that the Associate Director had failed to support his conclusions for withholding a Technical Proposal and had failed to specify which exemptions applied. The DOE noted several segregable and apparently releasable passages to illustrate its determination that the Associate Director did not adequately justify his decision to withhold the entire Technical Proposal. The DOE therefore granted the Appeal in part and directed the Associate Director to release the Technical Proposal in its entirety or issue a detailed statement explaining the reasons for withholding that document.

Miller, Anderson, Nash, Yerke and Wiener, Portland, Oreg., DFA-0348, freedom of information

Miller, Anderson, Nash, Yerke and Wiener appealed from a denial by the Public Information Officer of the Bonneville Power Administration of the Department of Energy (BPA) of a Request for Information that the firm had submitted pursuant to the Freedom of Information Act. In considering the Appeal, the DOE found that certain documents were properly withheld by BPA under exemptions (b)(5) and (b)(4), relating to commercial information. Nevertheless, the DOE directed the release of (i) an exempt cover memorandum in the public interest, and (ii) a portion of an inter-agency memorandum that contained reasonably segregable, nonexempt factual information.

Miller & Chevalier, Washington, D.C., DFA-0377, freedom of information

Miller & Chevalier appealed from a denial by the DOE Rocky Mountain District Manager of Enforcement of a Request for Information that the firm had submitted pursuant to the Freedom of Information Act. In considering the Appeal, the DOE found that the documents were investigatory records compiled for law enforcement purposes and were therefore properly withheld pursuant to exemption (b)(7)(A). Although the District Manager's Decision did not state that the documents had been reviewed to determine whether they contained any reasonably segregable nonexempt information and did not state explicitly whether the public interest had been considered, the DOE conducted an independent review and found that such determinations had been made implicitly. Accordingly, the DOE sustained the decision not to release any portion of the identified documents.

Propane Gas & Appliance Co., Enterprise, Ala., DRO-0038, propane

Propane Gas and Appliance Company objected to a Proposed Remedial Order issued to it by DOE Region IV on April 6, 1978. In the Proposed Remedial Order, Region IV determined that Propane Gas had failed to properly compute the weighted average cost of its propane in inventory and consequently sold propane at prices which exceeded the maximum permissible selling prices under 10 CFR 212.92 and 10 CFR 212.93. In considering the Propane Gas Objection, the DOE noted that the majority of the contentions raised by the firm were equitable in nature and therefore were not properly raised in the context of an enforcement proceeding. The DOE also found that Propane Gas failed to show good cause as to why it had not raised its remaining arguments in response to the Notice of Probable Violation which was issued to the firm on March 29, 1978. Consequently, the DOE determined that the Proposed Remedial Order should be issued in final form.

Remedial Orders

Eagle Enterprises, Inc., Hillsboro, Oreg., DRO-0077, aviation jet fuels

Eagle Enterprises, Inc. objected to a Proposed Remedial Order which the DOE Region X Office of Enforcement issued to the firm on June 22, 1978. In the Proposed Remedial Order, the Region alleged that Eagle sold aviation jet fuel at prices in excess of its maximum lawful selling prices during the period November 1973 through November 1975. The DOE found no evidence to support Eagle's contentions, *viz.*: that the Regional Office failed to consider one of its costs; that it should receive credit for price reductions made subsequent to the audit period; that it should not be required to perform a self-audit; and that it could not afford to refund the overcharges. The DOE also determined that Eagle's legal objections would be incorrect as a matter of law, even if they had been factually supported. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final order.

Resources Investment Corp., Denver, Colo., DRO-0031, crude oil

Resources Investment Corporation (RIC) objected to a Proposed Remedial Order which the Director of Enforcement for DOE Region VIII issued to the firm on March 28, 1978. In the Proposed Remedial Order, the Director of Enforcement found that RIC had improperly classified separate crude oil reservoirs as separate properties and sold crude oil at prices which exceeded RIC's maximum allowable ceiling price. In reviewing the RIC submission, the DOE found that the separate reservoirs in this case could not be treated as separate properties for the relevant period under the provisions of the DOE price regulations. The DOE also found statutory authority for the agency to issue Remedial Orders and assess interest on overcharges. The DOE therefore concluded that the Proposed Remedial Order should be issued in final form.

Requests for Exception

Blanton Oil Co., Sullivan, Mo., DEE-1404, motor gasoline

Blanton Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought to be assigned a new base period supplier of motor gasoline. In considering the request, the DOE found that the firm was not currently experiencing a serious financial hardship. Accordingly, exception relief was denied.

City of Long Beach, Long Beach, Calif., DXE-2807, crude oil

The City of Long Beach filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which it requested an extension of exception relief permitting it to sell crude oil produced from the Fault Block III Unit, located in Los Angeles County, California, at upper tier ceiling prices. In considering the exception request, the DOE found that operating costs at the property continued to exceed the revenues which Long Beach received from the sale of crude oil at lower tier ceiling prices. Accordingly, in order to provide the City with an economic incentive to continue production

operations at the unit, the DOE granted exception relief which permitted Long Beach to sell at upper tier ceiling prices 43.78 percent of the crude oil produced from the Fault Block III Unit for the benefit of the working interest owners.

Gulf Oil Corp., Houston, Tex., DXE-2815, Crude Oil

The Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which it requested an extension of exception relief permitting it to sell crude oil produced from the Mattie White Lease located in Chambers County, Texas, at upper tier ceiling prices. In considering the exception request, the DOE found that operating costs at the property continued to exceed the revenues which Gulf received from the sale of crude oil at lower tier ceiling prices. Accordingly, in order to provide the firm with an economic incentive to continue production operations at the Mattie White Lease, the DOE granted exception relief which permitted Gulf to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Mattie White Lease for the benefit of the working interest owners.

South Hampton, Co., Silsbee, Tex., FEE-4778, Crude Oil

The South Hampton company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought additional entitlements to compensate it for the competitive disadvantage which the firm alleged it incurred during the time that Special Rule No. 6 to Subpart C was in effect. In considering the request, the DOE found that the firm had not demonstrated that the Special Rule adversely affected its crude oil costs in a manner which was unique among other small refiners who were also entitlement sellers during the period concerned. The DOE also found no evidence that the firm had experienced a serious hardship as a result of the Special Rule. Accordingly, exception relief was denied.

Southland Royalty Co., Fort Worth, Tex., DXE-2213, Crude Oil

The Southland Royalty Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which it requested an extension of exception relief permitting the firm to sell crude oil produced from the Aztec Totah Unit at upper tier ceiling prices. In considering the request, the DOE found that operating costs at the property continued to exceed the revenues which Southland received from the sale of crude oil at lower tier ceiling prices. Accordingly, in order to provide the firm with an economic incentive to continue production operations at the Aztec Totah Unit, the DOE granted exception relief which permitted Southland to sell at upper tier ceiling prices 66.95 percent of the crude oil produced from the unit for the benefit of the working interest owners.

Southland Royalty Co., Fort Worth, Tex., DXE-2274, DXE-2275, crude oil

The Southland Royalty Company filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which it requested extensions of exception relief permitting the firm to sell crude oil produced from the Joss Federal and the House Creek Federal 12-1 Leases at upper tier ceiling prices. In considering the requests, the DOE found that operating costs at the two properties continued to exceed the revenues which Southland received from the sale of crude oil at lower tier ceiling prices. Accordingly, in order to provide the firm with an economic incentive to continue production operations at the two leases, the DOE granted exception relief which permitted Southland to sell at upper tier ceiling prices 39.29 percent of the crude oil produced from the Joss Federal Lease and 77.78 percent of the crude oil produced from the House Creek Federal Lease for the benefit of the working interest owners of each lease.

Valley Oil Corp., Staunton, Va., DEE-0119, motor gasoline

Valley Oil Corporation filed an Application for Exception from the provisions of 10 CFR 212.93 in which the firm sought exception relief to sell regular grade motor gasoline at prices in excess of its maximum permissible levels. In considering the request, the DOE found that the firm failed to demonstrate that it would experience a serious hardship or gross inequity in the absence of such relief. Accordingly, exception relief was denied.

Young Refining Co., Washington, D.C., DXE-1051, crude oil

Young Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought relief from its obligation to purchase entitlements during the period June through November 1978. In considering Young's request, the DOE found that the firm would realize a negative profit margin and a negative return on invested capital in the absence of prospective exception relief. While the DOE determined that owner/officer salaries should not be included as part of the firm's operating expenses, it granted Young entitlement exception relief amounting to $203,602 per month for the period June through November 1978.

Motion for Evidentiary Hearing

Karchmer Pipe and Supply Co., Centralia, Ill., DRH-0106, DRD-0106, crude oil

The Karchmer Pipe and Supply Company filed a Motion for Evidentiary Hearing and a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order (PRO) that alleged overcharges by the firm in sales of crude oil. In considering the Motion for Evidentiary Hearing the DOE found that the request involved issues of fact that were not in dispute. Accordingly, the request for an evidentiary hearing was denied. In considering the Motion for Discovery, the DOE found that a number of the firm's requests for documents should be denied because they related to the formulation of the legal basis for the PRO. However, the DOE approach Karchmer's request for production of worksheets and other documents containing calculations of the production levels from its properties. Accordingly, the discovery request was granted in part and denied in part. Important issues considered in the Decision and Order included: (i) the definition of "property"; (ii) production characteristics at the firm's Patoka Unit; (iii) whether inquiry was permitted into the mental processes of agency decision-makers; and (iv) the exercise of the Office of Enforcement's discretion in issuing a PRO.

Requests for Stay

Cotton Petroleum Corp., Denver, Colo., DRS-0207, crude oil

Cotton Petroleum Corporation filed an Application for Stay of the refund provisions of a Remedial Order that had been issued to the firm. The Stay was requested pending judicial review of the Remedial Order. In considering Cotton's request, the DOE found that the approval of stay relief would have an adverse effect upon Cotton's customers who were entitled to receive refunds of the overcharges involved. The DOE also determined that Cotton had not demonstrated that it would experience an irreparable injury in the absence of stay relief. Accordingly, Cotton's stay request was denied.

Petroleum Combustion International, Inc., New York, N.Y., DES-4209, DST-4209, motor gasoline

Petroleum Combustion International, Inc. (PCI) filed Applications for Stay and Temporary Stay from the provisions of the mandatory Petroleum Allocation Regulations (10 CFR, Part 211) and requested that the DOE assign it a new, lower-priced supplier of motor gasoline. In considering the Applications, the DOE determined that in the absence of stay relief PCI would incur an irreparable injury. PCI's stay request was therefore granted and the temporary stay request was dismissed as moot.

U.S. Oil Co., Combined Locks, Wis., DES-3174, motor gasoline

U.S. Oil Company filed an Application for Stay of 10 CFR, Part 211, in which the firm requested the assignment of a lower-priced supplier of motor gasoline pending a final determination on the firm's Application for Exception. In considering the stay request, the DOE found that the price being charged to U.S. Oil by its base period suppliers of motor gasoline created a prohibitive price disparity which threatened the competitive viability of both U.S. Oil and its customers. Accordingly, a stay was granted which resulted in the assignment of suppliers for 2.1 million gallons of lower-priced motor gasoline to U.S. Oil.

Requests for Temporary Stay

The following Applications for Temporary Stay were denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Standard Oil Company, (Indiana) Chicago, Illinois, DST-0408
Gulf Oil Corporation, Tulsa, Oklahoma, DST-0407

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay, Temporary Stay, and/or Interim Order of the Provisions of the Standby Regulation

Activation Order No. 1. The stay requests, if granted, would result in an increase in the base period allacation of motor gasoline pending determination of the Applications for Exception. The DOE issued Decisions and Orders which determined that the stay requests be granted:

Company Name, Location and Case No.

S & S Petroleum Sales, Plano, TX, DES-3335
Sinclair Oil Corp., Washington, D.C., DST-5522
Du Cor Service Station, Valley Stream, NY, DEN-2828
Pilot Petroleum Associates, Inc., New York, NY, DES-2243
R. C. Strother, Bogalusa, LA, DES-2301
Woody's Truck Stop, Cheyenne, WY, DEN-3823
Yosemite Gas & Oil, Denver, CO, DEN-3345

The following firms filed Applications for Exception and/or Applications for Stay and/or Temporary Stay from the Provisions of Standby Regulation Activation Order No. 1. After reviewing the material presented by these firms, the DOE issued Decisions and Orders which determined that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company Name, Location and Case No.

Greenwood Petroleum Company, Greenwood, SC, DEE-4052; DST-4052
Mills General Merchandise, Florence, AL, DEE-4557; DST-4557

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, Case No.

Al's Wilshire, DEE-5305
Charles F. Haas, DEE-2273
Connors Gulf Inc., DEE-4682
Derl's Exxon Service, DEE-4414
Ed's Automotive, DEE-5310
Encino Pet. Company, DEE-5307
Engleson & Van Liere, Inc., DEE-4432
George Stoddard Chevron, DEE-5230
Jayne's Arco, DEE-5231; DES-5231
Lehmann Gas & Oil, DEE-3803
Lima Texaco, Inc., DEE-5187
Marty's Service, DEE-5309
Nevada City Market & Gas, DEE-4422
Northford Arco Mini-Shop, Inc., DEE-4655; DES-4655
RMK Mini-Market, DEE-5226; DES-5226
Ronald Rice, DEE-5308
Warner Hot Springs, Resort, DEE-5169
Getty Oil Company, DXE-2199; DXE-2200
Navy Exchange, DEE-5415
B&G Certified Car Care, DEE-3759; DES-3759
Cactus Exxon, DEE-3467
Camelback Texaco, DEE-3764; DES-3764
Central Oil Company, DEE-2545
Chase Oil Company, DEE-2953; DES-2953
Choi's Shell, DEE-3543
Chuck Jones, DEE-5272
Communications Service, DEE-2665
D & D Shell, DEE-2880; DES-2880
Del E. Webb Dev. Co., DEE-3887
Discount Gas, DEE-3993
East Drive Automotive, DEE-3495
Ed Peters' Conoco, DEE-3830
Evans Arco Mini-Market, DEE-3761; DES-3761
Evert Oil Co., Inc., DEE-2387; DES-2387
Franklin Park Sunoco, DEE-3491
General Store, DEE-2673
Gillis Tire & Auto, DEE-3461
Gilman's, DEE-3920
Golfair Exxon, DEE 2990; DST-2990
Joe Emerson, DEE-3244
Hearne Avenue Exxon, DEE-3800
Herbert H. Patrick, DEE-3638
Hudson's Shell Service, DEE-3405; DES-3405; DXT-3405
Jones Oil Co., Inc., DEE-2835
Keith Van Hoesen Chevron, DEE-3886
Keith W. Kennedy, DEE-2758; DST-2758
Loi Van Le, DEE-3843
M & J Grocery, DEE-4956; DES-4956
Maholtz Arco Service, DEE-2687
McCord's Exxon, DEE-3039; DES-3039
Mister Flowers, Inc., DEE-2777
Monroe Road Exxon, DEE-2457
Mowery Oil Co., Inc., DEE-2979
Myron Yarbrough, DEE-2482; DES-2482
Nelson's Garage, DEE-2417
Nimocks Oil Co., Inc., DEE-3503
Owen Oil Company, DEE-3252; DES-3252
Palm Coast, DEE-2864
Paradise Mobil, DEE-3917
Parrino's R.R.R. Mobil, DEE-3333; DES-3333
Paul Newman, DEE-3155
Phil's Amoco, DEE-5420
Quintard Exxon, DEE-2552
Rice Street Car Wash, DEE-3050
Richard C. Clausen, DEE-4021
Rose Hill Gulf, DEE-2948; DES-2948
Ryback Oil Company, DEE-2598
S & S Oil Supply, Inc., DEE-4099
Saville's Amoco, DEE-3649
Seals Tilly Mill Chevron, DEE-3511; DES-3511
Sevell's Party Pak, DEE-3395
Steve's Exxon, DEE-2704; DES-2704
Stoughton Mobil Station, DEE-3359
Toole's Chevron Service, DEE-2874; DES-2874; DST-2874
Westmont Texaco, DEE-5071
Westside Gulf Service, DEE-3833
Winchester-Payne Chevron, DEE-3407
Yosemite Gas & Oil, DEE-3345; DST-3345
Du Cor Service Station, DES-2828
A and A Service, DEE-5275
Alexander's Mobil, DEE-4329
Anthony J. Scalzi, DEE-5234
Antonio Mannta Realty, DEE-3797
Avis Rent A Car System, DEE-3889
B and R Sunoco, DEE-3669
Bear Creek Steak House, DEE-3936
Bitterroot Exxon, DEE-2390; DES-2390; DST-2390
Brown Road Exxon, DEE-3747
Buchanan Shell, Inc., DEE-4140
Call Carl, Inc., DEE-3598
Casoria & Goff, P.A. DEE-3273
Ciampi's Holiday Gulf, DEE-4680
Daily Oil Company, DEE-2451
Don Ginos Chevron, DEE-5329
Don Sheppard, DEE-5541
Douglas and Katherine Skaggs,, DEE-4993; DES-4993
Dunlap, Melville & Iwasko, DEE-4084; DES-4084
Ernest S. Oliver, DEE-4303
Exxon Company, U.S.A., DEE-3896
G. R. Berner, DEE-4332
Glenn Walker, DEE-3962
Green Bay Standard, DEE-3223
Hagan-Kennington Oil Company, DEE-2383
Harry Fletcher, DEE-3651
Hawthorne Lane Shell Service, DEE-2870; DES-2876
Hays Oil Company, DEE-2857; DES-2857; DST-2857 I25Herman Van Der Upwich, DEE-5269
Hoff's Services, Inc., DEE-4349
Howard Dickerson Chevron, DEE-5330
J & D Mobil, DEE-5433
J. C. Penneys, DEE-4141
Jack Sampian Chevron, DEE-5030
Jeffrey D. Waterhouse, DEE-3361
Jep's Gulf, DEE-4353
Jim's Service, DEE-5032
Joe's Getty Station, DEE-2469; DST-2469
Joe's Gulf, DEE-4355
Kenary, Teitz & Hogan, DEE-2561
Kerns Service, DEE-5267
Kirkland C. Anderson, DEE-2754; DES-2754
La Jolla Automotive Service, DEE-5298
Li'l Peach of Massachusetts, Inc., DEE-4712
Lincoln Plaza Texco, DEE-4135
M & R Getty, DEE-3127
Maginnis Oil Company Inc., DEE-3786
Maguire's Chevron Service, DEE-4207; DES-4207
McBride Distributor, Inc., DEE-2483; DES-2483
McCormick's Arco Mini-Market, DEE-5581; DES-5581
Mike's Sun City Union, DEE-4276
Mohawk Motors, Inc., DEE-5417
Navy Exchange Service Station, DEE-4301
New Gate Phillips 66, DEE-4554
Northbridge Mini-Market, DEE-4765; DES-4765
Nuss Arco, DEE-4885; DES-4885
Parish Mobil, DEE-3765; DES-3765
Patchen's Amoco, DEE-5421
Person Street Gulf, DEE-3859; DES-3859
Roy Holt, DEE-5297
Paul Stall, DEE-2895
Pawley Oil Company, Inc., DEE-3042
Payea Gulf, DEE-4304
Pendergast Brothers, DEE-4383
Ragan 66 Service Station, DEE-5539
Rain Tunnel Car Wash, DEE-0187
Randall M. Lutz, DEE-2581
Robert L. Brice, DEE-4384
Russell Petroleum, Inc., DEE-2618
Sid's Grocery, DEE-3383
Snyder's 66 Service, DEE-3527; DST-3527
Spanish Trail Ranch, DEE-3574
Sparkie Car Wash, DEE-5167
Springfield Manor, Shell, DEE-3593
Sumter Petroleum Company, DEE-4091; DST-4091
T & M Arco Mini Mart, DEE-3718
Thomas W. Callahan, DEE-5362
Timberlane Transportation, Inc., DEE-5472
Tom McDonald Oil Co., Inc., DEE-2309
Tuckahoe Exxon, DEE-2941; DES-2941; DST-2941
Valley Planing Mill, DEE-5067
Vandaveer Oil Company, Inc., DEE-3478; DES-3478
Wakeland Oil Company, DEE-3218
William H. Carlson, DEE-4262
Williamsburg Shell Service Center, DEE-5460
Woodrow Denton, DEE-3867, DES-3867, DST-3867
Amerada Hess Corp, DXE-4104
Fountain & Associates, FEE-4436
Hillside Ranch, DEE-5025
Lansing-Lewis Co., DEE-3216
Mays Oil Inc., DEE-3729

Ordie A. Watts, DEE-4225
P & B, Pet. Co., DEE-2651; DES-2651
Roland Butler, DEE-2615
Seibt Shell Service, DEE-2632; DES-2632; DST-2632
Sullivan County Oil, DEE-3602

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal Holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
November 2, 1979.
[FR Doc. 79-34963 Filed 11-9-79; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1356-3]

Delegation of Authority to the Regional Air Pollution Control Agency (RAPCA) in Dayton, Ohio

This notice announces the Delegation of Authority for the implementation of technical and administrative review and enforcement of the National Emission Standards for Hazardous Air Pollutants (NESHAPS). The U.S. Environmental Protection Agency (USEPA) has delegated to RAPCA:

A. The Federal NESHAPS regulation of 40 CFR § 61.01 through 61.71 except §§ 61.22(d) and (e), for the pollutants asbestos, beryllium, mercury and vinyl chloride in the Ohio counties of Montgomery, Clark, Darke, Greene, Miami and Preble.

B. The Federal NESHAPS regulation of 40 CFR § 61.22(d), (e), (j) and (k), to control the emissions of asbestos from demolition/renovation, spraying, disposal and landfilling in Montgomery County only.

On May 21, 1979, William T Burkhart, Supervisor, RAPCA, submitted to the U.S. EPA Regional office a request for Delegation of Authority.

After review of the request and information submitted, the Regional Administrator has approved delegation for the pollutant categories set forth in the following official letter to the Supervisor of RAPCA.

September 11, 1979.

Mr. William Burkhart,
Supervisor, Regional Air Pollution Control Agency, Montgomery County Combined General Health District, 451 West Third Street, Dayton, Ohio.

Dear Mr. Burkhart: Thank you for your letter dated May 21, 1979, requesting delegation of Authority for the following portions of the National Emission Standards for Hazardous Air Pollutants (NESHAPS) regulations. We have reviewed your request and have determined the program, including Regulation 150, to be acceptable to enforce the NESHAPS and hereby delegate the following authority to implement and enforce the NESHAPS regulation as follows:

Regional Air Pollution Control Agency (RAPCA) will enforce the Federal NESHAPS regulation of 40 CFR § 61.01 through 61.71, except for the §§ 61.22(d) and (e), for the pollutants asbestos, beryllium, mercury and vinyl chloride, in the Ohio counties of Montgomery, Clark, Darke, Greene, Miami and Preble, until the State of Ohio receives delegation of the program. At that time, a notice of termination for the above cited portions of the delegation will be sent to RAPCA. USEPA will continue under this delegation to issue the new source approvals and denials according to condition 5 as stated below.

Additionally, RAPCA will enforce 40 CFR §6122(d), (e), (j) and (k), to control the emissions of asbestos from demolition/renovation, spraying disposal and landfilling in Montgomery County only.

USEPA has also completed the review of the August 15, 1979 letter from Kenneth Dahms of your staff. The representations therein indicate that RAPCA has the necessary authority both to compel and protect information from sources and also the authority to release emission data as required by the Clean Air Act.

This delegation is made pursuant to the following conditions and is limited to the terms specified herein.

1. RAPCA will submit quarterly NESHAPS status reports to USEPA. Copies of this report were forwarded to RAPCA at an earlier date.

2. The RAPCA and USEPA will develop a system of communications sufficient to guarantee a program that includes the items described below.

a. Each Agency is informed of the current compliance status of subject sources in the areas mentioned above.

b. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of section 112 of the Clean Air Act and regulations contained in 40 CFR Part 61, which is not covered by determinations or guidance sent to RAPCA; concurrence is to be obtained to the extent a matter pertains to the implementation, review, administration, or enforcement of the programs delegated above.

3. RAPCA will enforce the presently effective Federal provisions and regulations that pertain to this delegation except, where the rules of RAPCA are as stringent or more stringent. In such cases, RAPCA's regulations will be enforced. USEPA retains concurrent enforcement authority pursuant to section 113 of the Clean Air Act with respect to sources covered by this delegation.

4. The RAPCA will do the technical and administrative analyses required on applications for construction or modification of new sources. The RAPCA will submit to USEPA the final recommendation on approval or denial. USEPA will then issue a formal approval or denial in accordance with 40 CFR section 61.08.

5. If at any time RAPCA determines that a violation of the NESHAPS exists, USEPA Region V must be notified immediately of the nature of the violation together with a brief description of RAPCA's efforts or strategy to secure compliance.

6. If the Regional Administrator determines that RAPCA's procedures for implementing and enforcing the NESHAPS regulation is inadequate or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified on a Notice of Revocation to RAPCA.

A notice announcing this delegation will be published in the Federal Register in the near future. This Notice will state, among other things, that, effective immediately, all reports for sources covered by this delegation required to be submitted to USEPA pursuant to the Federal NESHAPS regulation (40 CFR § 61.10) must also be submitted to the Regional Air Pollution Control Agency, Montgomery County Combined General Health District, 451 West Third Street, Dayton, Ohio 45402. Any such reports which have been or may be received by USEPA Region V, will be promptly transmitted to RAPCA.

Although this delegation is effective immediately and although there is no requirement that RAPCA notify USEPA of its acceptance, we would appreciate written notice of acceptance or objection to this delegation within 15 days of the date of receipt of this letter. Should notice not be received, we will proceed with the public notice of the delegation in the Federal Register.

Sincerely yours,
John McGuire,
Regional Administrator.

Therefore pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified William T. Burkhart, Supervisor of RAPCA on September 11, 1979, that the authority to implement adminstrative

and technical review and enforcement for the NESHAPS was delegated to RAPCA. On September 19, 1979, RAPCA notified USEPA of the Agency's acceptance of the delegation.

Copies of the request for Delegation of Authority are available for public inspection at the U.S. Environmental Protection Agency, Region V Office, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Effective immediately all reports from sources covered by this delegation required to be submitted pursuant to 40 CFR § 61.10 are to be submitted to the Regional Air Pollution Control Agency, Montgomery County Combined General Health District, 451 West Third Street, Dayton, Ohio 45402. Copies of these reports shall also be submitted to USEPA, Region V, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604.

Note.—This notice is issued under the authority of Section 112 of the Clean Air Act. (42 U.S.C. 7412)

Dated: October 22, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-34933 Filed 11-9-79; 8:45 am]

BILLING CODE 6560-01-M

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

Advisory Committee on Personnel; 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 Personnel for the Executive Office of the President.

Date: December 7, 1979.

Time: 2:00 p.m. to 5:00 p.m.

Place: The Roosevelt Room, West Wing, The White House, 1600 Pennsylvania Avenue, N.W.

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: Vella Traynham, Presidential Personnel Office, Room 145 Old Executive Office Building, Washington, D.C. 20500 (202) 456-2995.

Purpose of advisory committee: The Committee will advise the Director of the Presidential Personnel Office, through the Director of Administration, on matters pertinent to the Executive Office's responsibility for the selection of personnel to fill appointive positions throughout the Executive Branch of the federal government. The Committee will draw on the expertise of its members and other sources in order to provide advice and make recommendations to the Director of the Presidential Personnel Office, through the Director of the Office of Administration. In its role, it is anticipated that the Committee will review qualifications and recommend persons to be considered for appointive positions within the Executive Branch. The Committee will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

Agenda: 2:00 p.m. to 5:00 p.m.—Items of discussion shall include:

(1) Introduction of the members of the Advisory Committee;

(2) The function and structure of the Presidential Personnel Office;

(3) The process by which the Committee will advise the Presidential Personnel Office of its recommendations.

William R. Pollak,

General Counsel.

[FR Doc. 79-34913 Filed 11-09-79; 8:45 am]

BILLING CODE 3115-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 3, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly descriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3870.

Filing Party: W. H. Black, Jr., Chief Administrative Officer, Alabama State Docks Department, P.O. Box 1588, Mobile, Alabama 36601.

Summary: Agreement No. T-3870, between Alabama State Docks Department (ASD) and Allied Paper Incorporated (Allied) is a 10 year lease by ASD to Allied of certain premises which form a part of ASD's Inland Dock Facility at Jackson, Alabama known as Jackson State Dock. Allied will use the premises for loading, unloading, handling and moving cargo in connection with its pulp and paper manufacturing business.

Agreement No. T-3871.

Filing Party: W. H. Black, Jr., Chief Administrative Officer, Alabama State Docks Department, Mobile, Alabama 36601.

Summary: Agreement No. T-3871, between Alabama State Docks Department (ASD) and Tennessee Alloys Company (TAC) provides for the nonexclusive five year lease by ASD to TAC of the Bridgeport State Dock Facility on the Tennessee River. TAC will use the premises for a bulk loading and unloading facility in accordance with its silicon processing business requirements, and will not load or unload for others.

Agreement No. T-3875.

Filing Party: Frank G. Martin, Jr., General Manager, Chicago Regional Port District, 12800 Butler Drive, Lake Calumet Harbor, Chicago, Illinois 60633.

Summary: Agreement No. T-3875, between Chicago Regional Port District and Ceres, Incorporated (Ceres), provides for the exclusive licensing of Ceres for the provision of stevedoring, terminalling, cleaning, fitting, securing of all cargoes and other services to or for vessels, barges, railroad cars, containers and trucks at the Lakefront Site in the Port of Chicago, as set forth in the agreement. As compensation, Ceres will pay a license fee for each unit of cargo handled. The initial term of the lease is four years, with two successive renewal options.

Agreement No. 10012-5.

Filing Party: F. Conger Fawcett, Graham & James, One Maritime Plaza, San Francisco, California 94111.

Summary: Agreement No. 10012-5, among the member lines of the Australia-Pacific Coast Rate Agreement (No. 10012) would require the member lines to publish and participate in a single, consolidated tariff rather than maintain separate tariffs; and would add Hawaii to the stated scope of the Agreement.

By Order of the Federal Maritime Commission.

Dated: November 7, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-34944 Filed 11-9-79; 8:45 am]

BILLING CODE 6730-01-M

Pactex Agreement—the City of Long Beach and Sohio Transportation Co. of California; Cancellation

Filing Party: Leslie E. Still, Jr., Senior Deputy City Attorney, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Agreement No. T-3769.

Summary: On October 29, 1979, the Commission received notification of the cancellation and termination of Agreement No. T-3769. The cancellation is proposed to be effective October 15, 1979.

By Order of the Federal Maritime Commission.

Dated: November 7, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-34943 Filed 11-9-79; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Anti-Thymocyte Globulin Workshop; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces that a public meeting will be held to give interested persons an opportunity to discuss, in an open workshop, current information derived from clinical studies of anti-thymocyte globulin used in human organ transplantation.

MEETING DATE: December 6, 1979.

ADDRESS: The meeting will be held in Conference Rm. 9, Bldg. 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Bruce Merchant, Bureau of Biologics (HFB-200), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-496-5241.

SUPPLEMENTARY INFORMATION: Anti-thymocyte globulin is a heterologous immune globulin product that contains antibodies reactive with human thymus-derived lymphocytes. It is administered to recipients of human organ grafts for delaying or preventing thymus-derived lymphocytes from inducing graft rejection. Anti-thymocyte globulin is an investigational drug that has now undergone several years of clinical trials. The agency's Bureau of Biologics in conjunction with the National Institute of Allergy and Infectious Diseases will hold a public meeting so that interested persons may discuss current information derived from clinical studies of anti-thymocyte globulin preparations. These discussions will give special attention to the safety and effectiveness of anti-thymocyte-globulin administered to recipients of cadaveric renal grafts.

The workshop will be held from 8:30 a.m. to 4:30 p.m., December 6, 1979, in Conference Rm. 9, Bldg. 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Persons planning to attend should contact Bruce Merchant, Bureau of Biologics (address above), by November 29, 1979.

Dated: November 7, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-34995 Filed 11-9-79; 8:45 am]

BILLING CODE 4110-03-M

Subcommittee on Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Subcommittee on Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee.	November 30, 9 a.m., Conference Rm. B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4:30 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, MD 20857, 301-443-4730.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the revision of draft guidelines for evaluation of potential hepatotoxicity of drugs in children.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at

the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: November 7, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-34994 Filed 11-9-79; 8:57 am]

BILLING CODE 4110-03-M

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Public Meeting

Cross-Reference: For a notice of a public meeting concerning anti-thymocyte globulin, to be held on December 6, 1979, in conjunction with the Food and Drug Administration, see FR Doc. 79-34995 appearing in this section of this issue of the Federal Register.

BILLING CODE: 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute on December 4-5, 1979, at the Holiday Inn-Lake Shore Drive, Chicago, Illinois.

This meeting will be open to the public on December 4, 1979 from 8:00 p.m. to 9:00 p.m. 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 December 4, 1979 from 9:00 p.m. to adjournment, and on December 5, 1979 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of two individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the application, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onne, 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. 13.837, National Institutes of Health)

Dated: November 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-34883 Filed 11-9-79; 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 meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, December 5-6, 1979, Stone Travel Lodge, Tampa, Florida.

This meeting will be open to the public on December 5, 1979 from 8:00 p.m. to 9:00 p.m. 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 December 5, 1979 from 9:00 p.m. to recess, and on December 6, 1979 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of an individual grant application. The 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: November 5, 1979.

Suzanne L. Fremeau

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-34884 Filed 11-9-79; 8.45 am]

BILLING CODE 4110-08-M

International Program for the Evaluation of Short-Term Tests for Carcinogenicity; Public Meetings

A National Toxicology Program sponsored meeting of participants in the International Program for the Evaluation of Short-Term Tests for Carcinogenicity was held October 17-22, 1979, to present and evaluate test data obtained over the past three years.

This collaborative program emerged from research on short-term tests supported by the UK Medical Research Council under commission from the UK Health and Safety Executive. Discussion between MRC scientists and research scientists from ICI led to the proposal for a study on coded samples in England. Interest by scientists at the U.S. National Institute of Environmental Health Sciences (NIEHS) in broadening the scope of this study to an International Trial to include both additional assay systems and investigators from other countries led to NIEHS coordination as well as the development of support for this expanded program of research from NIEHS, U.S. Environmental Protection Agency and the National Cancer Center Research Institute in Japan. Short-term tests for carcinogenicity have been developing rapidly over the past 10 years and many tests of varying effectiveness are now available for use as carcinogen prescreens. Growing demands for chemical safety make it increasingly important to compare these tests so that suitable ones can be selected for use or further development. The present study was designed as a stringent and objective means of comparing the capability of nearly 30 assay systems to correct differentiate between known carcinogens and noncarcinogens. Chemicals were selected to include, where possible, pairs of carcinogens and closely related noncarcinogenic analogs in addition to several miscellaneous carcinogens and noncarcinogens. As a wide a range of chemical types as possible was included and particular attention was given to carcinogens which had previously

proven difficult to detect in short-term assays.

Test compounds were coded and distributed to investigators who knew neither their identity nor carcinogenicity. Prior to decoding, results from 60 scientists using over 25 assay systems were submitted. The assays ranged from bacterial tests for point mutations and differential killing through eukaryotic systems including yeast, in vitro mammalian cell mutation, repair and transformation assays and in vivo assays in Drosophila and mice.

The task of evaluating over 60 sets of test data on 42 chemicals is immense and at this preliminary stage of analysis it is difficult to draw specific conclusions about the relative performances of individual assays. Such conclusions must await further analysis which is currently underway. A great deal, however, has already been learned of the tests' performances and the biological activities of the chemicals under study.

A Public Meeting sponsored by the National toxicology Program will be held on December 3 to discuss the preliminary assessment of results from the International Program. Members of the Program's Coordinating Committee will make presentations and discuss conclusions reached at the meeting and during subsequent evaluation and summarization. The purpose of this meeting is to make available to all interested persons the preliminary results and conclusions of the Program.

The meeting is not intended to reveal a final evaluation because the immense data base generated will require much further analysis before final conclusions can be reached.

The Public Meeting will be held on Monday, December 3, 1979, 9:30 am to 12:30 pm, in Building 10, Masur Auditorium, National Institutes of Health, Bethesda, MD. Attendance by the public will be limited to space available. It is requested that individuals wishing to attend give advance written notice to:

Ms. Ceci Ellington, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, 919/541-3492 (FTS 629-3492).

Further information about the meeting can be obtained from Ms. Ellington.

Dated: November 5, 1979.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 79-34886 Filed 11-9-79; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees, November 26-28, 1979, National Cancer Institute, National Institutes of Health, 9000 Rockville, Pike, Bethesda, Maryland 20205. All of these meetings will be open to the public to discuss business as indicated in the notice. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: National Cancer Advisory Board.

Date and Place of Meeting: November 26-28, 1979; 9:00 a.m.-adjournment, Building 31C, Conference Room 6.

Agenda: November 26: Reports by the Director, National Cancer Program; the Working Group on Board Activities and Agenda; discussion of guidelines for comprehensive cancer centers; and, policies and guidelines for research training. November 27: Report of the Subcommittee on Planning and Budget; and, program reviews of NCI's Division of Cancer Control and Rehabilitation and the Division of Cancer Cause and Prevention. November 28: Report of the Board Subcommittee on Environmental Carcinogenesis and a program review of the Division of Cancer Biology and Diagnosis, NCI.

Name of committee: Subcommittee on Planning and Budget.

Date and place of meeting: November 26, 7:30 p.m.-adjournment; Building 31A, Room 11A10.

Agenda: Discussion of functions and responsibilities of the Subcommittee; discussion of 5-year budget projections for the period 1981-1985; and, discussion of a request of the Secretary, HEW, to combine the Director's report with the annual program plan.

Name of committee: Subcommittee on Environmental Carcinogenesis.

Date and place of meeting: November 27, 8:00 a.m.-9:00 a.m., Building 31C, Conference Room 6.

Agenda: Consideration of a statement on bioassay and risk assessment.

Name of committee: Subcommittee on National Organ Site Programs.

Date and place of meeting: November 27, 7:30 p.m.—ajdournment Building 31C, conference Room 8.

Agenda: To discuss administrative procedures.

Dated: November 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-34862 Filed 11-9-79; 8:45 am]

BILLING CODE 4110-08-M

Review of Contract Proposals and Grant Application; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below 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, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Name of committee: Bladder and Prostatic Cancer Review Committee (Bladder Subcommittee).

Dates: December 6-7, 1979.

Place: Logan Airport Hilton—Room 317, Logan International Airport, Boston, Massachusetts 02128.

Times: Open, December 6, 8:30 a.m.-9:00 a.m.; closed, Decembr 6, 9:00-adjournment, December 7, 8:30 a.m.-adjournment.

Closure reason: To review grant applications.

Executive Secretary: William Straile, Ph. D., Westwood Building, Room 853, National Institutes of Health, 301/496-7194.

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395 National Institutes of Health)

Name of committee: Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Subcommittee).
Dates: December 6–7, 1979.
Place: Prudential Building—10th Floor; 1100 Holcolm Boulevard, Houston, Texas.
Times: Open, December 6, 7:30 p.m.–8:00 p.m.; closed, December 6, 8:00 p.m.–adjournment, December 7, 8:30 a.m.–adjournment.
Closure reason: To review grant applications.
Executive Secretary: Vincent J. Cairoli, Ph. D., Westwood Building, Room 855, National Institutes of Health, 301/496–7194.

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395 National Institutes of Health)

Name of committee: Cancer Control Merit Review Committee.
Dates: December 12–14, 1979.
Place: Building 31/C, Conference Room 8, National Institutes of Health.
Times: Open, December 12, 9:00 a.m.–9:30 a.m.; closed, December 12, 9:30 a.m.–5:00 p.m., December 13, 9:00 a.m.–5:00 p.m., December 14, 9:00 a.m.–adjourment.
Closure reason: To review contract proposals.
Executive Secretary: Dr. Robert G. Burnight, Blair Building, Room 7A17, National Institutes of Health, 301/427–8630.

(Catalog of Federal Domestic Assistance Number 13.394 National Institutes of Health)

Name of committee: Cancer Control Intervention Programs Review Committee.
Dates: December 14, 1979.
Place: Kenwood Country Club—Pine Room, 5601 River Road, Bethesda, Maryland.
Times: Open, December 14, 8:30 a.m.–9:00 a.m.; closed, December 14, 9:00 a.m.–5:00 p.m.
Closure reason: to review contract proposals.
Executive Secretary: Louis M. Ouellette, Ph. D., Westwood Building, Room 806, National Institutes of Health, 301/495–7413.

(Catalog of Federal Domestic Assistance Number 13.399 National Institutes of Health)

Dated: November 2, 1979.

Suzanne L. Fremeau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-34885 Filed 11-9-79; 8:45 am]
BILLING CODE 4110-08-M

Office of Education

National Advisory Council on Indian Education; Schedule and Proposed Agenda for Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice.

SUMMARY: The notice sets forth the schedule and proposed agenda of the forthcoming Full Council meeting of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix I, section 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Full Council Meeting: November 30, 1979, 9:00 a.m. to 5:00 p.m. and December 1, 1979, 9:00 a.m. to 5:00 p.m. and December 2, 1979, 9:00 a.m. to 5:00 p.m.

COMMITTEE MEETINGS: To be announced.

ADDRESS: Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, Suite 326, 425 13th Street, N.W., Washington, D.C. 20004 (202) 376–8882.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 1221g).

The Council is directed to:

(1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and section 314 of the Adult Education Act (as added by Title IV of Pub L. 92–318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) Submit to Congress not later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs; and,

(8) Be consulted by the Commissioner of Education regarding the definition of the term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The meeting will be open to the public. This meeting will be held at the Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202.

The proposed agenda includes:

(1) Executive Director's Report.

(2) Election of NACIE Officers.

(3) Action on previous meeting minutes.

(4) Committee discussions and reports.

(5) Review of NACIE FY'80 Budget.

(6) Special Reports.

(7) Plans for future NACIE activities.

(8) Regular Council Business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Suite 326, Washington, D.C. 20004.

For futher information call Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, (202) 376–8882.

Dated: September 25, 1979. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 79-34974 Filed 11-9-79; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Colorado River Basin Salinity Control Advisory Council; Public Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council at 1:00 p.m. on December 4, 1979, in the Elm Room on the sixth floor of the Lincoln Towers, 1860 Lincoln Street, Denver, Colorado.

Purpose of Meeting: Council members will be briefed on the status of salinity control activities and draft annual report.

Proposed Agenda: The Bureau of Reclamation, Soil Conservation Service, and Bureau of Land Management will each present a progress report and schedule of activities on salinity control in the Colorado River Basin. The Council will discuss Colorado River Basin salinity control activities and prepare a draft of their annual report.

Public Participation: The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting in person or by mail. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting including requests for time to make statements should be addressed to Mr. Michael J. Clinton, Chief, Colorado River Water Quality Office, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colorado, 80225.

Dated: November 5, 1979.

Aldon D. Nielsen,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 79-34869 Filed 11-9-79; 8:45 am]

BILLING CODE 4310-09-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before November 2, 1979. Pursuant to section 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by November 23, 1979.

Carol Shull,

Acting Chief, Registration Branch.

ALABAMA

Butler County

Greenville vicinity, *Oakey Streak Methodist Episcopal Church,* Off SR 59.

Greene County

Eutaw, *Greene County Courthouse Square District,* U.S. 11 and AL 7.

ARIZONA

Mohave County

Kingman vicinity, *Hoover Dam,* NW of Kingman on U.S. 93 (also in Clarke County, NV).

CALIFORNIA

Orange County

Anaheim, *Kraemer Garage (Citrus Tire Company Building)* 252 N. Anaheim Blvd.

DELAWARE

New Castle County

Middletown vicinity, *Achmester,* N of Middletown on SR 429.

ILLINOIS

Coles County

Mattoon, *U.S. Post Office,* 1701 Charleston Ave.

DeKalb County

Sandwich, *Sandwich City Hall,* 144 E. Railroad St.

Kane County

Elgin vicinity, *Teeple Barn,* NW of Elgin on Randall Rd.

Logan County

Atlanta, *Atlanta Public Library,* Race and Arch Sts.

Ogle County

Oregon vicinity, *Camling-Cline Mound Group*

INDIANA

Henry County

Lewisville, *Guyer Opera House,* U.S. 40.

MISSISSIPPI

Clarke County Antebellum Houses Thematic Resources. Reference—see individual listings under Clarke County.

Clarke County

DeSoto, *Carmichael House (Clarke County Antebellum Houses Thematic Resources).*

DeSoto, *Cook-Sellers House (Clarke County Antebellum Houses Thematic Resources)* E. Station St.

DeSoto vicinity, *Covington House (Clarke County Antebellum Houses Thematic Resources).*

Elwood Community, *Adams-Taylor-McRae House (Clarke County Antebellum Houses Thematic Resources).*

Energy vicinity, *Ford-Williams House (Clarke County Antebellum Houses Thematic Resources)* SR 514.

Enterprise, *Barbour-Estes House (Clarke County Antebellum Houses Thematic Resources)* River Rd.

Enterprise, *Bradshaw-Booth Houses (Clarke County Antebellum Houses Thematic Resources)* Stonewall St.

Enterprise, *Brown-Wilson House (Clarke County Antebellum Houses Thematic Resources)* SR 11.

Enterprise, *Buckley-Sikes House (Clarke County Antebellum Houses Thematic Resources)* Church St.

Enterprise, *Compton-Short House (Clarke County Antebellum Houses Thematic Resources)* Tuscaboma St.

Enterprise, *Davis House (Clarke County Antebellum Houses Thematic Resources)* River Rd.

Enterprise, *Dearman House (Clarke County Antebellum Houses Thematic Resources)* Bridge St. and River Rd.

Enterprise, *Hunter-Frost House (Clarke County Antebellum Houses Thematic Resources)* River Rd.

Enterprise, *Lee-Mitts House (Clarke County Antebellum Houses Thematic Resources)* Stonewall St.

Enterprise, *McCrory-Deas-Buckley House (Clarke County Antebellum Houses Thematic Resources)* Bridge St.

Enterprise, *McGee-Hudson House (Clarke County Antebellum Houses Thematic Resources)* Tuscaboma St.

Enterprise, *Methodist Parsonage House (Clarke County Antebellum Houses Thematic Resources)* A St.

Enterprise, *Moore-Smith House (Clarke County Antebellum Houses Thematic Resources)* River Rd.

Enterprise, *Pilgrim's Rest (Clarke County Antebellum Houses Thematic Resources)* Tuscaboma St.

Enterprise, *Riverside Plantation (Clarke County Antebellum Houses Thematic Resources)* SR 11.

Enterprise, *Smith-McClain-Buckley House (Clarke County Antebellum Houses Thematic Resources)* Stonewall St.

Enterprise, *Stephenson-Allen House (Clarke County Antebellum Houses Thematic Resources)* Bridge St.

Enterprise, *Woolverton-Boyd House (Clarke County Antebellum Houses Thematic Resources)* Off SR 513.

Clarke County

Enterprise vicinity, *Ward House (Clarke County Antebellum Houses Thematic Resources)* 3 mi. N of Enterprise.
Lake Bounds, *McNeill-McGee House (Clarke County Antebellum Houses Thematic Resources).*
Langsdale, *Overseer's House and Outbuildings of Lang Plantation (Clarke County Antebellum Houses Thematic Resources).*
Langsdale, *Prairie Place (Clarke County Antebellum Houses Thematic Resources).*
Pachuta, *Forestdale Plantation (Clarke County Antebellum Houses Thematic Resources).*
Quitman, *Trotter-Byrd House (Clarke County Antebellum Houses Thematic Resources)* 419 E. Franklin St.
Shubuta, *Hand House (Clarke County Antebellum Houses Thematic Resources)* North St.
Shubuta, *Price-Patton-Pettis House (Clarke County Antebellum Houses Thematic Resources)* North and 2nd Sts.
Shubuta, *Sumrall-Albritton House (Clarke County Antebellum Houses Thematic Resources)* SR 45.
Stonewall, *Millbrook-Asher's Cabin (Clarke County Antebellum Houses Thematic Resources)* SR 513.

Hinds County

Jackson, *West Capitol Street Historic District,* Roughly bounded by RR tracks, Amite, Roach and Pearl Sts.

Marshall County

Holly Springs, *Holly Springs Courthouse Square Historic District,* U.S. 78
Holly Springs, *Mississippi Industrial College Historic District,* Memphis St.

Pike County

McComb, *Kramertown-Railroad Historic District,* S. Railroad Blvd.

MONTANA

Missoula County

Missoula, *U.S. Post Office,* 200 E. Broadway.

NEVADA

HOOVER DAM. Reference—see Mohave County, AZ.

NEW HAMPSHIRE

Coos County

Berlin, *Congregational Church,* 921 Main St.

Sullivan County

Newport vicinity, *Little Red Schoolhouse 1835 No. 7,* 2 mi. S of Newport on NH 10 *District.*

NEW JERSEY

Bergen County

River Edge, *Steuben Estate Complex,* New Bridge Rd., Main St. and Hackensack River (boundary increase).

NORTH DAKOTA

Dunn County

Manning vicinity, *Hutmacher Farm,* NW of Manning.

Pembina County

Drayton, *Drayton United Methodist Church,* ND 44.

OHIO

TIFFIN INDUSTRIAL BUILDINGS THEMATIC RESOURCES. Reference—see individual listings under Seneca County.

Seneca County

Tiffin, *Beatty Glass Company (Tiffin Industrial Buildings Thematic Resources)* 4th Ave. and Vine St.
Tiffin, *Bowman's Distillery (Tiffin Industrial Buildings Thematic Resources)* 215 Riverside Dr.
Tiffin, *Hanson Machinery Company (Tiffin Industrial Buildings Thematic Resources)* 235 Miami St.
Tiffin, *Hedges-Hunter-Keller-Bacon Gristmill (Tiffin Industrial Buildings Thematic Resources)* 255 Riverside Dr.
Tiffin, *Hunter, William, House (Tiffin Industrial Buildings Thematic Resources)* 260 Riverside Dr.
Tiffin, *Mueller Brewery (Tiffin Industrial Buildings Thematic Resources)* 146—164 Riverside Dr.
Tiffin, *Mueller, Christ, House (Tiffin Industrial Buildings Thematic Resources)* 140—142 Riverside Dr.
Tiffin, *Ohio Lantern Company (Tiffin Industrial Buildings Thematic Resources)* 60—72 Hudson St.
Tiffin, *Tiffin Agricultural Works (Tiffin Industrial Buildings Thematic Resources)* 40 Harrison St.
Tiffin, *Tiffin Art Metal Company (Tiffin Industrial Buildings Thematic Resources)* 450 Wall St.
Tiffin, *Tiffin Waterworks (Tiffin Industrial Buildings Thematic Resources)* 170 Ella St.
Tiffin, *Wagner Brothers Bottling Works (Tiffin Industrial Buildings Thematic Resources)* 250—258 Benner St.
Tiffin, *Webster Manufacturing (Tiffin Industrial Buildings Thematic Resources)* 325 Hall St.

OREGON

Multnomah County

Portland, *Smith, Milton W., House,* 0305 SW. Curry Ave.

RHODE ISLAND

Kent County

Warwick, *Greenwich Cove Site,* Ives Rd.

Newport County

Portsmouth vicinity, *Greenvale Farm,* S of Portsmouth at 582 Wapping Rd.

Washington County

Charlestown, *District Schoolhouse No. 2,* Old Post Rd.
Charlestown, *Stanton, Joseph, House (Wilcox Tavern and Gen. Stanton Monument)* U.S. 1
Watch Hill, *Flying Horse Carousel,* Bay St.

TENNESSEE

Davidson County

Nashville, *Buena Vista Historic District,* I-265 and U.S. 41.

Hardeman County

Bolivar, *Bolivar Court Square Historic District,* TN 125 and U.S. 64.

Humphreys County

Sycamore Landing, *Sycamore Landing,* Sycamore Landing Rd.

VIRGINIA

Loudoun County

Leesburg vicinity, *Carlheim,* N of Leesburg on U.S. 15.

New Kent County

Providence Forge vicinity, *Cedar Grove,* NW of Providence Forge on VA 609.

Rappahannock County

Washington vicinity, *Ben Venue,* NE of Washington on VA 729.
Richmond (independent city) Centenary Church, 411 E. Grace St.

Rockingham County

Dayton vicinity, *Paul, Peter, House,* N of Dayton on VA 701.

Southampton County

Capron vicinity, *Rose Hill,* NE of Capron on VA 635.

Warren County

Front Royal vicinity, *Erin,* NE of Front Royal on U.S. 340/522.

WASHINGTON

Thurston County

Olympia, *U.S. Post Office,* 801 Capitol Way.

Yakima County

Yakima, *U.S. Post Office and Courthouse,* 25 S. 3rd St.

WEST VIRGINIA

BERKELEY COUNTY MULTIPLE RESOURCE AREA. (Partial Inventory) This area includes: *Baltimore and Ohio Railroad and Related Industries Historic District; Boomtown Historic District; Boydville Historic District; Bunker Hill Historic District; Darkesville Historic District; Downtown Historic District; East Martinsburg Historic District; Falling Waters Historic District; Greenhill Cemetary and Chambersburg Historic District; Harlan Spring Historic, District; Hedgesville Historic District; Jones Mill Run Historic District; Lick Run Plantation Historic District; McKown Historic District; Mill Creek Historic District; Morgan, Col. Morgan Historic District; Newcomer's Dam Historic District; Ridge Road Historic District; Rippy-Gold Historic District; South Water Street Historic District; Spring Mill Historic District; Swan Pond Manor Historic District; Tuscarora Creek Historic District; Watkins Ferry Historic District; Bridges of Berkeley County Thematic Resources; Cunningham Family Houses Thematic*

Resources; Hedges Family Houses Thematic Resources; Industries of Berkeley County Thematic Resources; Thatcher Houses Thematic Resources; Martinsburg, Allen Dale; Martinsburg, Aspen Hall, Boyd Ave.; Gerrardstown, *Campbellton;* Bunker Hill, *Crumley, James, Cabin;* Bunker Hill vicinity, *Drinker, John, House,* Sam Mason Rd.; Bunker Hill, *Edgewood;* Falling Waters, *Falling Waters Mill;* Martinsburg, *Faraway Farm;* Hedgesville, *French, Teter Myers, House;* Gerrardstown, *Garard House,* S. Congress St.; Falling Waters, *Harmony Cemetery;* Hedgesville, *Honeywood and Twin Cabin;* Bunker Hill vicinity, *Lamon, Ward Hill, Cabin;* Marlow vicinity, *Maidstone Manor Farm;* Little Georgetown vicinity, Medway; Martinsburg, *Mount Zion Baptist Church, Opequon Lane; Martinsburg, Myers House; Hedgesville, Prospect Hill; Martinsburg Redbud Hollow;* Bunker Hill, *Ridgeway Farm;* Martinsburg, *Rieff, David, House;* Hedgesville, *Robinson, Robert, House;* Martinsburg, Rural Hill, Ridge Rd.; Hedgesville, *Seibert, Henry J., House,* Mountain Rd.; Bunker Hill vicinity, *Simmons-Rees House; Snodgrass Tavern* (listed in NR) Martinsburg, *Stone House Mansion;* Gerrardstown vicinity, *Swimley, John, House;* Martinsburg, *Toll House,* SR 11; Falling Waters, *White Bush.*

[FR Doc. 79-34627 Filed 11-9-79; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

[INT DES 79-59]

Proposed General Management Plan, Chickasaw National Recreation Area, Oklahoma; Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed General Management Plan for Chickasaw National Recreation Area, Oklahoma, and invites written comments within forty-five (45) days of this notice. Written comments should be addressed to the Superintendent, Chickasaw National Recreation Area, at the address given below.

The draft environmental statement describes general development proposals for the Travertine and Lake Districts of the National Recreation Area.

Copies are available from and for inspection at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

Chickasaw National Recreation Area, Post Office Box 201, Sulphur, Oklahoma 73086.

Field Assistant to the Regional Director, Room 10-G-3, Fritz Lanham Federal Center, 819 Taylor Street, Fort Worth, Texas 76102.

Dated: November 6, 1979.

James Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 79-34898 Filed 11-9-79; 8:45 am]

BILLING CODE 4310-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

[Delegation of Authority No. 2]

Succession to the Office of Director

Pursuant to the authority vested in me by Section 2 of Reorganization Plan No. 2 of 1979 (44 FR 41165), it is directed as follows:

In the event of the absence or disability of both the Director and the Deputy Director or in the event of vacancies in both such offices, the following designated officials of the United States International Development Cooperation Agency shall, in the order of succession indicated, act as Director:

1. Associate Director for Policy and Budget
2. General Counsel
3. Assistant Director for Administration
4. Assistant Director for Legislative and Public Affairs

This delegation of authority is effective immediately.

Dated: October 29, 1979.

Thomas Ehrlich,

Director.

[FR Doc. 79-34896 Filed 11-9-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Washington State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the Federal Register (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alternation in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

Section 1952.120-124 of Subpart F set forth the State's schedule for the adoption of at least as effective State standards. By letter dated July 12, 1978 from James P. Sullivan, Assistant Director, Department of Labor and Industries to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.1045, Occupational Exposure to Acrylonitrile (Vinyl Cyanide), as published in the Federal Register, Vol. 43, No. 11, dated January 17, 1978 as an Emergency Temporary Standard, and later in FR Vol. 43, No. 192, dated October 3, 1978 as a permanent standard.

This standard contained in the State's Chapter 296-62-07341 Acrylonitrile was initially promulgated as an emergency temporary standard which became a permanent standard on July 28, 1978.

Permanent adoption followed due notice and public hearing in Olympia, Washington on June 8, 1978, pursuant to RCW 34.04 and of the Open Public Meetings Act of 1971, Chapter 42.30 RCW.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standard for Acrylonitrile is at least as effective as the comparable Federal standard and accordingly should be approved. Additions were added to make the standard applicable to the State of Washington.

3. *Location of supplement for inspection copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98274; Department of Labor and Industries, General Administration Building, Olympia, Washington 98504; and the Technical Data Center,

Occupational Safety and Health Admininstration, New Department of Labor Building, Room N2349R, 3rd and Constitution Avenue, Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective November 13, 1979.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Wash., this 31st day of October, 1978.

James W. Lake,

Regional Administrator—Occupational Safety and Health Administration.

[FR Doc. 79-34916 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 23, 1979.

Interested pesons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 23, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 6th day of November 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allied Chemical Corporation, Automotive Products Division (ACTWU).	Knoxville, Tenn	10/25/79	10/10/79	TA-W-6,327	Automotive seat belts.
Biltmore Apparel Corp. (workers)	New York, N.Y	11/1/79	10/25/79	TA-W-6,328	Infants clothing.
Custom Casuals (ILGWU)	New York, N.Y	11/2/79	10/25/79	TA-W-6,329	Ladies' dresses, one-piece dresses, jackets, and two-piece suits.
Englishtown Leather (Leather Goods, Plastics, Handbags & Novelty Workers Union).	New York, N.Y	10/17/79	10/8/79	TA-W-6,330	Wallets.
Freddy Gail, Inc. (ILGWU)	Hoboken, N.J	10/24/79	10/16/79	TA-W-6,331	Junior coats.
GEM Sportswear, Inc. (ACTWU)	Roselle Park, N.J	11/2/79	10/25/79	TA-W-6,332	Contract seller of leather coats.
Hodkins Glove Co. (workers)	Oakland, Calif	11/2/79	10/24/79	TA-W-6,333	Leather gloves.
Lambros-Knit Trims (ILGWU)	Long Island City, N.Y	11/2/79	10/16/79	TA-W-6,334	Knit piece goods and trim.
Maclin-Zimmer-McGill Tobacco Co., Inc. (workers).	Petersburg, Va	11/2/79	10/19/79	TA-W-6,335	Semiprocessed tobacco.
Mason Tanning Co., Inc. (workers)	Salem, Mass	11/2/79	10/22/79	TA-W-6,336	Suede splits.
McQuay-Norris, Inc. Connersville Plant (UAW)	Connersville, Ind	11/2/79	10/23/79	TA-W-6,337	Water pumps for auto engines, also pistons, piston pins, and bearing sleeves.
Phoenix Clothes (ACTWU)	Allentown, Pa	10/30/79	10/18/79	TA-W-6,338	Men's coats.
Phoenix Clothes (ACTWU)	Shippensburg, Pa	10/30/79	10/18/79	TA-W-6,339	Men's coats.
Stern Siegman Prins Co., Inc. (Westport Casuals) (ILGWU).	Batesville, Ark	11/2/79	10/18/79	TA-W-6,340	Ladies' apparel—outerwear.
Ware Knitters, Inc. (company)	Ware, Mass	10/30/79	10/19/79	TA-W-6,341	Women's and men's knit shirts, and warm-up suits.
Wilkinson Sword, Inc. (workers)	Berkeley Heights, N.J	10/30/79	10/23/79	TA-W-6,342	Razor blades, bonded.

[FR Doc. 79-34919 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6022]

ABC Knitwear Corp., Brooklyn, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 17, 1979 in response to a worker petition received on September 11, 1979 which was filed on behalf of workers and former workers producing ladies' sportswear at ABC Knitwear

Corporation, Incorporated, Brooklyn, New York. The investigation revealed that the correct name is ABC Knitwear Corporation and the sportswear includes ladies' knit tops, sweaters and knit dresses. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased relative to domestic production from 1977 to 1978. The ratio of imports of sweaters to domestic production was 115 percent or greater in 1976, 1977, and 1978.

U.S. imports of women's, misses', and children's blouses and shirts increased both absolutely and relative to domestic production from 1977 to 1978. U.S. imports of women's, misses' and children's knit blouses and shirts also increased absolutely and relative to domestic production from 1977 to 1978.

U.S. imports of women's, misses' dresses increased absolutely and relative to domestic production in 1978 compared to 1977. U.S. imports of women's, misses', and children's knit dresses increased in absolute terms in the January through June 1979 period when compared to the same period in 1978.

A Department of Labor investigation revealed that ABC Knitwear Corporation produces ladies' sportswear, which consists of sweaters, knit tops and knit dresses on a contract basis. The Department conducted a survey of the manufacturers from whom ABC receives contract work. The survey revealed that manufacturers representing a substantial portion of ABC's sales reduced contract work with ABC from 1977 to 1978. These manufacturers also increased their imports of ladies' knit sportswear from 1977 to 1978. In addition, the Department surveyed the retail customers of a manufacturer whose sales declined from 1977 to 1978. This survey revealed that several retail customers reduced purchases from the manufacturer and increased purchases of imported ladies' sportswear in 1978 compared to 1977 and in the first six months of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directively competitive with ladies' sportswear, consisting of knit tops, sweaters and knit dresses, produced at ABC Knitwear Corporation, Brooklyn, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of ABC Knitwear Corporation, Brooklyn, New York who became totally or partially separated from employment on or after September 8, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of November 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-34918 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6024]

Anchor Motor Freight, Inc., Lordstown Terminal Lordstown, Ohio; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 17, 1979, in response to a worker petition received on September 11, 1979, which was filed on behalf of workers and former workers of Anchor Motor Freight, Incorporated, Warren, Ohio, engaged in truck transportation of new cars. The investigation revealed that the location of the petitioners, for identification purposes, is Lordstown Terminal, Lordstown, Ohio.

Anchor Motor Freight, Incorporated is engaged in providing the service of transportation motor vehicles from assembly plants and rail sites to nearby automobile dealers. The subject firm is a wholly owned subsidiary of Leaseway Transportation Corporation.

Thus, workers of Anchor Motor Freight, Incorporated, Lordstown Terminal do not produce an article within the meaning of Section 222(d) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from the parent firm, a firm otherwise related to Anchor Motor Freight, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Anchor Motor Freight, Incorporated and its customers have no controlling interest in one another. Neither the subject firm nor any affiliated company produces an article.

All workers engaged in transporting motor vehicles at Anchor Motor Freight, Incorporated, Lordstown Terminal are employed by that firm. All personnel actions and payroll transactions are controlled by Anchor Motor Freight, Incorporated. All employee benefits are provided and maintained by Anchor Motor Freight, Incorporated. Workers are not, at any time, under employment or supervision by customers of Anchor Motor Freight, Incorporated. Thus, Anchor Motor Freight, Incorporated, and not any of its customers, must be considered to be the "workrs' firm".

Conclusion

After careful review, I determine that all workers of Anchor Motor Freight, Incorporated, Lordstown Terminal, Lordstown, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of November 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-34920 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6104]

Chesapeake & Ohio Railway Co., Grand Rapids, Mich.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility

requirements of Section 222 of the Act must be met.

The investigation was initiated on September 25, 1979, in response to a worker petition received on September 21, 1979, which was filed by the United Transportation Union on behalf of workers and former workers providing rail transportation services with the Chessie System Railroad, Grand Rapids, Michigan. The investigation revealed that the correct name of the company is the Chesapeake and Ohio Railway Company.

The Chesapeake and Ohio Railway Company is engaged in providing the service of rail transportation.

Thus, workers of the Chesapeake and Ohio Railway Company do not produce an article within the meanng of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to the Chesapeake and Ohio Railway Company by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

The Cheasapeake and Ohio Railway Company and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in providing rail transportation services at the Chesapeake and Ohio Railway Company are employed by that firm. All personnel actions and payroll transactions are controlled by the Chesapeake and Ohio Railway Company. All employee benefits are provided and maintained by the Chesapeake and Ohio Railway Company. Workers are not, at any time, under employment or supervision by customers of the Chesapeake and Ohio Railway Company. Thus, the Chesapeake and Ohio Railway Company, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of the Chesapeake and Ohio Railway Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of November 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-34921 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5979, 5982, 6037, and 6038]

Chrysler Corp., Hamtramck Assembly, Hamtramck, Mich., St. Louis Assembly, Fenton, Mo., Newark Assembly, Newark, Del., Lynch Road Assembly, Detroit, Mich., Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigations were initiated on September 7, 1979 and September 19, 1979 in response to worker petitions received on September 4, 1979 and September 14, 1979 which were filed by the United Automobile, Aerospace and Agricultural Workers of America (U.A.W.) on behalf of workers and former workers producing Aspen and Volare at the Chrysler Corporation's Hamtramck Assembly Plant, Hamtramck, Michigan (TA-W-5979), producing Diplomat and LeBaron at the Chrysler Corporation's St. Louis Assembly Plant, St. Louis, Missouri (TA-W-5982), producing Aspen and Volare at the Chrysler Corporation's Neward Assembly Plant, Newark, Delaware (TA-W-6037), and producing Newport, New Yorker, St. Regis and Gran Fury at the Chrysler Corporation's Lynch Road Assembly Plant, Detroit, Michigan (TA-W-6038). The investigations revealed that the Chrysler Corporation's St. Louis Assembly Plant is located in Fenton, Missouri, that workers at Newark Assembly produce Diplomat and LeBaron in addition to Aspen and Volare, and that the Gran Fury has been produced at Lynch Road Assembly since the beginning of MY 1980. It is concluded that all of the requirements have been met.

Aspen, Volare (Hamtramck Assembly and Newark Assembly)

As a result of recent innovations in compact car design made by Chrysler's domestic competitors, traditional distinctions between the compact and intermediate automobile classes have become less clear. Following these innovations, the Dodge Aspen and Plymouth Volare, which had been classified as compacts in model year (MY) 1977 and MY 1978, were closer in appearance to most MY 1979 intermediates than to the new cars in the compact class. Because the most significant changes in compact design were not reflected in the market until early 1979, however, the Aspen and Volare can be considered competitive with both compacts and intermediates during the entire 1979 model year.

Total U.S. imports and U.S. imports of Canadian-built intermediate automobiles increased absolutely in the first three quarters of MY 1979 compared to the corresponding period of MY 1978.

Total U.S. imports of compact automobiles increased absolutely and relative to domestic production in the first three quarters of MY 1979 compared to the first three quarters of MY 1978. U.S. imports of compacts produced by U.S. firms in Canada increased steadily from the first through the third quarter of MY 1979.

Diplomat, LeBaron (St. Louis Assembly, and Newark Assembly)

The Dodge Diplomat and Chrysler LeBaron were less affected than the Aspen and Volare by the downsizing practices of U.S. automobile manufacturers in MY 1979. As such, both cars remained firmly established within the intermediate market throughout the MY 1977-MY 1979 period. In MY 1979, the Diplomat and LeBaron were probably most directly competitive with Chrysler Corporation's Canadian-built Cordoba and Magnum, as well as with similar intermediates built in the U.S. and Canada by other domestic firms. Although the Cordoba and Magnum were to some degree competitive with standard-size automobiles in MY 1979, both cars continue to have the greatest appeal among intermediate car buyers.

Total U.S. imports of intermediate automobiles increased absolutely in the first three quarters of MY 1979 compared to the first three quarters of MY 1978. Company imports of the Dodge Magnum and Chrysler Cordoba increased relative to Chrysler's total domestic production of intermediate cars from MY 1978 to MY 1979.

Newport, New Yorker, St. Regis (Lynch Road Assembly)

Since MY 1977, Chrysler and its major domestic competitors have made similar reductions in the size of most of their

standard-size cars. Consequently, the Newport, New Yorker and St. Regis remained well within the boundaries of the standard automobile class throughout the MY 1977–MY 1979 period. These three cars were therefore most directly competitive with other domestic and Canadian-built standard-size cars, and particularly with Newports and New Yorkers made by Chrysler at Windsor Assembly in Canada during MY 1979. While some degree of competition probably existed between Chrysler's domestic standards and its imported Cordoba and Magnum in My 1979, the latter two cars appear to have been more competitive with the Company's Diplomat and LeBaron car lines.

U.S. imports of standard automobiles built in Canada increased absolutely in the first three quarters of MY 1979 compared to the corresponding period of MY 1978. Chrysler Corporation did not produce the Newport or New Yorker in Canada during MY 1977 or MY 1978. Beginning in November 1978, however, the company began to manufacture these cars in Canada for sale in the United States. Company imports of the Newport and New Yorker decreased absolutely or relative to Chrysler's domestic production of standard-size automobiles between the first and thirds quarters of MY 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the Aspen, Volare, Diplomat, and LeBaron produced at Chrysler Corporation's Hamtramck Assembly Plant, Hamtramck, Michigan, St. Louis Assembly Plant, Fenton, Missouri, and Newark Assembly Plant, Newark, Delaware, contributed importantly to the decline in sales or production and to the total or partial separation of workers at these plants. I further conclude that increases of imports of articles like or directly competitive with Newport, New Yorker, and St. Regis produced at the Chrysler Corporation's Lynch Road assembly Plant, Detroit, Michigan, contributed importantly to the decline in sales or production and to the total or partial separation of workers at that facility. In accordance with the provisions of the Act, I make the following certifications:

All workers at the Chrysler Corporation's Hamtramck Assembly Plant, Hamtramck, Michigan, St. Louis Assembly Plant, Fenton, Missouri, and Newark Assembly Plant, Newark, Delaware, who became totally or partially separated from employment on or after August 24, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All workers at the Chrysler Corporation's Lynch Road Assembly Plant, Detroit, Michigan, who became totally or partially separated from employment on or after January 20, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of November 1979.

Herbert N. Blackman,

Acting Deputy Under Secretary, International Affairs.

[FR Doc. 79-34922 Filed 11-9-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5980-81, 5983]

Chrysler Corp., Jefferson Assembly, Detroit, Mich., Missouri Truck Assembly, Fenton, Mo., Warren Truck Assembly, Warren, Mich.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 7, 1979 in response to a worker petition received on September 4, 1979 which was filed by the International Union, United Automobile, Aerospace and Agricultural Workers of America (U.A.W.) on behalf of workers and former workers producing trucks at the Jefferson Assembly Plant (TA-W-5980), Detroit, Michigan, the Missouri Truck Assembly Plant (TA-W-5981), Fenton, Missouri, and the Warren Truck Assembly Plant (TA-W-5983), Warren, Michigan of Chrysler Corporation, Highland Park, Michigan. The investigation revealed that general utility vehicles and pickup trucks were produced at the Jefferson Assembly Plant, that pickup trucks, utility vans and motor home chassis were produced at the Warren Truck Assembly Plant and that utility vans and passenger vans were produced at the Missouri Truck Assembly Plant. It is concluded that all of the requirements have been met.

Pickup Trucks (Jefferson Assembly and Warren Truck Assembly)

U.S. imports of two-wheel drive pickup trucks increased in 1978 compared with 1977, both absolutely and relative to domestic production. Imports were higher in the first six months of 1979 than in the same period in 1978, both in absolute and relative terms.

U.S. imports of four-wheel drive pickup trucks also increased in 1978 compared with 1977, both absolutely and relative to domestic production, and increased in the first six months of 1979 compared with the same period in 1978, both absolutely and relatively.

Imports of pickup trucks by Chrysler Corporation increased in model year (MY) 1979 compared with MY 1978, and were higher in May through July, 1979 than during the same period in 1978. (The model year extends from August through July.)

Four-Wheel Drive General-Utility Vehicles (Jefferson Assembly)

U.S. imports of four-wheel drive general utility vehicles increased in 1978 compared with 1977 and in the first six months of 1979 compared with the same period in 1978, both absolutely and relative to domestic production.

The decline in sales and production of Chrysler's general utility vehicles coincides with a major surge in imports of this type of vehicle. These imports have seized a significant portion of the domestic market.

Utility Vans (Missouri Truck Assembly and Warren Truck Assembly)

U.S. imports of utility vans increased, in absolute terms, in 1978 compared with 1977 and increased, relative to domestic production, in the first six months of 1979 compared with the same period in 1978.

Chrysler's company imports of utility vans increased, relative to Chrysler's domestic production, in MY 1979 compared with MY 1978. This increase was more pronounced in the second half of the model year.

Chrysler Corporation, as well as other producers of utility vans, experienced sales declines in the final months of MY 1979. Vans get relatively poor gas mileage, and the widespread concern about gasoline price and supply during this period accounts for the industry-wide sales decline.

Total U.S. imports have decreased to a lesser extent than have total domestic production and consumption. Imported utility vans, including Chrysler's own imports, accounted for a larger share of the shrinking domestic market in the first six months of 1979 than in the same period in 1978. Chrysler's domestically produced vans accounted for a smaller share of the market in that same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with pickup trucks and four-wheel drive general utility vehicles produced at Chrysler Corporation's Jefferson Assembly Plant contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant; and that increases of imports of articles like or directly competitive with utility vans produced at Chrysler Corporation's Missouri Truck Assembly Plant contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant; and that increases of imports of articles like or directly competitive with pickup trucks and utility vans produced at Chrysler Corporation's Warren Truck Assembly Plant contributed importantly to the decline in sales or production and to the total or partial separations of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Jefferson Assembly Plant, Detroit, Michigan and the Missouri Truck Assembly Plant, Fenton, Missouri of Chrysler Corporation who became totally or partially separated from employment on or after May 1, 1979; and

All workers of the Warren Truck Assembly Plant, Warren, Michigan of Chrysler Corporation who became totally or partially separated from employment on or after August 28, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of November 1979.

Herbert N. Blackman,

Acting Deputy Under Secretary, International Affairs.

[FR Doc. 79-34923 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5984-94, 5996-6000, 6002-04, and 6039-40]

Chrysler Corp., Highland Park, Mich.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

Investigations were initiated on September 7 and September 19, 1979 in response to worker petitions received on September 4 and September 14, 1979 which were filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers producing passenger cars, trucks, and components for cars and trucks at twenty-nine assembly plants and auxiliary plants of Chrysler Corporation, Highland Park, Michigan. The investigations revealed that two of the plants, the Detroit Forge Plant and the Eldon Avenue Axle Plant, are a single facility, and that the Huntsville Plant is officially known as the Huntsvile Electronics Division. This determination applies to workers at 20 of the petitioning auxiliary plants. It is concluded that all of the requirements have been met.

In order to determine if increased imports contributed importantly to production and employment declines at the petitioning auxiliary plants of Chrysler Corporation, the Department sought to determine the degree to which each auxiliary plant was integrated into the production of Chrysler car and/or truck lines which have been subject to import injury.

The Department of Labor has determined that increased imports contributed importantly to the decline in sales or production and to the separation of workers at seven automobile and truck assembly plants of Chrysler Corporation (TA-W—5979-5983, 6037-6038). Workers at these plants were engaged in the production of one or more of the following car and truck lines: Aspen, Volare, Diplomat, LeBaron, Newport, New Yorker, and St. Regis automobiles, pickup trucks, general utility light trucks, and utility vans.

During the course of the investigation, it was established that each of the twenty auxiliary plants covered by this determination produced a significant proportion of its output for use in one or more of the Chrysler car and truck lines which have been subject to import injury. Therefore, each of these auxiliary plants was substantially integrated into the production of the trade-impacted Chrysler car and truck lines.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with Aspen, Volare, Diplomat, LeBaron, Newport, New Yorker and St. Regis automobiles, pickup trucks, four wheel drive general utility vehicles and utility vans produced by Chrysler Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers at 20 auxiliary plants of Chrysler Corporation. In accordance with the provisions of the Act, I make the following certifications:

All workers at the following plants of Chrysler Corporation who became totally or partially separated from employment on or after August 28, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974:

TA-W-	Plant	Location
5984/5999	Detroit Forge/Eldon Avenue Axle.	Detroit, Mich.
5985	Mound Road Engine	Detroit, Mich.
5987	Eight Mile Stamping and Outer Drive Stamping.	Detroit, Mich.
5988	Mack Avenue Stamping.	Detroit, Mich.
5989	Detroit Trim	Detroit, Mich.
5990	McGraw Glass	Detroit, Mich.
5991	New Castle Machine and Forge.	New Castle, Ind.
5992	Trenton Engine Chemical Division.	Trenton, Mich.
5993	Fostoria Foundry	Fostoria, Ohio
5994	Indianapolis Foundry	Indianapolis, Ind.
6002	Toledo Machining	Perrysburg, Ohio.
6004	Huber Foundry	Detroit, Mich.
6039	Indianapolis Electrical	Indianapolis, Ind.
6040	Sterling Stamping	Sterling Heights, Mich.

All workers at the following plants of Chrysler Corporation who became totally or partially separated from employment on or after November 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974:

TA-W-	Plant	Location
5986	Twinsburg Stamping	Twinsburg, Ohio.
5996	Introl Division	Ann Arbor, Mich.
5997	Kokomo Transmission.	Kokomo, Ind.
6000	Kokomo Casting	Kokomo, Ind.

All workers of the Warren Stamping Plant (TA-W-5998), Warren, Michigan, and the Huntsville Electronics Division (TA-W-6003), Huntsville, Alabama, of Chrysler Corporation who became totally or partially separated from employment on or after January 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of November 1979.

Herbert N. Blackman,

Acting Deputy Under Secretary, International Affairs.

[FR Doc. 79-34924 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5974]

Ford Aerospace & Communications Corp., Electronics Division, Lansdale, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 6, 1979 in response to a worker petition received on September 4, 1979 which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers and former workers producing voltage regulators, windshield wipers, electronic ignitions, speed controls, and auto radios. The investigation revealed that the plant produced both AM/FM stereo and stereo-tape auto radios and only windshield wiper control modules. It is concluded that with respect to intermittent windshield wiper control modules, speed control amplifiers and AM/FM stereo and stereo-tape auto radios, all of the requirements have been met.

Both aggregate imports of variable nonwire-wound resistors (the category in which control modules are included) and company imports of intermittent windshield wiper control modules increased in 1978 as compared to 1977, and in the period January through August 1979 as compared to the same period in 1978.

As a result of operational planning by the Ford Aerospace and Communications Corporation, Electronics Division, production of intermittent windshield wiper control modules and speed control amplifiers has been partially transferred from the Lansdale, Pennsylvania plant to another divisional plant outside of the United States.

Since the speed control amplifier produced by the company's Electronics Division is of a special electronic design and is produced specifically for use in Ford Motor Company vehicles, imports by the Ford Aerospace and Communications Corporation of speed control amplifiers represents total aggregate imports of this component. Company imports of speed control amplifiers increased during the period January through August 1979 as compared to the same period in 1978.

Aggregate imports of AM/FM auto radios and AM/FM auto radio-tape and tape players increased in 1978 a compared to 1977 and during the period January through August 1979 as compared to the same period in 1978. Company imports of AM/FM stereo and stereo-tape auto radios increased in the third quarter of 1979 as compared to the same quarter in 1978.

Production of certain models of AM/FM stereo and stereo-tape auto radios at the Lansdale, Pennsylvania plant has been negatively affected by increased company imports and Ford Motor Company installation of electronic auto radios produced at the Electronics Division plant in Canada, as well as by increased installation of AM/FM stereo and stereo-tape auto radios in Ford Motor Company vehicles by the import-impacted auto stereo aftermarket.

With respect to electronic ignition systems and voltage regulators, without regard to whether any of the other criteria have been met, the following criterion has not been met:

> That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Aggregate imports of printed circuit boards and panels increased in 1978 as compared to 1977 and during the first half of 1979 as compared to the same period in 1978. The Lansdale plant does not produce printed circuit boards and panels for electronic ignition systems. Company imports of these items (called "ignition subassemblies" by Ford Aerospace) from its Electronics Division plant in Brazil increased in 1978 as compared to 1977. Since these imported items are used by the Lansdale plant as a component in its production of (SSI) electronic ignition systems, increased imports of printed circuit boards and panels could only contribute to increased sales and production of electronic ignition systems at the Lansdale plant.

Aggregate imports of voltage regulators increased in 1978 as compared to 1977. Ford Aerospace and Communications Corporation does not import this product. Production and sales of voltage regulators by the Lansdale plant increased during the period January through August 1979 as compared to the same period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with intermittent windshield wiper control modules, speed control amplifiers and AM/FM stereo and stereo-tape auto radios produced at the Lansdale, Pennsylvania plant of Ford Aerospace and Communications Corporation, Electronics Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

> All workers engaged in employment related to the production of intermittent windshield wiper control modules, speed control amplifiers, and AM/FM stereo and stereo-tape auto radios at the Lansdale, Pennsylvania plant of Ford Aerospace and Communications Corporation, Electronics Division who became totally or partially separated from employment on or after January 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of November 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-34925 Filed 11-9-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5904]

General Dynamics Corp., Quincy Shipbuilding Division, Quincy, Mass.; Affirmative Determination Regarding Application for Reconsideration

On November 1, 1979, the petitioning union, the Industrial Union of Marine and Shipbuilding Workers of America, and a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of the Quincy Shipbuilding Division of General Dynamics Corporation, Quincy, Massachusetts. This determination was published in the Federal Register on October 26, 1979, (44 FR 61687).

The petitioning union and the company claim in their application for reconsideration that the Quincy yard is capable of producing a variety of ocean-going vessels and does not only specialize in LNG tankers; the company discussed with Sea-Land Service, Inc., a large contract which eventually was awarded to a Japanese firm; and Quincy workers are essentially in the same position relative to import competition as workers at the Bethlehem Sparrows Point yard whom the Department earlier

certified eligible to apply for adjustment assistance.

Conclusion

After review of the application, I conclude that the claims of the petitioning union and the company are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 7th day of November 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-34926 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6016]

International Shoe Co., Searcy, Ark.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 12, 1979, in response to a worker petition received on September 6, 1979, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing women's dress shoes at the Searcy, Arkansas plant of International Shoe Company. The workers of the Searcy, Arkansas plant of International Shoe Company were previously certified eligible to apply for trade adjustment assistance (TA-W-1383). The certification expired on March 31, 1979, two years from its date of issuance. It is concluded that all of the requirements have been met.

U.S. imports of women's non-rubber footwear, except athletic, increased both absolutely and relative to domestic production and consumption from 1977 to 1978 and continued to increase during the first half of 1979 compared to the first half of 1978.

A survey of customers of International Shoe Company revealed that many customers reduced purchases of women's shoes from International Shoe while increasing purchases of women's shoes from foreign sources. The percentage of imported women's shoes to total demand for women's shoes by the respondents increased from 1977 to 1978 and continued to increase during the first half of 1979 compared to the first half of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's shoes producted at the Searcy, Arkansas plant of International Shoe Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Searcy, Arkansas plant of International Shoe Company, who became totally or partially separated from employment on or after March 31, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of November 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-34927 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5977]

Phoenix Clothes Division of Genesco, Inc., Shippensburg, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 6, 1979 in response to a worker petition received on September 4, 1979 which was filed on behalf of workers and former workers producing men's trousers and vests at Phoenix Clothes, Genesco Apparel, Shippensburg, Pennsylvania. The investigation revealed that the name of the company is Phoenix Clothes Division of Genesco, Incorporated and that the plant of Phoenix Clothes under investigation is located in Shippensburg, Pennsylvania and produces men's pants and vests for men's suits. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored dress and sport trousers and shorts increased absolutely and relative to domestic consumption from 1977 to 1978 and decreased absolutely in the first six months of 1979 compared to the same period in 1978.

U.S. imports of men's and boys' tailored suits decreased from 1977 to 1978 and in the first six months of 1979 compared to the first six months of 1978.

A survey of the customers of Phoenix Clothes revealed that customers decreased purchases of suits and sport coats from Phoenix Clothes, Incorporated and increased purchases of imported suits and sport coats in the first eight months of 1979 compared to the same period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits and sport coats sold by Phoenix Clothes Division of Genesco, Incorporated contributed importantly to the decline in production of men's pants and vests and to the total or partial separation of workers at the Shippensburg, Pennsylvania plant of Phoenix Clothes, Division of Genesco, Incorporated. In accordance with the provisions of the Act, I make the following certification:

All workers of the Shippensburg, Pennsylvania plant of Phoenix Clothes, Division of Genesco, Incorporated who became totally or partially separated from employment on or after December 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of November 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-34928 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6009]

Rosato Clothing Manufacturers, Inc., Tupelo, Miss.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment

assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 11, 1979 in response to a worker petition received on September 6, 1979 which was filed on behalf of workers and former workers producing men's sportcoats and ladies' jackets at Rosato Clothing Manufacturing, Incorporated, Tupelo, Mississippi. The investigation revealed that the correct name of the company is Rosato Clothing Manufacturers, Incorporated. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of men's and boys' tailored dress coats and sportcoats declined in asolute terms in the January through June period of 1979 when compared to the same period in 1978.

U.S. imports of women's, misses' and children's coats and jackets declined in absolute terms in the January through June period of 1979 when compared to the same period in 1978.

A Department of Labor investigation revealed that Rosato Clothing Manufacturers contracts for the production of men's sportcoats and ladies' jackets.

The Department conducted a survey of the manufacturers from whom Rosato receives contract work. This survey revealed that the manufacturers neither utilized foreign contractors for the production of men's sportcoats and ladies' jackets nor imported any sportcoats or jackets in 1977, 1978 or in the January through August period of 1979. In addition, the Department surveyed the retail customers of the manufacturers whose sales are declining. The survey results revealed that most of the retail customers who decreased purchases of men's sportcoats from the domestic manufacturers either did not purchase imported sportcoats or decreased their purchases from foreign sources in 1978 compared to 1977 and in the January–June period of 1979 as compared to the same period of 1978. The customers who increased purchases of imported sportcoats depended mainly on domestic sources for their supply while relying on imports for only a small percentage. From these survey results it can be concluded that imports have not exerted an important effect on the sales of Rosato's manufacturers; it then follows that Rosato's sales have not been adversely affected by imports.

Conclusion

After careful review, I determine that all workers of Rosato Clothing Manufacturers, Incorporated, Tupelo, Mississippi are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of November 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-34929 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6158]

Wayne Car Releasing Services, Inc. Wayne, Mich.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 4, 1979 in response to a worker petition received on September 28, 1979, which was filed by the Teamsters on behalf of workers and former workers preparing cars for shipment at Wayne Car Releasing Services, Inc., Wayne, Michigan.

Wayne Car Releasing Services, Inc. is engaged in providing the service of transporting vehicles from the manufacturer to the haul-away and rail carriers.

Thus, workers of Wayne Car Releasing Services, Inc. do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Wayne Car Releasing Services, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Wayne Car Releasing Services, Inc. and its customers have no controlling interest in one another. Neither the subject firm nor any affiliated company produces an article.

All workers engaged in transporting vehicles at Wayne Car Releasing Services, Inc. are employed by that firm. All personnel actions and payroll transactions are controlled by Wayne Car Releasing Services, Inc. All employee benefits are provided and maintained by Wayne Car Releasing Services, Inc. Workers are not, at any time, under employment or supervision by customers of Wayne Car Releasing Services, Inc. Thus, Wayne Car Releasing Services, Inc., and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Wayne Car Releasing Services, Inc., Wayne, Michigan are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of November 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-34930 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6033]

Willna Knitwear, Inc., North Bergen, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 17, 1979, in response to a worker petition received on August 15, 1979, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear at Willna Knitwear, Incorporated, North Bergen, New Jersey. The investigation revealed that the company produces ladies' knit blouses. In the following determination, without regard to whether any of the other criteria have

been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's blouses and shirts declined in the January through June 1979 period when compared to the same period in 1978. U.S. imports of women's, misses', and children's knit blouses and shirts declined in the January through June 1979 period when compared to the same period of the previous year.

A Department of Labor investigation revealed that Willna Knitwear, Incorporated contracts for the production of ladies' knit blouses.

The Department conducted a survey of the manufacturer from whom Willna received contract work. This survey revealed that the manufacturer neither utilized foreign contractors for the production of ladies' knit blouses nor imported any knit blouses in 1977, 1978 or in the January through August period of 1979. In addition, the sales of this manufacturer increased in 1978 when compared to 1977 and increased in the January through August period of 1979 when compared to the same period of the previous year. This manufacturer contracted its additional production of knit blouses out to other domestic firms.

Conclusion

After careful review, I determine that all workers of Willna Knitwear, Incorporated, North Bergen, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of November 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-34931 Filed 11-9-79; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Panel (Orchestra Section), Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Panel (Orchestra Section) to the National Council on the Arts will be held on December 3, 1979, from 9:00 a.m.-5:30 p.m.; December 4, 1979, 9:00-5:30 p.m.; December 5, 1979, 9:00 a.m.-5:30 p.m.; and December 6, 1979, 9:00 a.m.-5:30 p.m. in Room 1426 of the Columbia Plaza Office Building, 2401 E St., N.W., Washington, D.C., 20506.

A portion of this meeting will be open to the public on December 3, 1979, from 9:00 a.m.-11:00 a.m. for panel introductions and opening remarks.

The remaining sessions of this meeting on December 3, 1979, from 11:00 a.m.-5:30 p.m.; December 4, 1979, 9:00 a.m.-5:30 p.m.; December 5, 1979, 9:00 a.m.-5:30 p.m.; and December 6, 1979, 9:00-5:30 p.m. are for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1979.

[FR Doc. 79-34895 Filed 11-9-79; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Photography Surveys); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Photography Surveys) to the National Council on the Arts will be held December 4, 1979, from 9:00 a.m.-5:30 p.m. and December 5, 1979, from 9:00 a.m.-5:30 p.m. in Room 1340 of the Columbia Plaza Office Building, 2401 E. St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

November 5, 1979.

[FR Doc. 79-34893 Filed 11-0-79; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Artists Spaces); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Artists Spaces) to the National Council on the Arts will be held December 3, 1979, from 9:00 a.m.-5:30 p.m.; December 4, 1979, 9:00 a.m.-5:30 p.m.; and December 5, 1979, from 9:00 a.m.-5:30 p.m. in Room 1422 of the Columbia Plaza Office Building, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1979.

[FR Doc. 79-34894 Filed 11-9-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50-482A]

Kansas Gas & Electric Co., et al; Notice of Receipt of Additional Antitrust Information and Time for Submission of Views on Antitrust Matters

Kansas Gas and Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on September 11, 1979, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. The information concerns the addition of Kansas Electric Power Cooperative, Inc. as an owner of the Wolf Creek Generating Station, Unit No. 1 located in Coffey County, Kansas.

The information was filed in connection with Kansas Gas and Electric Company and Kansas City Power and Light Company's application for an amendment to Construction Permit No. CPPR-147 to the Wolf Creek Generating Station, Unit No. 1. Construction Permit No. CPPR-147 was issued on May 17, 1977 and construction of the plant is underway.

The original notice of receipt of application for construction permit and operating license included the antitrust aspects of the application and was published in the Federal Register on August 30, 1974 (39 FR 31684).

A copy of the Kansas Gas and Electric Company letter, dated September 11, 1979 and above stated documents are available for public examination and copying for a fee at the Commission's Public Document Room, located at 1717 H Street, N.W., Washington, D.C., 20555 and at the Coffey County Courthouse, Burlington, Kansas, 66839.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C., ATTN: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to Kansas Electric Power Cooperative, Inc. presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation on or before January 11, 1980.

Dated at Bethesda, Maryland, this 2nd day of November, 1979.

For the Nuclear Regulatory Commission,
Olan D. Parr,
Chief, Light Water Reactors, Branch No. 3, Division of Project Management.

[FR Doc. 79-34706 Filed 11-9-79; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid To State and Local Governments"; Exemption From Standard Grant Application and Reporting Forms

This notice offers interested parties an opportunity to comment on a Department of Housing and Urban Development request for a waiver from certain standardized formats prescribed by OMB Circular A-102, "Uniform requirements for grants to State and local governments." The exception, if approved, would authorize HUD to require applicants for Community Development grant funds to submit:

(1) A summary of all program activities on the attached Cost Summary (HUD 7067) instead of standaridzed format prescribed in Part III Budget Information Sheet (Exhibit M-3) contained in OMB Circular A-102. The provisions of the Circular permit Federal agencies to shade out unnecessary line items on the standardized format.

(2) A description of each project on the attached Project Summary (HUD 7066) including a listing of all activities by source of funds. The Circular calls for a program narrative in Part IV of the standard application. This program narrative calls for the applicant to describe the objectives of the program, the benefits that will be obtained and the approach to the work to be done. There is no provision in the Circular for getting financial data in this section.

The waiver request states that Housing and Community Development Act of 1974 directs HUD to focus application review and post-approval monitoring on the specific community development and housing activities planned and carried out with CDBG. There is no mention, however, in the request of why the cost of activities must be collected under projects.

The Office of Management and Budget has, as yet, made no decision with respect to the proposed waiver. All interested parties are encouraged to make their views known on the proposed requirements, or any other application on reporting requirements imposed through the Community Development Program. Comments should be submitted to:

Financial Management Branch, Budget Review Division, Office Of Management and Budget, Washington, D.C. 20503.

For further information concerning this matter, please call John J. Lordan at (202) 395-6823. All comments should be received on or before December 7, 1979.

David R. Louthold,
Budget and Management Officer.

BILLING CODE 3110-01-M

Form Approved
OMB No. 63-R1619

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ANNUAL COMMUNITY DEVELOPMENT PROGRAM **COST SUMMARY**	1. NAME OF APPLICANT 2. APPLICATION/GRANT NUMBER
3. PERIOD OF APPLICABILITY FROM TO	4. ☐ ORIGINAL *(each year)* ☐ REVISION, DATED _____ ☐ AMENDMENT, DATED _____

Line	PART A. SUMMARY OF PROGRAM ACTIVITY *(Important: See instructions before classifying costs.)*		AMOUNT	FOR HUD USE ONLY
1	Acquisition of Real Property		$	$
2	Disposition			
3	Public Facilities and Improvements			
a	Senior Centers			
b	Parks, Playgrounds and Other Recreational Facilities			
c	Centers for the Handicapped			
d	Neighborhood Facilities			
e	Solid Waste Disposal Facilities			
f	Fire Protection Facilities and Equipment			
g	Parking Facilities			
h	Public Utilities, Other Than Water and Sewer Facilities			
i	Street Improvements			
j	Water and Sewer Facilities			
k	Foundations and Platforms for Air Rights Sites			
l	Pedestrian Malls and Walkways			
m	Flood and Drainage Facilities			
n	Specially Authorized Public Facilities and Improvements *(List)*			
(1)		$		
(2)				
(3)				
4	Clearance Activities			
5	Public Services			
6	Interim Assistance			
7	Completion of Previously Approved Urban Renewal Projects			

Replaces Form HUD-7015.5, which is Obsolete

HUD-7067 (6-78)

			AMOUNT	FOR HUD USE ONLY
8	Relocation Payments and Assistance		$	$
9	Payments for Loss of Rental Income			
10	Removal of Architectural Barriers			
11	Specially Authorized Assistance to Privately Owned Utilities			
12	Rehabilitation and Preservation Activities			
a	Rehabilitation of Public Residential Structures			
b	Public Housing Modernization			
c	Rehabilitation of Private Properties			
d	Code Enforcement			
e	Historic Preservation			
13	Specially Authorized Economic Development Activities			
a	Acquisition for Economic Development			
b	Public Facilities and Improvements for Economic Development			
c	Commercial and Industrial Facilities			
14	Special Activities By Local Development Corporations, Etc. *(List)*			
a		$		
b				
c				
d				
15	SUBTOTAL			
16	Planning and Urban Environmental Design *(See Part B of this form.)*			
a	Development of a Comprehensive Community Development Plan			
b	Development of a Policy-Planning-Management Capacity			
c	Specially Authorized Comprehensive Planning Activities			
17	General Administration *(From Part C, Line 6)*			
18	Contingencies and/or Local Option Activities *(Not to exceed 10% of amount shown in Part D, Line 1)*			
19	TOTAL PROGRAM COSTS *(Sum of Lines 15 through 18)*		$	$

HUD-7067 (6-78)

PART B. DESCRIPTION OF PLANNING AND URBAN ENVIRONMENTAL DESIGN COSTS

☐ *Check if continued on additional page(s) and attach.*

Line	PART C. GENERAL ADMINISTRATION COSTS *(See instructions for descriptions of administration activities before classifying costs below.)*		AMOUNT	FOR HUD USE ONLY
1	General Management, Oversight and Coordination		$	$
2	Indirect Costs *(Allowable if charged pursuant to a cost allocation plan)*			
3	Citizen Participation			
4	Environmental Studies Necessary to Comply With Environmental Regulations			
5	Other *(List)*			
a		$		
b				
c				
d				
e				
6	Total General Administration Costs *(Sum of Lines 1 through 5)*		$	$

HUD-7067 (6-78)

Line	PART D. BLOCK GRANT RESOURCES FOR PROGRAM COSTS		AMOUNT	FOR HUD USE ONLY
1	Entitlement Amount		$	$
2	Less: Repayment of Urban Renewal/NDP Loans *(Attach Schedule)*	$		
3	Grant Withheld for Repayment of HUD-Guaranteed Loan	$		
4	Grant Amount For Program Activities *(Line 1 minus sum of Lines 2 and 3)*		$	$
5	Program Income		$	$
6.	Surplus From Urban Renewal/NDP Settlement		$	$
7	Loan Proceeds		$	$
8	Reprogrammed Unobligated Funds From Prior Program Year *(Attach Schedule)*		$	$
9	TOTAL BLOCK GRANT RESOURCES FOR PROGRAM COSTS *(Sum of Lines 4 thru 8)*		$	$

Line	PART E. SUMMARY OF PROGRAM BENEFIT	AMOUNT	FOR HUD USE ONLY
1	Costs Subject to Program Benefit Rules	$	$
2	Expenditures Principally Benefitting Low- and Moderate-Income Persons	$	$
3	Line 2 as a Percent of Line 1	%	%
4	Other Expenditures	$	$
5	Line 4 as a Percent of Line 1	%	%

HUD-7067 (6-78)

Form Approved
OMB No. 63-R1619

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ANNUAL COMMUNITY DEVELOPMENT PROGRAM

PROJECT SUMMARY

1. NAME OF APPLICANT

2. APPLICATION/GRANT NUMBER

3. PERIOD OF APPLICABILITY

FROM | TO

4. ☐ ORIGINAL *(each year)*
☐ REVISION, DATED _____
☐ AMENDMENT, DATED _____

5. NAME OF PROJECT

6. PROJECT NUMBER

7. ENVIRONMENTAL REVIEW STATUS

8. ENTITY WITH RESPONSIBILITY FOR CARRYING OUT THE PROJECT

9. TELEPHONE NUMBER

10. DESCRIPTION OF PROJECT

☐ *Check if continued on additional page(s) and attach.*

11. CENSUS TRACT(S)/ENUMERATION DISTRICT(S)

12 ANTICIPATED ACCOMPLISHMENTS

☐ *Check if continued on additional page(s) and attach.*

13. CDBG COMPONENT ACTIVITIES *(List component activities using names of activities shown in Part A, COST SUMMARY, Form HUD-7067.)*	PROGRAM YEAR FUNDS *(in thousands of $)*			
	CDBG		OTHER	
	LOW/MOD BENEFIT	OTHER BENEFIT	AMOUNT	SOURCE
(a)	*(b)*	*(c)*	*(d)*	*(e)*
	$	$	$	
14. Totals	$	$	$	

15. Total Costs To Be Paid With Community Development Block Grant Funds *(Sum of Columns b and c)* $

Replaces Form HUD-7015.1, which is Obsolete

Page of pages

HUD-7066 (6-78)

[FR Doc. 79-34911 Filed 11-9-79; 8:45 am]
BILLING CODE 3110-01-C

Agency Forms Under Review

November 7, 1979.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Directory 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

Revisions

Economics, Statistics, and Cooperatives Service
Farm Production Expenditure Survey
Annually
Sample of farmers; 10,000 responses, 10,000 hours
Office of Federal Statistical Policy and Standard, 673-7974
Forest Service
Forest Industries Logs and Other Roundwood Received Annually
Description not furnished by agency; 2,302 responses, 1,721 hours
Charles A. Ellett, 395-5080
Forest Service
National Forest Surface Use Under U.S. Mining Laws (36CFR252)
On occasion
Prospectors and mines regardless of business size; 2,000 responses, 4,000 hours
Charles A. Ellett, 395-5080

Extensions

Agricultural Stabilization and Conservation Service
Record of Transfer of Allotment or Quota
Farms ASCS-375
Annually
Cotton, tobacco, and peanut farms with established allotment or quota; 200,000 responses, 50,000 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Industry and Trade Administration
Wits U.S. Supplier Application—Wits U.S. Export
Products/Service Application
ITA-4076P and 477P
On occasion
U.S. firms exporting or wishing to export; 50,000 responses, 50,000 hours
Richard Sheppard, 395-3211

Revisions

National Oceanic and Atmospheric Administration
Fish and Shellfish Dealer Purchase Forms: Stone Crab
NOAA 88-177
Monthly
Fish house owner/manager; 300 responses, 7,412 hours
Richard Sheppard, 395-3211

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633-8558

New Forms

Remanufacturing Survey Form
CS-405
Single time
Remanufacturing firms; 300 responses, 300 hours
Jefferson B. Hill, 395-5867

Extensions

Inventory of Property Other Than Land and Rights-of-Way
ICC-ACV-5
On occasion
Common carrier pipeline companies; 400 responses, 2,400 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-7488

Revisions

Food and Drug Administration
Requirements Under Public Law 90-602, Radiation Control
For Health and Safety Act of 1968
On occasion
Electronic product manufacturing and assemblies; 1,047 responses, 77,478 hours
Richard Eisinger, 395-3214

Reinstatements

Food and Drug Administration
Application for Exemption for Storage (Antibiotic Drugs)
FD-1671
On occasion
Antibiotic manufacturers; 200 responses, 200 hours
Richard Eisinger, 395-3214
Food and Drug Administration
Application for Exemption for Processing (Antibiotic Drugs)
FD-1672
On occasion
Antibiotic manufacturers, 200 responses, 200 hours
Richard Eisinger, 395-3214
Food and Drug Administration
Application for Exemption for Labeling (of Drugs)

FD-1673
On occasion
Antibiotic manufacturers; 200 responses, 200 hours
Richard Eisinger, 395-3214
Food and Drug Administration
Request for Certification on Drug Antibiotic
FD-1677
On occasion
Antibiotic manufacturers; 20,000 responses, 11,000 hours
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masafsky—755-5184

New Forms

Community Planning and Development
Urban Homesteading Quarterly Report (milestones)
Quarterly
Localities participating in the urban homesteading program; 480 responses, 1,920 hours
Arnold Strasser, 395-5080
Housing Production and Mortgage Credit
Full Survey Instrument Set, RESPA Evaluation
Single time
Description not furnished by agency; 2,800 responses, 2,860 hours
Arnold Strasser, 395-5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

New Forms

Employment and Training Administration
Survey of Outgoing Mail Practices
ETA-RC25
Single time
State employment security agencies; 54 responses, 540 hours
Arnold Strasser, 395-5080
Employment and Training Administration
ESARS Validation Methodology Study
MT-1075
Single time
Employers and applicants placed by the Employment Service; 1,200 responses, 240 hours
Arnold Strasser, 395-5080

Revisions

Employment and Training Administration
CETA Grant Application and Reporting Requirements
ETA 2202, 5134, Etc.
Other (see SF-83)
State and local agencies; 3,897,331 responses, 2,104,777 hours
Budget Review Division, 395-4775

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Officer—Gail J. Cook—632-3538

Revisions

Passport Application
DSP-11
On occasion
Passport application; 3,000,000 responses, 454,545 hours
Office of Employment to Alien
Laverne V. Collins, 395-3214
DS-1743
On occasion
Companies hiring aliens; 10,000 responses, 2,500 hours
Laverne V. Collins, 395-3214

ACTION

Agency Clearance Officer—W. I. Baldridge—254-7845

New Forms

Senior Companion Program Impact Evaluation
Annually
Partic. in SCP, and those on waiting list to participate; 1,150 responses, 850 hours
Barbara F. Young, 395-6132

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—254-9515

New Forms

Program Paper for State Civil Defense
FEMA 19-2
Annually
State Civil Defense Directors; 56 responses, 1,120 hours
Edward H. Clarke, 395-5867
Local Civil Preparedness Annual Program Paper
FEMA 19-1
Annually
Local civil preparedness directors/coordinators; 4,600 responses, 36,800 hours
Edward H. Clarke, 395-5867

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—632-7737

New Forms

Enrollment Report
Reports Nos. 7, 8, and 9
Other (see SF-83)
Health plans under contract with FEHEP; 742 responses, 742 hours
Laverne V. Collins, 395-3214

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Reidy—653-6081

New Forms

Bank Survey Form
Single time
Selected banks in each State; 2,500 responses, 417 hours
Richard Sheppard, 395-3211

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615-755-2915

Revisions

Annual Report on Distribution and Use of TVA Fertilizers
TVA 5486 (AD-10-79)
Annually
All distributors using TVA fertilizers; 200 responses, 280 hours
Charles A. Ellett, 395-5080

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-34975 Filed 11-13-79; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21282; 70-6371]

Arkansas Power & Light Co.; Proposed Transactions Related To Financing of Coal-Handling Equipment

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10, and 12 (d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas intends to enter into a lease ("Lease") with Continental Illinois National Bank and Trust Company of Chicago ("Owner Trustee" or "Lessor"), designated as such in an agreement ("Trust Agreement") between the Owner Trustee and CI Leasing Corporation and Cobak Corporation ("Owner Participants"), under which Arkansas will lease from the Owner Trustee coal-handling equipment ("Equipment"), which will supply

processed coal to the two units of the White Bluff Steam Electric Generating Station ("Station"), currently under construction near White Bluff, Arkansas. Neither the Owner Trustee nor the Owner Participants nor any corporations or persons affiliated with any of the foregoing are affiliated with Arkansas or any of its affiliated companies.

The Station is jointly owned as tenants in common by Arkansas (60%) and two co-tenants (40%), Arkansas Electric Cooperative Corporation ("AECC") (35%) and the City of Jonesboro ("Jonesboro") (5%). It is expected that the City of Conway will consummate the pending acquisition of a 2% interest in the Station during 1979. Upon such acquisition the interest of Arkansas will decrease to 58%; the interests of AECC and Jonesboro would remain unchanged.

The land underlying the Equipment and certain associated easement rights in real property ("Equipment Site") belong (or, in the case of Conway, will belong) to the co-tenants in the same proportions as does the entire Station. The Equipment itself is owned by all of the co-tenants except Conway as tenants in common in the following proportions: Arkansas, 60%; AECC, 35%; and Jonesboro, 5%. Conway will not acquire at any time any ownership interest in the Equipment.

It is proposed that, in order to vest in Arkansas 100% of the title to the Equipment and the Equipment Site and hence facilitate the Lease transaction hereinafter described, Arkansas will exchange with the other co-tenants a portion of its interest in the Station for the entire undivided interests of such other co-tenants in the Equipment and the Equipment Site. The exchange would be based on the book value of the Equipment exclusive of the co-tenants' respective costs of money on the books of each co-tenant other than Arkansas at the time of the exchange. Arkansas will agree with the co-tenants to furnish the Equipment to the Station during its operation, and all of the co-tenants will share the costs associated with the operation, repair, and maintenance of the Equipment. The exchange will not alter the percentages in which the Station as a whole is owned by the co-tenants.

Arkansas has contracted with Brown & Root, Inc., Houston, Texas, for the design and procurement of the Equipment, and for its installation on the Equipment Site, which is adjacent to the Station. For purposes of this transaction, the Equipment is to be separated into three parts: the first ("Phase I Equipment") consists of unloading, crushing, and other equipment designed to deliver coal to a dead storage pile; the second ("Phase II Equipment") consists of equipment to deliver the coal to the first electric generating unit of the Station; and the third ("Phase III Equipment") consists of equipment to deliver coal to the second electric generating unit of the Station. The sale, purchase, and lease of the Phase I Equipment is expected to take place in December 1979 ("First Closing Date"), the sale, purchase, and lease of the Phase II Equipment is expected to take place in March 1980 ("Second Closing Date"), and the sale, purchase, and lease of Phase III Equipment is expected to take place in December 1980 ("Third Closing Date"). On each Closing Date, Arkansas proposes to sell and assign all of its right, title, and interest in and to the applicable Phase of Equipment then under construction and the contract rights for the Equipment to the Owner Trustee. As payment for the Phase of Equipment sold by Arkansas on each Closing Date, Owner Trustee will pay Arkansas the book value of such Phase of Equipment plus an estimate of amounts required to complete construction thereof and place it in service. As agent for the Owner Trustee, Arkansas will complete the construction of each Phase of Equipment and place it in service following the respective Closing Dates. The currently estimated total cost ("Equipment Cost") of the Equipment is approximately $40,500,000 consisting of $24,000,000 for the Phase I Equipment, $13,725,000 for the Phase II Equipment, and $2,775,000 for the Phase III Equipment. Equipment Cost plus certain expenses incurred in connection with the transaction comprise the total to be funded ("Lessor's Cost").

Arkansas will also enter into an agreement with the Owner Trustee ("Surface Rights Agreement") to furnish easement rights necessary to enable the Owner Trustee to locate, use, enjoy, and remove the equipment and will also agree to furnish at the greater of fair market value or cost necessary utility and other support services to the Owner Trustee should they be required for operation of the Equipment by the Owner Trustee upon default under or termination of the Lease.

It is proposed that the Owner Trustee will obtain the funds to purchase the Equipment from Arkansas through amounts (representing approximately 32–39 percent of Lessor's Cost, as finally determined) advanced to the Owner Trustee by the Owner Participants as investments in the beneficial ownership of the Equipment and through amounts (representing the remaining 61–68 percent, as finally determined) to be borrowed on a long-term non-recourse basis by the Owner Trustee from institutional lenders ("Loan Participants"). In order to effect such long-term borrowings from the Loan Participants, the Owner Trustee will issue to the Loan Participants loan certificates ("Debt") pursuant to the provisions of an Indeture, noted below. Neither the Owner Participants, nor Arkansas, nor any of Arkansas' affiliated companies will be liable for payment of either the principal of, premium, if any, or interest on, the Debt.

Pursuant to the provisions of the Trust Indenture and Mortgage ("Indenture") between the Owner Trustee and a second trustee ("Loan Trustee"), who will act on behalf of the Loan Participants, the Owner Trustee will grant to the Loan Trustee, as security for the payment of the Debt, a security interest in and mortgage on the Equipment and an assignment of the Lease and all payments and other amounts receivable under the Lease and related documents, other than certain tax indemnities payable by Arkansas upon the imposition of certain taxes on the Owner Participants.

Concurrently with the sale by Arkansas of the Phase I Equipment and the assignment of its contract rights relative thereto on the First Closing Date, Arkansas will enter into the Lease with the Owner Trustee. There will be an interim term of the Lease relating to the Phase I Equipment extending from the First Closing Date to January 2, 1980, and another interim term of the Lease relating to the Phases II and III Equipment extending from the Second Closing Date to January 2, 1981. The basic term ("Basic Term") of the Lease will commence on January 2, 1980, and continue for a period which will terminate twenty-six years thereafter. At the end of the Basic Term, Arkansas will have the option to purchase the Equipment from the Owner Trustee at the greater of its then fair market sales value or a percentage of Lessor's Cost to be determined but not expected to exceed 35%.

The lease will be a net lease conferring all responsibility for operation, maintenance, insurance, certain taxes, annual trustees' fees, and other expenses upon Arkansas. Arkansas will be obligated to maintain the Equipment in good operating condition, normal wear and tear excepted, and will have the right at its own cost and expense to make certain alterations, modifications, and additions to the Equipment.

Lease payments will be made by Arkansas in one interim payment on January 2, 1980 (with respect to the Phase I Equipment) and one interim payment on January 2, 1981 (with respect to the Phase II and Phase III Equipment). Basic Term Lease payments will commence January 2, 1981, with respect to the Phase I Equipment and will be made in annual installments thereafter through and including January 2, 2006. Basic Term Lease payments will commence on January 2, 1982, with respect to the Phase II and Phase III Equipment and will be made in annual installments thereafter through and including January 2, 2006.

It is Arkansas' understanding that the Basic Term Lease rates for the Phase I, Phase II, and Phase III Equipment are equivalent to effective annual interest rates over the Basic Term of the Lease of 6.898%, 6.835%, and 7.118%, respectively, and that the composite Basic Term Lease rate is equivalent to an approximate 6.9% effective annual interest rate.

A statement of the fees and expenses to be incurred in connection with the proposed transactions is to be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 28, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-34981 Filed 11-9-79; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 704, 803-15]

Boston Hambro Corp.; Application for Order for an Exemption

November 2, 1979.

Notice is hereby given that Boston Hambro Corp. ("Applicant"), One Boston Place, Boston, Massachusetts 02110, which intends to register with the Commission as an investment adviser under the Investment Advisers Act of 1940 ("Act"), filed an application on January 19, 1979, and an amendment thereto on September 5, 1979, pursuant to Section 206A of the Act. The application seeks an order (1) exempting Applicant's advisory fee arrangements with a small business investment company ("SBIC") limited partnership from the prohibition of Section 205(1) of the Act, and (2) exempting it from the recordkeeping requirements of Rule 204-2(b) and (c) promulgated under the Act, to the extent described herein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized on October 25, 1978, to serve as the general partner of Boston Hambro Capital Company (the "Partnership"), a limited partnership which will operate as an SBIC under the Small Business Investment Act of 1958, as amended, to provide loans and equity financing to small businesses qualified under that Act. The Partnership will also provide management consulting services to its portfolio companies in connection with such financings and on a fixed-fee basis to other eligible small businesses, although Applicant states that such services will not be a major source of Partnership income. Applicant has not yet registered as an adviser under the Act, but it states that it will upon receipt of an exemptive order from the Commission regarding its fee and recordkeeping arrangements.

The Applicant will issue 3,000 shares of common stock at a price of $5 per share. Of these, 1,500 shares will be issued to The Boston Company Financial Strategies Group, Inc. ("BCFSG"), and the remaining 1,500 shares will be issued to Hambro America Incorporated ("HAI"). BCFSG and HAI will also each subscribe for a minimum of 1,250 shares of preferred stock at $100 per share. Pursuant to a stockholders' agreement, BCFSG and HAI will agree with the Applicant to subscribe for the number of shares of preferred stock at $100 per share such that the aggregate purchase price of the shares subscribed to by each is the greater of $125,000 or 5 percent of total capital contributions to the Partnership. These subscriptions will constitute "free capital" of the Partnership which may be called down if, when, and to the extent the Applicant requires the additional funds. The obligations of BCFSG and HAI with respect to these subscriptions will be guaranteed by their respective parent corporations, The Boston Company, Inc., and Hambros Bank Limited. At the time of the closing for capital contributions to the Partnership, the Applicant will issue 5,000 shares of participating preference stock to HAI at $100 per share and invest the proceeds in an "Investment Account" in the Partnership.

BCFSG, a wholly-owned subsidiary of the The Boston Company, Inc., acts as a single policymaker for a group of subsidiaries of The Boston Company, Inc., which provide comprehensive financial planning and portfolio management primarily to individuals and families, and which create and structure private investment opportunities in such areas as real estate and oil and gas. The business of The Boston Company, Inc., which has its principal office in Boston, Massachusetts, generally involves investment advisory, investment management, banking, custodial, and other financial services. The company's principal subsidiary, Boston Safe Deposit and Trust Company, is a fiduciary banking institution which acts as trustee for individuals, family groups, charitable trusts, endowments and pension funds. All of the other active subsidiaries of The Boston Company, Inc., except BCFSG and The Boston Company Investment Creation, Inc., are registered investment advisers under the Act.

HAI is a wholly-owned subsidiary of Hambros Bank Limited, a United Kingdom corporation engaged principally in the business of investment banking and wholesale commercial banking, with its principal office in London, England. HAI serves as the "representative office" of Hambros Bank Limited in the United States.

Each of the stockholders will participate in the management of the

Applicant's affairs through representatives on its board of directors and its officers. Pursuant to a stockholders agreement among BCFSG, HAI and the Applicant, the board of directors of the Applicant will at all times include three directors nominated by each stockholder. One additional director may, but need not be, elected by mutual agreement of the stockholders. The by-laws of the Applicant provide that, in the case of all actions by a majority of the directors, such majority shall include at least one director nominated by each stockholder.

In addition to the investment of at least $500,000 by HAI, it is expected that limited partners will make capital contributions aggregating approximately $4.5 million. (The Applicant has reserved the right to accept contributions from limited partners aggregating $6.5 million in the initial offering.) The limited partnership interests will be offered to sophisticated U.S. and foreign investors of substantial means in units of $250,000. Fractions of the units may be sold; however, the minimum investment by any limited partner will be $150,000, except that a limited number of units may be split up into smaller fractions among members of a single family group as described in the application. As a condition to the Partnership's receipt of an SBIC license, special counsel for the Partnership will furnish an opinion satisfactory to the Small Business Administration, to the effect that (i) the issuance and sale of the limited partnership interests does not require registration under the Securities Act of 1933 in that such interests will be offered and sold in transactions not involving a public offering within the meaning of Section 4(2) of that act and (ii) the partnership will not be required to register as an investment company under the Investment Company Act of 1940.

Such interests will be sold through The Boston Company Investment Creation, Inc., a wholly-owned indirect subsidiary of The Boston Company, Inc., and a registered broker-dealer. Such broker-dealer will receive a placement fee to be paid by each limited partner equal to four percent of his capital contribution. In this connection, it is anticipated that none of the funds currently being managed by The Boston Company, Inc., or Hambros Bank Limited or their affiliates will be invested in the Partnership and that a majority of the limited partnership interests will be purchased by persons who are not now clients of any of the foregoing. No arrangements have been made with any other borkers, underwriters or dealers with regard to marketing of limited partnership interests.

Conditions to the closing for capital contributions to the Partnership include the receipt of contributions from the limited partners totaling at least $2,000,000 and receipt of either an order of the Commission granting the relief requested by the application or an opinion of counsel to the effect that the proposed arrangements would not result in any violation under the Act.

The Articles of Limited Partnership establishing the Partnership will provide that the management, operation and policies of the Partnership are vested exclusively in the Applicant, which is given the power to perform all acts and enter into and perform all contracts and other undertakings on behalf of the Partnership which it deems necessary, advisable or incidental to the objects and purposes of the Partnership. It is contemplated that the Applicant will engage the administrative and other services of, and rent office space from, BCFSG and HAI and persons and companies affiliated with these corporations, and will pay reasonable compensation therefor, determined on the basis of cost, except that in certain instances charges may be based upon the affiliate's customary charges for such services to unrelated third persons.

The Articles of Limited Partnership will provide for the maintenance of capital accounts for each partner reflecting the partner's contributions and his allocable share of Partnership income, gains, credits, losses, deductions, liabilities and expenses.

The Applicant will receive a 15 percent share of the income, profits and gains of the Partnership and will bear 15 percent of the losses and expenses of the Partnership. The 15 percent profit and loss interest will be reflected in a separate Management Account established for the Applicant. At the end of each calender year, all partners' accounts will be adjusted. Fifteen percent of all realized income, gains, credits, losses, deductions, liabilities and expenses will be credited to or debited against the Management Account of the Applicant. The remaining 85 percent will be credited to or debited against all other capital accounts (including the Investment Account of the Applicant) pro rata to the balances in such accounts, except that for nontax purposes, losses, liabilities and expenses in excess of Partnership capital shall be borne by the Management Account of the Applicant only. Upon the termination of the Partnership, any unrealized appreciation or depreciation will be allocated in accordance with the respective capital accounts of the partners. If total losses and expenses charged to the Management Account of the Applicant exceed the amount credited to that account, the account can be in a deficit position. The Applicant is obligated to pay any such deficit upon termination of the Partnership or at such earlier time as the Partnership requires the funds.

The Partnership intends to distribute annually to its partners, pro rata, an amount that will be sufficient allowance for the taxes payable by the partners on their allocable share of Partnership income and gains. At the discretion of the Applicant the Partnership may also from time to time make other distributions pro rata to the capital accounts of the partners, except that in unusual circumstances the Partnership may make non-pro rata distributions to limited partners with the consent of the limited partners involved. The Applicant has undertaken, based upon the granting of the exemption requested in the application, that (i) distributions (including cash, securities or otherwise) will not be made to the Applicant in respect of its Management Account until the limited partners shall have received distributions equal to their initial capital contributions, except that the Applicant may from time to time receive cash distributions from its Management Account sufficient in amount to satisfy its tax liabilities in respect of its allocable share of Partnership income and gains attributable to its Management Account, and (ii) distributions (including cash, securities or otherwise) will be made to the Applicant only concurrently with and in amounts not exceeding amounts pro rata to distributions made to the limited partners except to the extent that the Applicant has theretofore received less than its pro rata share of distributions made to the limited partners in which case distributions shall only be made in cash. Without the specific approval of the Small Business Administration, no partner may receive a return of his capital contribution, and distributions may be made only out of accumulated income and gains.

In accordance with the Articles of Limited Partnership, the Applicant will keep or cause to be kept adequate books and records reflecting all activities of the Partnership and will at all times cooperate with the limited partners in making all books and records available for their inspection. Within 75 days after the end of each calendar year, the Applicant will cause the financial statements of the Partnership for such year to be audited by independent

public accountants; such audit will be certified and a copy delivered to each of the limited partners.

The Applicant states that, if applicable, Section 205(1) of the Act, which generally prohibits investment advisers (unlesss exempt from registration under the Act pursuant to Section 203(b) of the Act) from receiving compensation based on investment performance, would prohibit the proposed arrangement under the Articles of Limited Partnership entitling the Applicant to a 15 percent share of the profits and losses of the Partnership. Accordingly, Applicant requests an order exempting Applicant from the provisions of Section 205(1) to the extent necessary to permit the proposed arrangement. The Applicant assumes for purposes of the application that its proposed relationship with the Partnership would cause it to be deemed an investment adviser under the Act and that its interest in Partnership profits and losses would be regarded as a compensation arrangement within the meaning of Section 205(1) of the Act. The Applicant also states that under the present state of the law it is uncertain whether it would be regarded as having only one client, i.e., the Partnership, or whether each limited partner would be deemed a separate client for purposes of determining the availability of an exemption under Section 203(b) of the Act.

The Applicant asserts that its proposed arrangement satisfies the standards set forth in Section 206A of the Act, making it an appropriate instance for the exercise of the Commission's exemptive powers under this section. The Applicant states that the purpose of the prohbition on so-called "performance fee" arrangements is to prohibit arrangements which encourages advisers to take undue risks with the funds of clients, and that its proposed arrangement will not encourage the Applicant to take undue risks with the Partnership funds. In support of its contention, the Applicant states that it will have substantial funds invested in the Partnership (the proceeds of the $500,000 investment by HAI in the Applicant) and in addition will have substantial free capital subject to the risks of the Partnership.

The Applicant emphasizes that, unlike typical performance fee arrangements, it will be allocated through its Management Account not only 15 percent of all profits, but also 15 percent of all losses of the Partnership. The Applicant asserts that this participation in losses of the Partnership serves to remove another potential conflict of interest which is present in the typical performance fee arrangement where the general partner shares only in profits of the partnership: The incentive to make portfolio decisions optimizing timing of realization of gains and losses so as to maximize compensation. Applicant contends that this potential is absent from the proposed arrangement in that any profits allocated to the Applicant's Management Account in one year will be reduced by its share of any losses realized in subsequent years. Conversely, any losses allocated to the Applicant in one year will offset future profits allocated to it. Any distributions made to the Applicant in excess of the Applicant's share of the net profits over the term of the Partnership will be reflected by a deficit in the Applicant's Management Account and the Applicant will be obligated to repay such deficit at the termination of the Partnership or at such earlier time as the Partnership requires the funds.

In support of its request, the Applicant also states that the limited partners will be sophisticated investors of substantial means who can bear the risks associated with the Partnership's investment objectives and techniques and who will be able to appreciate the impact on their investment of the interest accorded to the Applicant by the Articles of Limited Partnership. Further, the Applicant has undertaken, based upon the granting of the exemptions requested in the application, that (a) it will not permit the assignment of limited partnership interests to any person except by gift, bequest or devise or otherwise by operation of law where no consideration is paid therefor unless the value of the assigned interest to any such person has a value of at least $150,000 at the time of assignment (except that with respect to those interests described in the application which initially had a value of less than $150,000, such interests may have at the time of assignment a value of less than $150,000 but not less than the value at the time of the initial sale) and (b) it will not permit the assignment of limited partnership interests in a transaction or transactions involving a public offering of such interests.

Finally, the Applicant asserts that the exemption requested is "necessary [and] appropriate in the public interest" because the Partnership's sole purpose of operating as an SBIC, licensed by the Small Business Administration in accordance with applicable laws and regulations, clearly furthers the legislative policy of facilitating capital investment in small business concerns. Applicant considers the typical investment advisory fee arrangement based upon a percentage of net assets inadequate reward for the particular services required for effective management of the Partnership investments and for the assumption of the substantial additional risks borne by the Applicant.

The Applicant also requests exemption from Section 204 of the Act and paragraphs (b) and (c) of Rule 204-2 thereunder, which require an investment adviser (other than one exempt from registration under Section 203(b)) having custody or possession of a client's securities or funds to maintain designated books and records with respect to each such client. The Applicant proposes to maintain the designated books and records for the Partnership rather than for each of the individual limited partners. The Applicant asserts that it considers it impractical and unduly burdensome to prepare and maintain all of the designated books and records for each limited partner individually and requests an order exempting it from the provisions of Section 204 of the Act and of Rule 204-2 (b) and (c) to the extent that such provisions may otherwise require it to maintain the designated books and records with respect to each limited partner.

The Applicant further states that it is aware that the Commission has published for comment proposed Rule 205-3 under the Act, which would provide an exemption in certain instances from the performance fee prohibition of Section 205 of the Act. (Release No. IA-680, June 19, 1979.) The Applicant believes that its proposed arrangements, as described in the Application, are responsive to the substantive concerns of the Commission as expressed in the proposed rule and in some instances provide protection to investors in the Partnership which are more extensive than those which the proposed rule might require. The Applicant believes that its application should be granted, notwithstanding certain differences from the proposed rule, for additional reasons, among others, that (i) its proposed arrangements and initial application had been structured on the basis of prior exemptive orders of the Commission granted in *Weiss, Peck & Greer* (Release No. IA-625, April 25, 1978) and *Foster Management Company* (Release No. IA-651, November 28, 1978) and upon conversations with the staff of the Commission commencing in October, 1978; (ii) prior to publication of the proposed rule, the Internal Revenue Service had already issued a favorable

tax ruling to the Partnership and the Small Business Administration had already completed its formal review of the Partnership's SBIC license application and has provisionally granted such license; in each case based upon the proposed arrangement; (iii) the proposed operations of the Partnership are subject to an extensive scheme of regulation under the Small Business Investment Act of 1958 which conflicts in certain respects with provisions of the proposed rule; and (iv) there is, at present, uncertainty surrounding the final form of such rule, as suggested by the release of the Commission proposing the rule.

The Commission is empowered under Section 206A of the Act to exempt any person from the provisions of the Act and the rules and regulations thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 26, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-34982 Filed 11-9-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No 6143; 18-60]

Filing of Application for an Order Exempting From the Provisions Interests or Participations Issued in Connection With the Schwartz, Remsen, Shapiro & Kelm Target Benefit Retirement Plan and Trust

November 2, 1979.

Notice is hereby given that the law firm of Schwartz, Remsen, Shapiro & Kelm (the "Applicant"), 250 East Broad Street, Columbus, Ohio 43215, an Ohio partnership has, by letter dated July 25, 1979, applied for an exemption from the registration requirements of the Securities Act of 1933 ("Act") for any participations or interests issued in connection with its target benefit plan and trust (the "Plan"). All interested persons are referred to those documents, which are on file with the Commission, for the facts and representations contained therein which are summarized below.

I. Introduction

Under the Plan, any partner or employee of the Firm who has completed three years of service with the Firm is eligible to participate in the Plan. All partners and employees can become Participants in the Plan either the January following completion of three years of service, or six months following completion of three years of service, whichever is earlier. Any partner who has greater than a 10% ownership interest in the Firm (an "owner-employee") must elect to become a Participant, but all other partners and employees automatically become Participants upon meeting the eligibility requirements.

The Plan is of the type commonly referred to as a "Keogh" plan, which covers persons (in this case, Applicant's partners) who are employees within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954 as amended (the "Code"), and, therefore, is excluded from the exempting provided by Section 3(a)(2) of the Act for interests or participations in employee benefit plans of certain employers.

Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in conenction with a pension or profit sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

II. Description and Administration of the Plan

Applicant states that the Plan was established effective as of January 1, 1977. The Internal Revenue Service (the "IRS") has issued a ruling to the effect that the Plan is a "qualified plan" within the meaning of Section 401(a) of the Code. Since the Plan is an "Employee Pension Benefit Plan", it is subject to the fiduciary standards and to the full reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 ("ERISA").

The Firm contributes to the Plan on behalf of each Participant an amount necessary to fund the Target Benefit of the Participant. The Target Benefit is defined to mean an amount payable to the Participant in a lump sum at age 65 which is intended to approximate, on the basis of an assumed rate of interest of 6% compounded annually, 300% of the amount of his average compensation for the five full years immediately prior to the date of his retirement. In no event may the Firm's contribution on behalf of any Participant for any Plan Year exceed the lesser of 15% of the compensation of the Participant or $7,500. The contributions made by the Firm on behalf of any partner are charged to, and deducted from, that partner's distributable share of the Firm's net income. Contributions on behalf of the Firm's employees who are not partners are made out of the general partnership income.

Under the Plan each Participant is also permitted, at his or her option, to make voluntary contributions to the Plan which cannot exceed the lesser of 10% of his or her compensation for that Plan Year or $2,500. All Participants who elect to make voluntary contributions, to the Plan may withdraw the voluntary contributions, but not the earnings thereon, at any time.

The Plan is funded through a single trust fund. The Huntington Bank of Columbus, Ohio, is Trustee (the "Trustee") for the Plan under a Trust Agreement. Under the Trust Agreement, the Trustee has broad authority and discretion to manage, invest, and control the Plan assets, subject to investment direction by the Administrative Committee which consists currently of three persons. In addition to the ability to direct investment of the Plan assets, the Committee has overall responsibility and athority for administration of the Plan.

Applicant contents that were it a corporation rather than a partnership, interests or participations issued in

connection with the Plan would be exempt from the registration under Section 3(a)(2) of the Act, because no person who would be an "employee" within the meaning of Section 401(c)(1) of the Code would participate in the Plan. Applicant argues that the mere fact that it conducts its business as a partnership rather than as a corporation should not result in a requirement that interests in the Plan be registered under the Act.

Applicant also maintains that were the Firm's partners not permitted to participant in the Plan, the interests or participations issued in connection with the Plan would be exempt under Section 3(a)(2) since no person covered by the Plan would be an "employee" within the meaning of Section 401(c)(1) of the Code. Applicant argues that there is no valid basis for a contrary result merely because the Plan also coveres partners in the Firm.

Applicant also states that it is engaged in furnishing legal services which involve financially sophisticated and complex matters, exercises extensive administrative control over the Plan, and believes that it is able to represent adequately its own interests and those of its partners and employees without the protection of the registration requirements of the Act. Applicant believes that the rigorous disclosure requirements of ERISA and the fiduciary standards and duties imposed thereunder are adequate to provide full protection to the Plan participants.

Finally, Applicant argues that the characteristics of the Plan are essentially typical of those maintained by many single corporate employers and that the legislative history of the relevant language in Section 3(a)(2) of the Act does not suggest any intent on the part of Congress that interests issued in connection with single-employer Keogh plans necessarily should be registered under the Act. Applicant argues that its Plan is distinguishable from multi-employer plans or uniform prototype plans designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons and that these latter plans are the type of plans Congress intended to exclude from the Section 3(a)(2) exemption.

For all of the foregoing reasons, Applicant believes that the Commission should issue an order finding that an exemption from the provisions of Section 5 of the Act for interests or participations issued in connection with the Plan is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 26, 1979, at 5:30 p.m., submit to the Commission a request for a hearing on the matter, accompanied by a statement of the nature of his or her interest, the reasons for such request, and the isues, if any, of fact or law proposed to be controverted, or he or she may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following November 26, 1979 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-34980 Filed 11-9-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10930; 812-4150]

Oppenheimer Management Corp.; Filing of Application for an Order Prescribing as Reasonable Fees To Be Paid by the Custodian of Unit Investment Trusts to an Affiliate of the Depositor and Principal Underwriter for Services as Agent of the Custodian

November 2, 1979.

Notice is hereby given that Oppenheimer Management Corporation ("Applicant"), 1 New York Plaza, New York, N.Y. 10004, the principal underwriter and depositor of Oppenheimer Systematic Capital Accumulation Program, Oppenheimer Capital Accumulation Program of Shares of Oppenheimer A.I.M. Fund and Oppenheimer Time Fund Capital Accumulation Program (respectively "Oscap", "Aimcap and "Timecap", and collectively the "Programs"), three unit investment trusts registered under the Investment Company Act of 1940 ("Act"), has filed an application on July 5, 1977, and amendments thereto on September 15, 1978, January 25, 1979, and October 16, 1979, for an order prescribing as reasonable pursuant to Section 26(a)(2)(C) of the Act fees to be paid by State Street Bank & Trust Co., the Custodian under the Programs, to Oppenheimer Asset Management Corporation, formerly named Hamilton Management Corporation ("Hamilton") or to Shareholder Services, Inc. ("Services", jointly referred to with Hamilton hereinafter as "New agents"), a wholly-owned subsidiary of Hamilton, or to any other wholly-owned subsidiary of Hamilton or of Applicant for services as agent of the Custodian in performing the bookkeeping and other administrative services normally performed by the Custodian. All interested persons are referred to the application which is on file with the Commission for a statement of the representations contained therein, which are summarized below.

Oscap, Aimcap and Timecap have been in operation since 1961, 1970, and 1972, respectively. Applicant terminated the public offering of new plans of Oscap on May 1, 1974, of Timecap on May 1, 1975, and of Aimcap on May 1, 1979. Applicant anticipates that the three Programs will continue operations until at least approximately 1989-1994. Each Program includes single payment plans and systematic accumulation plans over a 10 or 15 year period with an optional extension for an additional 15 years that may be elected by the planholder at any time prior to completion of the plan.

Since September 30, 1975, Hamilton has been a wholly-owned subsidiary and affiliated person of Applicant. Applicant states that Hamilton has had a considerable experience in keeping books and records for registered investment companies, having done so since 1969 for the Hamilton group (consisting of Hamilton Funds, Inc., Hamilton Growth Fund, Inc., and Hamilton Income Fund, Inc.) and since January 1, 1977, for various registered investment companies in the Oppenheimer group, including but not limited to Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., and Oppenheimer Time Fund, Inc., the three investment companies whose shares are purchased under the Programs. Since January 1, 1977, the Custodian has delegated to Hamilton all recordkeeping and administrative functions which theretofore had been performed by Investment Companies Services Corporation ("Old Agent"), and since January 1, 1979, the Custodian has

delegated such functions to Services. The Old Agent was never an affiliated person or agent of Applicant. As compensation for services rendered by the agent, the Custodian has heretofore paid to the Old Agent all service fees, other than certain administrative service fees paid by the Custodian to reimburse Applicant for costs and expenses actually incurred in connection with supplying certain administrative services ("Administrative Service Fees"), payable by the planholders under the Programs. The Custodian has agreed to pay all of such service fees (other than the Administrative Service Fees) to the New Agents for their services as agent as provided in the Service Agreements relating to the Programs among the Custodian, Hamilton and the Applicant. Applicant represents that the Service Agreements for the Programs are identical in all material respects and are not materially different from the agreements under which the Old Agent acted as the Custodian's agent prior to January 1, 1977.

Section 26(a)(2)(C) of the Act provides, in relevant part, that "no payment to the depositor of or a principal underwriter for such [registered unit investment] trust, or to any affiliated person or agent of such depositor or underwriter, shall be allowed the trustee or custodian as an expense (except that provision may be made for the payment to any such person of a fee, not exceeding such, reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services, of a character normally performed by the trustee or custodian itself; * * *"

Applicant submits that the amounts currently payable to its affiliate pursuant to the Service Agreements for acting as agent of the Custodian are reasonable within the meaning of Section 26(a)(2)(C) of the Act. Applicant states that the Custodian fees here involved are within the range of such fees being charged in the industry and were negotiated at arm's length with the Custodian and the Old Agent, neither of which is affiliated with Applicant or Hamilton. Applicant represents that at the time Custodian charges were negotiated, Applicant did not contemplate that it or any of its subsidiaries would assume the administration of the Programs at any future time. Applicant states that Hamilton realized profits of about $200,000 and $57,000 from Custodian fees amounting to about $565,000 and $444,000 in 1977 and 1978, respectively, and that it is anticipated that Services will realize a lesser profit in 1979, and will incur losses in 1980 and 1981 from the fees currently in effect. Applicant further states that the services of its affiliates will continue to be performed at a loss which cannot be accurately quantified at the present time in each subsequent year until the plans of the three Programs are substantially terminated by April 30, 1994. Applicant anticipates that the aggregate amount of such losses will exceed the amount of New Agents' profits as agent for the Custodian derived in the years 1977 through 1979 and contends that the making of a profit in the circumstances should not adversely affect the determination that the payments in question are reasonable within the meaning of Section 26(a)(2)(C) of the Act. Applicant also contends that there are certain advantages to planholders in remaining as such rather than withdrawing from the Programs and becoming direct holders of shares of the relevant investment company.

Applicant has submitted undertakings that if the order applied for is granted: (a) So long as any affiliated person of Applicant is acting as agent for the Custodian, Applicant and such agent will not participate in or receive any part of any increase in Custodian fees or charges of any of the Programs unless and until receipt thereof is permitted by order of the Commission or is authorized under statutes or rules then in effect; (b) Applicant or an affiliate of Applicant will continue to act as agent for the Custodian in connection with the Programs unless and until another agent satisfactory to the Commission and the Custodian has agreed to take over and perform the services of such agent; (c) a letter or other notice will be sent to planholders advising of their right to withdraw shares and become a direct shareholder in the underlying investment company and thereby avoid future Custodian charges; and (d) neither Applicant nor any of its subsidiaries will retain a profit for acting as agent of the Custodian of the Programs for any years commencing January 1, 1981 and thereafter; in the event that a profit in any full year commencing after December 31, 1980, is earned by the Applicant or any of its affiliates for acting as Custodian's agent for the Programs, such profit will be credited to the planholders of the Programs by a reduction in the Administrative Service Fees charged to such planholders in the year following the year in which such profit is earned. In addition, Applicant represents that it will continue to have independent certified public accountants review on an annual basis the allocation of expenses of Services to assure that costs are properly allocated in accordance with written procedures that are fair and consistent with applicable agreements with the various mutual funds and unit investment trusts.

Notice is further given that any interested person may, not later than November 26, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-34979 Filed 11-9-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-16320; File No. SR-PSE-79-15]

Pacific Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on October 25, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as folows:

Statement of the Terms of Substance of the Proposed Rule Change

The most important terms of the proposed rule change are summarized below. In addition, the proposed rule

change has necessitated minor changes in the following sections of the Constitution, in order to assure their conformity with the amended text; Article II §§ 5, 7 and Article III § 4(d).

The full text of the proposed rule change is attached as Exhibit I–A to this Notice. (Brackets indicate deletions, italics indicate new material.)

Article "Seventh" of the Certificate of Incorporation

This article is amended to provide for a Chairman of the Board who is not elected and is a member of the Board of Governors by reason of his office.

Article II, Sec. 1(a) of the Constitution

This section would be amended to increase the size of the Board of Governors from fifteen to sixteen with the addition of a non-elected Chairman of the Board.

Article II, Sec. 2 of the Constitution

This section is ameded to provide for a full-time paid Chairman, appointed by the Board of Governors, who shall act as the Chief Executive Officer of the PSE. The Chairman of the Board shall not engage in any other business during his incumbency except with the approval of the Board. The Chairman may call meetings of the Executive Committee. The Chairman shall not be a member of the Exchange or a partner or voting stockholder of a member firm of the Exchange, and if the Chairman has such a position prior to appointment the Chairman shall terminate such position under conditions approved by the Board of Governors.

Article II, Sec. 3(a) of the Constitution

This section is amended to enable the Vice Chairman to call meetings of the Board or Executive Committee when he deems it necessary, or if requested by any three governors, and to nominate persons to fill any vacancy occurring on the Board of Governors or the Nominating Committee. The Vice Chairman shall be a member, ex officio, of all committees of the Exchange, except the Nominating Committee.

Article II, Sec. 3(b) of the Constitution

This new section provides for a Vice Chairman elect who shall be a member of the Executive Committee, and after serving a one-year term as Vice Chairman elect shall succeed to the position of Vice Chairman.

Article II, Sec. 4(a) of the Constitution

This section is amended to require the President, if a member of the Exchange or a partner or voting stockholder of a member firm prior to appointment, to terminate such position under conditions approved by the Board of Governors.

Article II, Sec. 4(b) of the Constitution

This section would be amended to provide that the President shall be the Chief Operating Officer of the Exchange.

Article II, Sec. 6 of the Constitution

This new section provides for an Executive Committee which shall consist of the Chairman of the Board, the Vice Chairman, the Vice Chairman elect, and the President. The Executive Committee shall have and may exercise all the powers and authority of the Board in management of the business and affairs of the Exchange but shall not have the power or authority of the Board in reference to amending the Certificate of Incorporation, adopting an agreement of merger or consolidation, recommending to the members the sale, lease or exchange of all or substantially all of the Exchange's property and assets, recommending to the members the dissolution of the Exchange or a revocation of a dissolution, or amending the Constitution or Rules of the Exchange.

Article III, Sec. 2(a) of the Constitution

This section is amended to provide that at each annual meeting the Vice Chairman elect shall become Vice Chairman.

Article III, Sec. 3(b) of the Constitution

This section is amended to provide for a special meeting of the Exchange to fill a vacancy if one occurs in the position of Vice Chairman elect.

Article III, Sec. 3(c) of the Constitution

This section would be amended to provide that in the event of a vacancy on the Board of Governors or the Nominating Committee the Vice Chairman shall nominate a person to fill such vacancy, which nomination may be approved or disapproved by a majority vote of the Governors then in office.

Article III, Sec. 5(a) of the Constitution

This section would be amended to include the Vice Chairman in the Proxy Committee and remove the President from the Proxy Committee.

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change will enable the PSE to carry out its responsibilities as a national securities exchange more effectively by providing for the establishment of a full-time, paid Chairman and a Vice Chairman elect, and defining the responsibilities of the Chairman, Vice Chairman, Vice Chairman elect, President, and Executive Committee. The Proposed rule change relates, specifically, to §§ 6(b)(1), (3), and (5) of the Securities Exchange Act, requiring that the exchange be capable of carrying out the purposes of the Act, that its rules assure a fair representation of its members in the selection of its directors and administration of its affairs, and the protection of investors and the public interest.

Comments have neither been solicited nor received from members, participants or others on the proposed rule change.

The proposed rule change imposes no burden on competition.

On or before December 18, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be availabe for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by December 4, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 5, 1979.

Exhibit I–A

Article "Seventh" of the Certificate of Incorporation of Pacific Stock Exchange Inc.

The business and affairs of the Corporation shall be managed by and vested in a Board of Governors. The Board of Governors shall initially consist of the incorporators, and they shall be replaced or reelected in accordance with the By-Laws. The number of the

members of the Board of Governors shall be as fixed in the By-Laws. The By-Laws may provide that the members of the Board of Governors, other than *the Chairman of the Board and* the President, who [is] *are* [an] ex officio members by reason of [being President of the Corporation] their respective offices shall be divided into three classes, with the term of office of each class to expire at successive annual meetings of the Corporation. The *Chairman of the Board and the* President, notwithstanding any such classification, shall serve as [a] members of the Board of Governors for such term as provided in the By-Laws. [The By-Laws may provide that one member of each class of the Board of Governors shall not be elected at each annual meeting until such time as the Board of Governors has elected persons to fill such vacancies or has instructed the Nominating Committee to nominate candidates for such vacancies. Such vacancies in each class shall be for the purpose of electing persons to the Board of Governors who are representatives of the public and who are not, or are not affiliated with, any broker-dealer in securities.] *One member of the Board of Governors in each class shall be a representative of the public who is not, and is not affiliated with, any broker-dealer in securities.*

Article II—Government

Board of Governors

Sec. 1(a) The government of the Exchange shall be vested in a Board of Governors (herein sometimes called "the Board") consisting of fourteen elected Governors, and *the Chairman of the Board and* the President of the Exchange, provided that three of the elected Governors shall be representatives of the public and shall not be, or be affiliated with, a broker or dealer in securities. *If at any time the position of the Chairman or President is unfilled by a person duly appointed to such position by the Board of Governors, the number of members of the Board of Governors shall be deemed to be reduced accordingly until such position or positions are filled.* The Board shall hold regular and special meetings at such times and at such places as it may determine. The Board may act on any matter affecting or concerning the Exchange, except as otherwise provided by the Certificate of Incorporation or this Constitution. Except where a larger vote is required under any provisions of the Certificate of Incorporation or this Constitution, the Board may act on any matter within its jurisdiction by vote of not less than a majority of the Governors voting at a meeting at which a quorum is present or *by* written consent of a majority of all Governors.

Chairman of the Board of Governors

Sec. 2. *The Chairman of the Board of Governors shall be the Chief Executive Officer of the Exchange, responsible to the Board for the management of its business affairs, and shall be the official representative of the Exchange in all public matters. The Chairman of the Board shall be appointed by the Board of Governors to serve at its pleasure and for such compensation as it may from time to time fix. The Chairman of the Board shall not engage in any other business during his incumbency except with approval of the Board, and by his acceptance of the Office of Chairman of the Board, he shall be deemed to have agreed to uphold the Constitution and Rules of the Exchange.* The Chairman of the Board [of Governors] shall preside at all meetings of the Board. He may call meetings of the Board *or Executive Committee* when he deems it necessary, and he shall call any such meeting if so requested by any three Governors. He shall, with the Vice Chairman, subject to the approval of the Board of Governors, appoint all standing and special committees of the Exchange, [except] *not including the Executive Committee and* the Nominating Committee. The Chairman of the Board shall be a member, ex officio, of all committees of the Exchange, except the Nominating Committee.

The Chairman of the Board of Governors may call meetings of the Exchange when he deems it necessary, and he shall call such meetings of the Exchange upon the direction of the Board of Governors. The Chairman shall preside at all meetings of the Exchange.

The Chairman of the Board, after taking office, shall not be a member of the Exchange or a partner or voting stockholder of a member firm of the Exchange, and if the Chairman has such position prior to appointment the Chairman shall terminate such position under conditions approved by the Board of Governors.

Vice Chairman of the Board of Governors

Sec. 3*(a)*. The Vice Chairman of the Board of Governors shall perform the functions of the Chairman in his absence or inability to act. *The Vice Chairman may call meetings of the Board or Executive Committee when he deems it necessary, and he shall call any such meeting if so requested by any three Governors. The Vice Chairman shall nominate persons to fill any vacancy occurring in the Board of Governors or in the Nominating Committee. The Vice Chairman shall be a member, ex officio, of all committees of the Exchange, except the Nominating Committee. In addition, the Vice Chairman* [and] shall perform such other functions as the Board of Governors shall designate.

Vice Chairman Elect

Sec. 3(b). The Vice Chairman elect shall be a member of the Executive Committee and, after serving a one-year term as Vice Chairman elect shall succeed to the position of Vice Chairman.

President

Sec. 4(a). There shall be a President of the Exchange appointed by the Board of Governors to serve at its pleasure and for such compensation as it may from time to time fix. The President of the Exchange, after taking office, shall not be a member of the Exchange or a partner or voting stockholder of a member firm of the Exchange, *and if the President has such a position prior to appointment the President shall terminate such position under conditions approved by the Board of Governors.*

Duties

Sec. 4(b). The President shall be the [principal executive officer] *Chief Operating Officer* of the Exchange [, and it shall be his duty to enforce the provisions of the Certificate of Incorporation, the Constitution and the Rules and to foster the general interests of the Exchange]. *The President shall not engage in any other business during his incumbency except with approval of the Board, and by his acceptance of the office of President, he shall be deemed to have agreed and he shall have agreed to uphold the Constitution and Rules.*

The President shall be a member of the Board of Governors *and a member, ex officio,* of all [appointed] committees of the Exchange, except the Nominating Committee. [He shall coordinate the activities of all committees of which he is a member in the best interests of the Exchange. He may call special meetings of the Board of Governors.] *The President shall perform such other duties as are delegated to him by the Board of Governors or the Chairman.*

Other Appointed Officers

Sec. 5. The Board of Governors shall appoint such other officers as it may from time to time desire, including, *but not limited to,* one or more Vice Presidents *(who may have different ranks and titles),* Assistant Vice Presidents, a Secretary, a Treasurer and one or more Assistant Secretaries and Assistant Treasurers. The appointed officers shall perform the customary duties of their offices subject to the direction and control of the [President] *Chairman of the Board* and of the Board of Governors.

Executive Committee

Sec. 6. The Executive Committee shall consist of the Chairman of the Board, the Vice Chairman, the Vice Chairman elect, and the President. If at any time the position of Chairman or President is unfilled, the number of members of the Executive Committee shall be deemed to be reduced accordingly until such position is filled. The Chairman of the Board shall be Chairman of the Executive Committee and shall preside over its meetings, but in the absence of the Chairman the Vice Chairman shall preside over the meetings of the Executive Committee. The Executive Committee shall have and may exercise all the powers and authority of the Board in the management of the business and affairs of the Exchange in the absence of a resolution of the Board of Governors limiting the power of the Executive Committee, except it shall not have the power or authority of the Board in reference to amending the Certificate of Incorporation, adopting an agreement of merger of consolidation, recommending to the members the sale, lease or exchange of all or substantially all of the Exchange's property and assets, recommending to the members the dissolution of the Exchange or a revocation of a dissolution, or amending the Constitution or Rules of the Exchange.

Transition Provision

Sec. 7. At the first annual meeting following the effectiveness of the amendments to the Constitution approved at the Special Meeting on October 17, 1979 ("1979 Amendments"), a Vice Chairman elect shall be elected to serve for a term of one year from the date of election and until his

successor is elected and qualified. If the 1979 Amendments become effective before the annual meeting in 1980, until such time as the position of Chairman is filled or until the 1980 Annual Meeting, whichever is earlier, the person who is presently Chairman would retain the title of Chairman, and would perform the duties of Chairman, as such duties were constituted prior to the effectiveness of the 1979 Amendments, and the person who is presently Vice Chairman would retain the title of Vice Chairman and would perform the duties of Vice Chairman as those duties were constituted prior to the effectiveness of the 1979 Amendments, but at such time as the position of Chairman is filled the person who is presently Chairman would become Vice Chairman, with the duties of that office as provided in the 1979 Amendments; and the person who is presently Vice Chairman would become Vice Chairman elect, with the duties of that office as provided in the 1979 Amendments, and such person would become Vice Chairman at the 1980 Annual Meeting. If the 1979 Amendments become effective after the 1980 Annual Meeting, and the position of Chairman has not yet been filled, until such time as the position of Chairman is filled the Vice Chairman (who, after the 1980 Annual Meeting, would be the person who is presently Vice Chairman) would have the title of Chairman and would perform the duties of Chairman, as such duties were constituted prior to the effectiveness of the 1979 Amendments, and the person who is elected at the 1980 meeting as Vice Chairman elect would have the title of Vice Chairman and would perform the duties of Vice Chairman as those duties were constituted prior to the effectiveness of the 1979 Amendments, but at such time as the position of Chairman is filled the titles and duties of the Vice Chairman and the Vice Chairman elect would be as provided in the 1979 Amendments. Until the position of Chairman is filled the President will be the Chief Executive Officer as well as the Chief Operating Officer.

Article III—Elections, Meetings, Term of Office, Proxies

Annual Election of Governors

Sec. 2(a). The elected Governors shall be divided into three classes, two of which shall be composed of five Governors, and one of which shall be composed of four Governors. At the annual meeting at which the size of the Board of Governors is expanded from thirteen to fifteen, five persons will be elected to serve until the annual meeting held in the [second] *third* year following the year of election, and one person will be elected to serve until the annual meeting held in the second year following the year of election, and one person will be elected to serve until the annual meeting held in the first year following the year of election. Except for the Governors elected, as provided above, for terms less than three years, the Governors elected in each class shall serve until the annual meeting held in the third year following the year of election. The four Governors composing Class I shall have terms expiring at the annual meeting in 1978, and the terms of Governors in Class I shall expire each three years thereafter. The five Governors composing Class II shall have terms expiring at the annual meeting in 1979, and the terms of Governors in Class I shall expire each three years thereafter. The five Governors composing Class III shall have terms expiring at the annual meeting in 1980, and the terms of Governors in Class III shall expire each three years thereafter. [There shall also be elected at each annual meeting a Chairman and a Vice Chairman of the Board to serve for one year from the date of election. The elected Chairman shall be one of the Governors presently in office and the Vice Chairman shall be one of the Governors presently in office or one of the newly elected Governors.] *Also at each annual meeting the Vice Chairman elect shall become Vice Chairman and a Vice Chairman elect shall be elected to serve for one year from the date of election, and until his successor is elected and qualified. The Vice Chairman elect shall be one of the Governors presently in office with at least one year remaining in his term, or one of the newly elected Governors.*

Vacancy *Vice* Chairman or Vice Chairman *Elect*

Sec. 3(b). In the event of a vacancy in the office of [Governor elected to serve as Chairman or] Vice Chairman *or Vice Chairman elect*, a new election shall be held to fill such vacancy for the unexpired term at a special meeting of the Exchange.

Vacancy Other Elected Offices

Sec. 3(c). *In the event of a* [A] vacancy [in any elected office other than Chairman or Vice Chairman shall be filled with an eligible candidate by a majority vote of the Governors then in office] *on the Board of Governors or the Nominating Committee, the Vice Chairman shall nominate a person to fill such vacancy, which nomination may be approved or disapproved by a majority vote of the Governors then in office. A vacancy in any elected office other than those described in Sec. 3(b) above and other than that of a member of the Board of Governors or Nominating Committee, shall be filled with an eligible candidate by a majority vote of the Board of Governors.*

Nominating Committee Duties

Sec. 4(d). The Nominating Committee shall hold at least one meeting not less than thirty-five days prior to the date of the election. Notice of the time and place of each such meeting shall be posted on the bulletin boards of the Floors of the Exchange and shall be sent to each member and member firm of the Exchange not less than five days prior to the date of such meeting.

At meetings of the Nominating Committee any member or allied member of the Exchange shall have the right to submit, either in person or by letter signed by him[,] recommendations to said Committee for nominees to fill the vacancies on the Board of Governors of the Exchange and for candidates for the Nominating Committee.

The Committee shall report to the Exchange not less than thirty days prior to the election the name of one nominee eligible for each vacancy on the Board of Governors *designating which nominee is nominated for the position of Vice Chairman elect, or stating a nominee for Vice Chairman elect if an incumbent Governor is being nominated for the position*, and the names of thirteen nominees eligible for the nine vacancies on the Nominating Committee.

The Secretary of the Exchange shall immediately post such names on the bulletin boards of the Exchange and shall, within three business days thereafter, mail to each member of the Exchange the names of the persons [so] *as* nominated.

Notice of Election, Proxy and Voting

Sec. 5(a). Promptly after the names of all the nominees have been reported to the Exchange, the Secretary of the Exchange shall mail to each member a notice of the election setting forth instructions for voting by proxy and enclosing a proxy. The proxy shall direct a proxy committee composed of the Chairman of the Board, the Chairman of the Nominating Committee and the [President] *Vice Chairman* or such other persons as the Board shall select[,] to vote in accordance with the instructions contained in the proxy. Any member who has not voted by proxy may vote in person or by proxy at the meeting.

[FR Doc. 79-34983 Filed 11-9-79; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 08/08-0039]

Associated Capital Corp.; Filing of an Application for Approval of a Conflict-of-Interest Transaction

Notice is hereby given that Associated Capital Corporation (ACC), 5151 Bannock Street, Denver, Colorado 80217, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1979)) for an exemption from the provisions of the conflict of interest regulation.

This exemption, if granted, will permit ACC to provide financing in the amount of $134,000 to D&R, Inc. (d/b/a Circle Super No. 1) a retail grocery, to assist in the purchase of equipment and inventory.

Mr. Dale Duncan, one of the major stockholders in D&R, Inc., is a director of Associated Grocers of Colorado, Inc. (A.G.), the parent company of the ACC.

Pursuant to Paragraph (f) of the definition of "Associate of a Licensee" in § 107.3 of the Regulations, Mr. Duncan is considered to be an Associate of ACC. As such, the transaction will require an exemption to Section 107.1004(b)(1) of the Regulations.

Notice is hereby given that any person may, no later than November 28, 1979, submit to the Small Business Administration, in writing, relevant

comments on the proposed transaction. Any such communications should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Denver, Colorado and Colorado Springs, Colorado.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: October 30, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-34828 Filed 11-9-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held on December 5-7, 1979, in Conference Rooms 9A-B-C, DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fourth Meeting held August 20-22, 1979; (3) Review Third Draft of Minimum Operational Performance Standards for MLS; (4) Working Groups Meet in Separate Sessions; (5) Reports on Working Group Activities; and (6) Other Business. Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N. W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committtee at any time.

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

A. P. Albrecht,

Associate Administrator for Engineering and Development.

[FR Doc. 79-34934 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-79-20]

Pend Oreille Valley; 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 Pend Oreille Valley Railroad (POVR) 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 POVR 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 POVR 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 adversly 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-79-20, 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 December 28, 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, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary. 49 CFR 1.49(d).

Issue in Washington, D.C. on November 5, 1979.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-34823 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-79-19]

San Francisco Belt 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 San Francisco Belt Railroad (SFB) 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 SFB 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 SFB 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-79-19, 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 December 28, 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, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary. 49 CFR 1.49(d).

Issued in Washington, D.C. on November 5, 1979.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-34822 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-79-18]

South Central Tennessee 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 South Central Tennessee Railroad (SCT) 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 SCT 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 fifteeen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The SCT 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-79-18, 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 December 28, 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, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C. on November 5, 1979.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-34821 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-79-17]

Yakima Valley Transportation 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 Yakima Valley Transportation Company (YVT) 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 YVT 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 YVT 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 adversly 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 no appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-17, 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 December 21, 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, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary. 49 CFR 1.49(d).

Issued in Washington, D.C. on November 5, 1979.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-34820 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP79-12; Notice 1]

Hyosung (America) Inc.; Receipt of Petition for Determination of Inconsequential Noncompliance

Hyosung (America) Inc. of New York City, New York, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5(b) of Standard No. 119 requires tires to be marked with the tire identification number required by 49 CFR Part 574 and S6.5(b) requires them to be labeled with "the actual number of plies . . . in the sidewall. . . ." Hyosung has imported and distributed 2000 "Aurora-F8 1000-20 Load Range F" truck tires that lack marking indicating the week and year of manufacture (the 19th week of 1979) and 200 of these also lack the number of nylon tread plies (10) and nylon plies (8). Notwithstanding the filing of a petition Hyosung is attempting to correct the noncompliance of tires in the hands of its dealers, as well as on 14,553 additional tires in its own possession. All other information is said to be correct and petitioner believes that its noncompliances are inconsequential as it relates to motor vehicle safety since in its opinion manufacturing dates are unimportant, and the model number of the tire is clearly understood by the dealer.

Interested persons are invited to submit written data, views and arguments on the petition of Hyosung (America) Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: December 12, 1979.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1480 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.1)

Issued on: November 5, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-34825 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-59-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 1:30 p.m., November 30, 1979, in the offices of the Seaway Corporation, 800 Independence Avenue, SW., Washington, D.C. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review of Programs and Operations; and Closing Remarks.

Attendance is open to the interested public, but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than November 28, 1979, and information may be obtained from Robert D. Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591; 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued in Washington, D.C., on November 2, 1979.

D. W. Oberlin,

Administrator.

[FR Doc. 79-34897 Filed 11-9-79; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 79-291); FIS-9-05-A:A:0]

Reimbursable Services—Excess Cost of Preclearance Operations

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with pay period beginning November 18, 1979.

Installation	*Biweekly excess cost*
Montreal, Canada	$14,326
Toronto, Canada	23,610
Kindley Field, Bermuda	7,963
Nassau, Bahama Islands	20,330
Vancouver, Canada	8,051
Winnipeg, Canada	1,835
Freeport, Bahama Islands	14,575
Calgary, Canada	6,979

Jack T. Lacy,

Comptroller.

[FR Doc. 79-34890 Filed 11-9-79; 8:45 am]

BILLING CODE 4810-22-M

Melamine in Crystal Form From Italy; Antidumping: Withholding of Appraisement Notice

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that there are reasonable grounds to believe or suspect that there are sales of melamine in crystal form from Italy at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Sales at less than fair value generally occur when the 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.) Appraisement for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested persons are invited to comment on this action.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Trade Analysis Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On March 23, 1979, information 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 Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from Italy are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (the "Act"). An "Antidumping Proceeding Notice" indicating that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the Federal Register of May 1, 1979 (44 FR 25555).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA).

Tentative Determination of Sales at Less Than Fair Value

On the basis of the information developed in Customs' investigation and for the reasons stated below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of melamine in crystal form from Italy is less than the fair value, and thereby the

foreign market value, of such merchandise.

Statement of Reasons on Which This Determination Is Based

a. *Scope of the Investigation.* It appears that 100 percent of the imports of the subject merchandise from Italy sold for export to the United States during the investigatory period (November 1, 1978, through April 30, 1979) were sold by Montedison, S.p.A. The investigation therefore was limited to this company.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price and the home market price of such merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all United States sales were made to unrelated customers prior to the exportation of the merchandise.

Home market price, as defined in § 153.2. Customs Regulations (19 CFR 153.2), was used since such merchandise appears to have been sold in sufficient quantities in the home market to provide a 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 and home market sales during the period November 1, 1978 through April 30, 1979.

c. *Purchase Price.* For purposes of this tentative determination of sales at less than fair value, purchase price has been calculated on the basis of the CIF, duty-paid price to the unrelated United States customer. Deductions have been made for ocean freight, marine insurance, U.S. inland freight, brokerage fees, duty, and foreign inland freight, were applicable.

d. *Home Market Prices.* For the purposes of this tentative determination of sales at less than fair value, the fair value has been calculated on the basis of the weighted-average price in the home market to unrelated purchasers. A deduction was made for inland freight and an adjustment was made for a packing differential. Adjustments claimed for year-end discounts and discounts for cash payment or payment in advance were not allowed because they could not be adequately quantified nor could they be directly related to the sales under consideration, as required by § 153.10, Customs Regulations (19 CFR 153.10). A claimed adjustment for technical services was not allowed since this was not directly attributable to sales under consideration as required by § 153.10, but rather was more in the nature of an expense for general research and development. A claimed adjustment for salesmen's salaries, administrative expenses, and inventory warehousing costs was not allowed since these were not directly related to the sales under consideration, as required by § 153.10.

e. *Result of Fair Value Comparisons.* Using the above criteria, purchase price appears to be lower than the home market price of such merchandise. Comparisons were made on 100 percent of the sales to the United States during the period of investigation. Margins were found on 100 percent of the sales examined. The overall weighted-average margin was 31.05 percent.

Accordingly, Customs officers are being directed to withhold appraisement of melamine in crystal form from Italy in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

If the final determination in this case is not made by December 31, 1979, then in accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), a final determination will be made no later than March 17, 1980.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be submitted to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office no later than November 27, 1979.

Such requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief. All written views or arguments likewise should be submitted to the Commissioner of Customs in 10 copies in time to be received in his office no later than December 13, 1979.

All persons submitting views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and the respondent are also requested to serve all written submissions on all other counsel, including non-confidential summaries or approximated presentations of all confidential information.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective on November 13, 1979. It shall cease to be effective 6 months from the date of publication, unless previously revoked.

Robert H. Mundheim,

General Counsel of the Treasury.

November 1, 1979.

[FR Doc. 79-34946 Filed 11-9-79; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Melamine in Crystal Form From Austria; Antidumping: Withholding of Appraisement Notice

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that there are reasonable grounds to believe or suspect that there are sales of melamine in crystal form from Austria at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Sales at less than fair value generally occur when the 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.) Appraisement for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested persons are invited to comment on this action.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Stuart S. Keitz, Trade Analysis Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On March 23, 1979, information 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 Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from Austria are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) ("the Act"). An "Antidumping Proceeding Notice" indicating that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the Federal Register of May 1, 1979 (44 FR 25555).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA).

Tentative Determination of Sales at Less Than Fair Value

On the basis of the information developed in Customs investigation and for the reasons stated below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of melamine in crystal form from Austria is less than the fair value, and thereby the foreign market value, of such or similar merchandise.

Statement of Reasons on Which This Determination Is Based

a. *Scope of the Investigation.* It appears that 100 percent of the imports of the subject merchandise from Austria sold for export to the United States during the investigatory period (November 1, 1978, through April 30, 1979) was sold by Chemie Linz A.G. The investigation therefore was limited to this company.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price and the home market price of such merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all United States sales were made to an unrelated customer prior to the exportation of the merchandise.

Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such merchandise appears to have been sold in sufficient quantities in the home market 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 and home market sales during the period November 1, 1978, through April 30, 1979.

c. *Purchase Price.* For purposes of this tentative determination of sales at less than fair value, purchase price has been calculated on the basis of the CIF, duty-paid price to the unrelated United States customer. Deductions have been made for ocean freight, marine insurance, U.S. and European inland freight, and a U.S. sales commission, where applicable.

d. *Home Market Price.* For the purposes of this tentative determination of sales at less than fair value, the fair value has been calculated on the basis of the weighted-average price in the home market to unrelated purchasers. Deductions were made for inland freight and for certain home market expenses as offsets to the commission on U.S. sales. Additions were made for differences in U.S. credit costs and packing costs. The respondent claimed that a clear preponderance of home market sales at the same price existed, and that § 153.16, Customs Regulations (19 CFR 153.16), required such price to be utilized to establish fair value, rather than a weighted-average price. However, Customs investigation determined that there was no such clear preponderance, and therefore a weighted-average home market price was employed.

e. *Result of Fair Value Comparisons.* Using the above criteria, purchase price appears to be lower than the home market price of such merchandise. Comparisons were made on 100 percent of the sales to the United States during the period November 1978, through March 1979. Margins were found on 100 percent of the sales examined. Margins ranged from approximately 7 percent to 30 percent, with an overall weighted-average of 13.43 percent.

Accordingly, Customs officers are being directed to withhold appraisement of melamine in crystal form from Austria pursuant to § 153.48, Customs Regulations (19 CFR 153.48).

If a final determination is not made by December 31, 1978, then in accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), a final determination will be made not later than March 17, 1980.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be submitted to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office no later than November 27, 1979.

Such requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief. All written views or arguments likewise should be submitted to the Commissioner of Customs in 10 copies in time to be received in his office no later than December 13, 1979. All persons submitting views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and the respondent are also requested to serve all written submissions on all other counsel, including non-confidential summaries or approximated presentations of all confidential information.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective on November 13, 1979. It shall cease to be effective 6 months from the date of publication, unless previously revoked.

Robert H. Mundheim,
General Counsel of the Treasury.
November 6, 1979.

[FR Doc. 79-34347 Filed 11-9-79; 8:45 am]
BILLING CODE 4810-22-M

Melamine in Crystal Form From the Netherlands; Antidumping; Tentative Determination of Sales at Not Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Tentative Determination of Sales at Not Less Than Fair Value.

SUMMARY: This notice is to advise the public that there is no reason to believe or suspect that melamine in crystal form from the Netherlands is being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921. Interested persons are invited to comment on this action.

EFFECTIVE DATE: November 13, 1979.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229; telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On March 23, 1979, information 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 Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from the Netherlands are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (the "Act"). An "Antidumping Proceeding Notice" indicating that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the Federal Register of May 1, 1979 (44 FR 25555).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA).

Tenative Determination of Sales at Not Less Than Fair Value

On the basis of the information developed in Customs' investigation and

for the reasons stated below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are no reasonable grounds to believe or suspect that the purchase price of melamine in crystal form from the Netherlands is less than the fair value, and thereby the foreign market value, of such merchandise.

Statement of Reasons on Which This Determination Is Based

a. *Scope of the Investigation.* It appears that 100 percent of the imports of the subject merchandise from the Netherlands sold for export to the United States during the investigatory period (November 1, 1978, through April 30, 1979) were sold by DSM. The investigation therefore was limited to this company.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price and the third country price of such merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all United States sales were made to unrelated customers prior to the exportation of the merchandise.

Third country price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such merchandise appears to have been sold in insufficient quantities in the home market to provide an adequate basis of comparison for fair value purposes. therefore, the price at which such merchandise is sold for exportation to countries other than the United States was used. In this instance, West Germany was selected as the third country market.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was sought concerning sales to the United States, sales to countries other than the United States and home market sales during the period November 1, 1978, through April 30, 1979.

c. *Purchase Price.* For purposes of this tentative determination of sales at less than fair value, purchase price has been calculated on the basis of the CIF, duty-paid, delivered price to unrelated United States customers. Deductions have been made for ocean freight, marine insurance, duty, U.S. and European inland freight, clearance costs and bank fees, where applicable.

d. *Third Country Prices.* For the purposes of this tentative determination of sales at less than fair value, the fair value has been calculated on the basis of the weighted-average price of bulk quantities to unrelated purchasers in West Germany. A deduction was made for inland freight, insurance, and a commission. Finally, an adjustment was made for differences in packing costs.

The respondent claims that the "usual wholesale quantity", as defined in section 212(4) of the Act (19 U.S.C. 170a(4)), is in bulk or tank truck quantities, and that third country price should be based on those transactions only. Since all sales to the United States were in bulk (tank truck) quantities and nearly 80 percent of sales to West Germany also were in bulk quantities, the Department has compared melamine in crystal form sold in such quantities in West Germany with that sold in the same quantities in the United States, in accordance with § 153.15 of the Customs Regulations (19 CFR 153.15). Thus, it is not necessary to address respondent's claim.

e. *Result of Fair Value Comparisons.* Using the above criteria, comparisons were made on 79 percent of the sales to the United States during the period November 1978, through March 1979. Margins of 2.5 percent were found on 7.3 percent of the sales examined; the weighted-average margin over all sales compared was 0.18 percent. This margin is considered *de minimis.*

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be submitted to the Commissioner of Customs, 1301 Constitution avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than November 27, 1979.

Such requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief. All written views or arguments likewise should be submitted to the Commissioner of Customs in 10 copies in time to be received in his office no later than December 13, 1979. All persons submitting views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and the respondent are also requested to send all written submissions to all other counsel, including non-confidential summaries or approximated presentations of all confidential information.

This tentative determination and the statement of the reasons thereof are published pursuant to § 153.34(a) of the customs Regulations (19 CFR 153.34(a)).

If the final determination in this case is not made by December 31, 1979, then in accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), a final determination will be made not later than March 17, 1980.

Robert H. Mundheim,
General Counsel of the Treasury.
November 5, 1979.

[FR Doc. 79-34948 Filed 11-9-79; 8:45 am]
BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte 334]

Car Service Compensation—Basic Per Diem Charges; Formula Revision in Accordance with the Railroad Revitalization and Regulatory Reform Act of 1976

Notice is hereby given that the Commission has released its revised formula (Rail Form H, 8-76) for the computation of car-hire charges for the railroad industry. Rail Form H, 8-76 was published in the Commission decision in Ex Parte No. 334, served August 10, 1977. The Commission has made some modifications to the formula as previously published.

The major changes to Rail Form H, 8-76 have been source changes in Schedule 1 and Footnotes to Schedule 1 to conform to the revised Rail Annual Report (Form R-2) and changes to Summary 3 to update AAR publication sources. Four other changes have been made to Rail Form H, 8-76, which are as follows:

1. Summary 1—Distribution of Car Repair Ownership Costs by Type of Freight-Train Car—a column was added to allow the adjustment to repair costs of the OT-37B car repairs.

2. Summary 6—Car Hire Rate Table—Hourly Rates—was corrected from daily to hourly rates.

3. Worksheet 4—Computation of Active Per Diem Car Days and Per Diem Days Payable—the ratio of total foreign car days to active foreign car days has been corrected for an oversight which did not include surplus days in the computation.

4. Worksheet 5—Formula for Calculating Cost of Capital—this worksheet was revised in an order served April 6, 1979 and is being incorporated into the formula.

Copies of the revised Rail Form H, 8-76 may be obtained from the Office Of The Secretary, Publications Room, Interstate Commerce Commission, Room 2229, Washington, DC, 20423.

Decided: November 2, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Gresham absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34907 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-1-M

[Ex Parte 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: November 6, 1979.

In our decisions of September 11, 18, 25, and October 2, 9, 16, 23, and 30, 1979, a 9.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload-rated traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 9.8 percent, we are requiring that the surcharge for this traffic be held at 9.5 percent. All owner-operators are to receive compensation at the 9.5-percent level. In addition, no change will be made in the existing authorization of a 1.7-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor in the existing 3.7-percent surcharge for the bus carriers.

Notice of this decision shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday at 12:01 a.m., November 9, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Gresham not participating.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base Date and Price Per Gallon (Including Tax)	
January 1, 1979	63.5¢
Date of Current Price Measurement and Price Per Gallon (Including Tax)	
November 5, 1979	100.4

Average Percent Fuel Expenses (Including Taxes) of Total Revenue		
(1) From Transportation Performed by Owner Operators (Apply to All Truckload Rated Traffic)	(2) Other (Including Less-Truckload Traffic)	(3) Bus Carriers
16.9%	2.9%	6.3%
Percent Surcharge Developed		
9.8%	1.7%	3.7%
Percent Surcharge Allowed		
9.5%	1.7%	3.7%

[FR Doc. 79-34909 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Applications for Relief

November 6, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before November 28, 1979.

FSA No. 43763, Barber Blue Sea No. 1, intermodal rates on general commodities, in containers, from ports in the Far East to rail terminals on the United States Atlantic and Gulf Coasts, by way of interchange points on the United States Pacific Coast, in its Tariff ICC BBSU 304, FMC No. 72, effective December 1, 1979. Grounds for relief—water competition.

FSA No. 43764, Asia America Line No. 1, intermodal rates on general commodities, in containers, between ports in the Far East, on the one hand, and on the other, rail terminals on the United States Atlantic and Gulf Coasts by way of interchange points on the United States Pacific Coast, in its Tariff ICC ASAU 600, FMC No. 110, and five other tariffs, effective November 28, 1979. Grounds for relief—water competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34903 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

[MC-1482]

National Motor Freight Traffic Association, Inc.; Application for Authority To Amend Released Rates Order No. MC-558

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rate Application No. MC-1482.

SUMMARY: National Motor Freight Traffic Association, Inc., seeks authority to amend Released Rates Order No. MC-558, which authorized publication of ratings in the National Motor Freight Classification on radioactive materials, articles or isotopes subject to declared or released values. The proposed amendment would expand this authority to permit the publication of commodity and exceptions rates for the transporation of the radioactive materials, articles or isotopes, at the same released values as presently published in the National Motor Freight Classification under Released Rates Order No. MC-558.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. William W. Pugh, National Motor Freight Traffic Association, Inc., 1616 P Street, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Telephone: (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Sections 20(11), 219 and 413 of the Interstate Commerce Act.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34906 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

[MC 1483]

National Motor Freight Traffic Association, Inc.; Application for Authority To Amend Release Rates Order MC-560

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rate Application No. MC-1483.

SUMMARY: National Motor Freight Traffic Association, Inc., seeks authority to amend Released Rates Order No. MC-560, which authorized publication of ratings in the National Motor Freight Classification on lighters, cigar, cigarette or pipe, NOI subject to declared or released values. The proposed amendment would expand this authority to permit the publication of commodity and exceptions rates for the transportation of lighters, cigar, cigarette or pipe, NOI, at the same released values as presently published in the National Motor Freight Classification under Released Rates Order No. MC-560.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. William W. Pugh, National Motor Freight Traffic Association, Inc., 1616 P Street, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Telephone: (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly

Sections 20(11), 219 and 413 of the Interstate Commerce Act.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34905 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-32 (Sub-No. 8F)]

Robert W. Meserve and Benjamin H. Lacy, Trustees of the Property of Boston & Maine Corp., Debtor, Abandonment Between West Cambridge and Bedford, MA; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided October 18, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by Robert W. Meserve and Benjamin H. Lacy, Trustee of the Property of Boston and Maine Corporation of a line of railroad known as the Lexington Branch extending from railroad milepost B 4.28 near West Cambridge to the end of the line near Bedford, a distance of 10.98 miles, in Middlesex County, MA. In addition, there are 3.16 miles of other tracks involved, so that total trackage involved is 14.4 miles. A certificate of public convenience and necessity permitting abandonment was issued to Robert W. Meserve and Benjamin H. Lacy, Trustees of the Property of Boston and Maine Corporation. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I § 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than November 28, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations.

If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-34902 Filed 11-9-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 220
Tuesday, November 13, 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

[M-254, Amdt. 3; Nov. 6, 1979]

CIVIL AERONAUTICS BOARD.

Deletion of items from the November 7, 1979, meeting agenda.

TIME AND DATE: 2:30 p.m., November 7, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

7b. Docket 34774, Petitions for reconsideration of Order 79-8-53 filed by the Texas Aeronautics Commission, the Chamber of Commerce of Lamar County, Texas and the City of Paris, Texas and the appeal to this order filed by Ponca City, Oklahoma (Memo 8060-G, BDA, OCCR).

13a. Docket 36971 and 36811; Sixty Day Notice of Air New England for suspension of nonstop or single plane service in eight markets; application of Air New England for an exemption from the notice requirement (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Items 7b and 13a are being deleted from the November 7, 1979, agenda in order to allow the staff additional time for coordination. Accordingly, the following Members have voted that agency business requires that Items 7b and 13a be deleted from the November 7, 1979, agenda and that no earlier announcement of these deletions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-2204-79 Filed 11-7-79; 4:12 pm]
BILLING CODE 6320-01-M

2

U.S. COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Tuesday, November 13, 1979, 9 a.m.-12 noon; 2 p.m.-4:30 p.m. Wednesday, November 14, 1979, 9 a.m.-12 noon; 1:30 p.m.-4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Tuesday, November 13

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Staff Director's Report:
A. Status of Funds.
B. Personnel Report.
C. Office Directors' Reports.
D. Correspondence:
1. Letter from and response to Robert Mondragon, Chair, New Mexico State Advisory Committee.
2. Letter to Representative Hawkins re H.J. Res. 341.
3. Chairman Flemming's testimony on S. 1612.
4. Letters to Department of Justice officials re KKK activity.
IV. Report on Civil Rights Developments in the New England Region.
V. Transmittal of Hawaii State Advisory Committee Report on Immigration.
VI. Transmittal of Illinois State Advisory Committee Chronology on Chicago Public School Desegregation.
VII. Memo re Legality of Business Expense Deductions Incurred at Private Clubs.
VIII. Memo re Federal Agencies' responses to *Bakke* decision.
IX. Discussion of Euro-Ethnic Consultation and the Helm's Amendment.
X. Proposal for Study of EEO in Legislative Branch.
XI. Design Concept for School Desegregation Hearing.
XII. Proposal for Study of Age Discrimination in Housing.
XIII. Proposal for National Affirmative Action Project.
XIV. Review of National Immigration Report.

Wednesday, November 14, 9 a.m.-12 noon

XV. Review of Annual Report.

Wednesday, November 14, 1:30 p.m.-4 p.m.

XVI. Review of Affirmative Action Statement Update.

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division, 202-254-6697.

[S-2205-79 Filed 11-8-79; 9:39 am]
BILLING CODE 6335-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30, Tuesday, November 6, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Commission Open Meeting.

CHANGES IN THE MEETING: The following item has been deleted:

Agenda, Item No., and Subject

Broadcast—1—Subject: Notice of Proposed Rule Making to amend Section 73.653 of the Rules concerning operation of visual and aural transmitters of TV stations.
Summary: Amendment of the Rule which provides that the aural and visual transmitters of a TV station shall not be operated separately or to present different and unrelated program material, to provide that, during early morning hours when the station normally would otherwise be off the air, visual informational programming (news, weather, financial, sports) may be presented with either audio background music or no audio.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: November 6, 1979.

[S-2207-79 Filed 11-8-79; 11:32 am]
BILLING CODE 6712-01-M

4

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR, 64165, November 6, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Friday, November 9, 1979.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Issues concerning eligibility of an individual for election as Class B Director of a Federal Reserve Bank.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: November 7, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-2206-79 Filed 11-8-79; 9:55 am]

BILLING CODE 6210-01-M

5

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2:00 p.m., Monday, November 19, 1979.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION: William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone (202) 254-9430.

Dated, Washington, D.C. November 7, 1979.

By direction of the Board.

George A. Leet,

Associate Executive Secretary, National Labor Relations Board.

[S-2209-79 Filed 11-8-79; 12:45 pm]

BILLING CODE 7545-01-M

6

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 2 p.m., Thursday, November 15, 1979. [NM-79-40]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

Briefing by National Highway Traffic Safety Administration on Federal Motor Vehicle Safety Standard 208: Occupant Crash Protection.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-0472-6022.

November 8, 1979.

[S-2211-79 Filed 11-8-79; 3:42 pm]

BILLING CODE 4910-58-M

7

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 64165

TIME AND DATE: Thursday, November 8, 1979.

PLACE: Commissioners' Conference Room, 1717 H street NW., Washington, D.C.

STATUS: Open (Changes).

MATTERS TO BE CONSIDERED:

9:30 a.m.

1. Briefing by IE on TMI Lessons Learned is cancelled.
2. Affirmation Session is cancelled.

1:30 p.m.

Briefing on TMI Lessons Learned Report if cancelled.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Dated: November 7, 1979.

Roger M. Tweed,

Office of the Secretary.

[S-2210-79 Filed 11-8-79; 3:03 am]

BILLING CODE 7590-01-M

8

POSTAL SERVICE.

During its November 6, 1979, meeting the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the meeting. The portion to be closed was to involve a discussion concerning adjustments in the compensation of the officers of the Postal Service, in view of salary increases that had recently taken effect for other senior Federal officials.

The Board determined, pursuant to 5 U.S.C. 552b(c)(6), that the portion of the meeting to be closed was exempt from the open meeting requirement of the Sunshine Act on the grounds that the public interest did not require otherwise and that the portion to be closed was likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

The members of the Board voting in favor of closing this portion of the meeting were: Messrs. Wright, Allen, Camp, Ching, Hardesty, Robertson, Sullivan, Bolger, and Conway.

Prior to the November 6 meeting, the Board of Governnors gave due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the Federal Register on October 30, 1979, (44 FR 62400). On November 6, the Board determined by a unanimous vote that a change in the proposed agenda and the earlier plan to conduct the entire meeting in the open was required by the business of the Board and that no earlier announcement of the change was possible.

In accordance with 5 U.S.C. 552b(f)(1), the General Counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation pursuant to 5 U.S.C. 552b(c)(6).

The persons who attended this closed portion of the meeting were Board Members Wright, Allen, Camp, Ching, Hardesty, Robertson, Sullivan, Bolger and Conway.

Louis A. Cox,

Secretary.

[S-2208-79 Filed 11-8-79; 11:32 am]

BILLING CODE 7710-12-M

Tuesday
November 13, 1979

Part II

Department of Transportation

Federal Aviation Administration

Plan to Permit Additional Flightcrew Training in Advanced Flight Training Simulators

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 121

[Docket No. 19758; Notice No. 79-18]

Plan to Permit Additional Flightcrew Training in Advanced Flight Training Simulators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This NPRM proposes to permit expanded training, checking, and certification of flight crewmembers in advanced flight training simulators. This action will encourage operators to upgrade their simulators and perform a higher percentage of training in simulators so that the total scope of flightcrew training will be enhanced. The results of this action include substantially improved safety, fuel conservation, and a reduction of airport congestion. In addition, this action proposes a regulatory alternative which could result in significant cost savings for air carriers.

DATE: Comments must be received on or before January 14, 1980.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 19758; 800 Independence Avenue S.W., Washington, D.C. 20591; or be delivered in duplicate to: Room 916, 800 Independence Avenue S.W., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 19758. Comments may be inspected at Room 916 between 8:30 and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue S.W., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All comments received on or before January 14, 1980, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM's

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

Discussion of the Proposed Rule

Background

As the state-of-the-art in simulator technology advances, more effective use has been made of the aircraft simulator in training, checking, and certification of flight crewmembers. Simulators can provide more indepth training than can be accomplished in the aircraft with a very high percentage of transfer of learning to the aircraft. The desirability of good simulation is overwhelming. Its benefits to training include the following:

- Who can be trained?
  - Entire flightcrew
  - Individual flight crewmembers
- What can be trained?
  - Normal operations procedures
  - Abnormal operations procedures
  - Emergency procedures
  - Any weather condition
  - Any lighting condition
  - Any airport location
  - Training situations which would be impossible or unsafe to conduct in the aircraft, such as wind shear, blown tire on landing, etc.
- When can training occur?
  - 24 hours a day
  - Any day of the year
- Where can the training take place?
  - Any location that can house the simulator

All of this adds up to training flexibility with maximum safety. In addition, the use of simulators in lieu of the aircraft results in great cost reductions for the operator and achieves the benefit of fuel conservation and a decrease in airport noise.

During the last 25 years, as simulator technology has improved, changes to the Federal Aviation Regulations (FAR) were made to permit the increased use of simulators in air carrier training programs. FAA acknowledgment of the value of simulator training began in 1954 when air carriers were allowed to perform all but four proficiency maneuvers in a simulator. From this beginning, the FAA has continued to promote, evaluate, and regulate the use of simulation in aviation. In the late 1960's, visual attachments appeared on the market. Since that time, a breakthrough in computerization has permitted the development of computer-generated image (CGI) visual systems. In December 1973, FAR Amendments 61-62 and 121-108 were issued which allowed additional training in visual simulators. Because many training maneuvers, such as engine failure on takeoff and visual approaches, require visual cues to provide the necessary training, these amendments resulted in reducing aircraft flight training to approximately 1½ hours for an airline transport pilot certificate. The 1½ hours of actual flight time was necessary to train the pilot to land the aircraft from a visual and instrument approach and to become familiar with the feel of the aircraft prior to the FAA certification check. A 1978 amendment to § 121.439 of the FAR permitted a simulator approved for the landing maneuver to be substituted for the aircraft in a pilot recency of experience qualification. The landing maneuver approval program associated with this rule change and its associated simulator approval criteria constituted a significant step toward the optimum use of aircraft simulators in flight training and checking.

The FAA has historically found, however, that the quality of training simulation in the United States is directly proportional to the quality required for FAA training approval. Due to the cost of simulator upgrading, early simulators, which were approved for certain training maneuvers, were used in the industry long after simulator technology had outdated them. It became apparent to the FAA that simulator approval criteria had to develop along with simulator technology to ensure the highest level of flightcrew training. To facilitate this, the FAA has developed simulator approval criteria

which are as objective as possible and are designed to ensure that:

1. The simulator software is programed with data which accurately represent the aircraft, the flight environment, and the ground environment;

2. The simulator hardware accurately represents the aircraft, provides minimal electronic interference (noise) to the computer software, and provides a fast rate of transfer from input to output;

3. The motion system is smooth, responsive, and closely represents the onset motion cues of the aircraft; and

4. The visual system is responsive and the visual presentation is realistic.

The degree to which the approval criteria can ensure that these objectives are met will determine how closely the simulator represents the aircraft and the flight environment. The FAA has been seeking these objectives through a continuous program to upgrade flight training simulators. This program includes amending simulator approval criteria to reflect advancements in technology and encouraging industry investment in simulation by permitting more training and checking to be accomplished in more advanced simulators.

The FAA's recent program to upgrade and promote advanced simulation involves approval of simulators for the landing maneuver. This program would be extended to become Phase I of the FAA's Advanced Simulation Plan described in this notice. It is designed to allow landing and proficiency currency to be regained in a simulator rather than an aircraft if the simulator meets more stringent approval criteria. The landing maneuver approval program includes upgrading the total simulator as well as including ground effect and ground handling programing for better landing presentations. It also matches the performance of the simulator to that of the actual aircraft so that the previously required flight time could be eliminated in certain training areas. Advisory Circular 121-14B, Aircraft Simulator Evaluation and Approval, contains current guidance on the approval of simulators. With the development of this advisory circular, a national simulator evaluation team was formed to conduct all landing maneuver evaluations. This team of trained simulator evaluators was formed to provide standardization in the evaluation of both the objective and subjective simulator performance criteria. The program can be best described by looking at the major simulator components.

Simulator Software. Under the landing maneuver program, simulator software is evaluated by performing, in the simulator, over 50 static and dynamic tests which are contained in a specially prepared test guide. The tests are selected to ensure that the programing accurately represents the aircraft during each phase of flight and the ground and flight environments. Each test contained in the test guide should be based on, or verified with, actual aircraft flight test data. This specification is essential in that it objectively ties the simulator to a specific aircraft. A further specification for the evaluation is a multichannel recorder. It is used to record a time history of each test for later analysis and to serve as a permanent record against which recurrent simulator evaluations can be compared. The addition to the simulator approval process of actual flight test data verification and the use of a multichannel recorder has shown significant improvement in upgrading and standardizing flightcrew training simulators.

The flight test verification has encouraged the simulator and aircraft manufacturers to scrutinize the data currently available for simulator programing. This scrutiny has shown that some of the data in current simulators do not accurately reflect corresponding flight test data. When the landing maneuver approval program began, many areas of data were completely nonexistent, such as ground effect and most ground handling special effects. These data are important in presenting an accurate simulation of landing and ground maneuvers. Through data verification, the aircraft manufacturers have discovered ways to obtain such data and make them available for simulator programing. Data verification has also resulted in airlines demanding more complete and accurate data, useful in simulation, to be supplied by the aircraft manufacturers as part of new aircraft purchase agreements. The multichannel recorder requirement has provided the FAA with an objective tool for the initial evaluation of the simulator and for ensuring that changes are not made to the aerodynamic and ground handling programing without proper data verification. Correlation (within specified tolerances) of the multichannel time histories of an actual flight test and a simulator test is an objective approval specification which can be applied fairly and impartially from simulator to simulator.

Simulator Hardware. Under the landing maneuver program, simulator hardware is evaluated in a manner similar to the software program. The cockpit hardware is evaluated through functional checks of cockpit equipment. The interface between hardware and software is measured and recorded during the static portions of the software test. Simulator performance tolerances, however, have been tightened to closely match the simulator's performance to the typical performance of the aircraft. This also serves to increase the repeatability of simulator tests.

Simulator Motion System. Under the landing maneuver program, the simulator motion system is evaluated both objective and subjectively. Objectively, the motion system is put through a series of tests, such as a frequency response check, which are recorded and evaluated to determine the system's responsiveness and smoothness. The system is also subjectively evaluated to determine how accurately it represents the feel of the aircraft. As the need for ground handling and special motion effects increases, the need for a six-axis motion system also increases in order to provide a realistic simulation. A motion system which provides a realistic simulation of aircraft motion is an essential part of simulator training in air carrier aircraft. This is due to the response characteristics of air carrier aircraft to control inputs and the inherent physiological problems related to motion sensations. Without a motion system, the pilot would not experience the motion onset cues normally expected in the aircraft.

Simulator Visual System. Under the landing maneuver program, the simulator visual system is evaluated to determine its responsiveness and the realism of its visual presentation. The responsiveness can be accurately determined by recording the time between the time when a control input signal is sent to the simulator computer and the time when a visual system computer output signal is sent to the cathoide ray tube (CRT). We have found that CGI visual system iteration rates of at least 30 picture updates per second with simulator computer response times from pilot input to picture movement of less than 300 milliseconds are necessary to produce a clear presentation which does not result in pilot-induced oscillations in air carrier aircraft simulators. Since the human eye may be able to detect movements with a delay of greater than 150 milliseconds, it is desirable to reduce simulator response times to 150 milliseconds.

The realism of the visual display is evaluated both objectively and subjectively. The objective evaluation is comprised of positioning the simulator at a known point in space and comparing what can be observed from

that point with a specific requirement. For example, at 5 miles from the approach end of a runway, the runway and taxiways should be recognizable; at 2 miles the red and green threshold lights should be recognizable; etc. The subjective evaluation consists of noting how realistic the visual scene appears. This includes the ability of the system to portray a specific airport environment such as runway 22L at John F. Kennedy International Airport, specific visual conditions such as patchy fog RVR 2400, and other effects such as the landing lights or the rotating beacon reflecting off the clouds when flying in the weather.

Because of the importance of visual systems, each advancement in the realism of the visual display enhances the total effectiveness of the simulator and brings us closer to the time of total simulator training and checking. By expanding the criteria for approving simulators in the landing maneuver approval program, the FAA has seen a dramatic improvement in the quality of the simulators upgraded to meet the criteria. From this experience and an analysis of FAA studies conducted under Exemption Nos. 2381 (captain upgrade training) and 2621 (transition training), the FAA has concluded that advanced simulation training is possible. Advanced simulation, however, will require even further expanded simulator approval criteria.

In looking toward the future and toward advanced training simulation, the FAA has had to consider the training requirements of the future and how the simulator should be designed to accomplish this training. National Transportation Safety Board (NTSB) Accident Statistics[1] show that 48.3 percent of all air carrier accidents are caused by or related to adverse weather conditions. Further, the number of accidents caused by crew coordination problems has remained about constant for the past 10 years. During the same time frame total accidents have decreased by approximately two-thirds. FAA therefore believes that training of the future should emphasize crew coordination and pilot judgement, and simulator training programs should require more realism in their presentation of both normal and abnormal flight conditions. Current training programs emphasize the accomplishment of specific flight maneuvers and operating procedures by individual flight crewmembers. For this type of training, simulators need only represent the aircraft in specific training environments and for specific ground and flight maneuvers. However, as training concepts shift toward a crew concept of training and checking, where training is needed in varying training environments such as those encountered in line operations, the simulators will need to be designed for more generalized use. The more generally applicable simulators will require substantial additional environment and aircraft performance programing, six degree motion systems, and visual systems which can accurately display varying times of day and weather conditions from rain and snow to clear and dry.

[1] NTSB Annual Review of Aircraft Accident Data, U.S. Air Carrier Operations 1977 report number NTSB-ARC-78-2.

Discussion

The FAA is considering rule making which will provide guidelines and a means for achieving nearly total flightcrew training, checking, and certification in advanced simulators. In addition to the creation of a new Appendix H to Part 121, amendments to § 61.157 of Part 61 and § 121.407 of Part 121 are being proposed. The amendments to § 61.157 and § 121.407 will permit expanded use of simulators in training, checking, and certification for operators who use an advanced flight training simulator as part of an approved Part 121 training program or its equivalent. The requirements for an advanced training simulator are outlined in a new Appendix H to Part 121. Appendix H outlines the FAA three-phase Advanced Simulation Plan and lists the simulator and visual requirements for each phase. The following presents a general analysis of the benefits of expanding the use of simulation through the Advanced Simulation Plan:

Safety. In the past few years significant developments in simulator technology have made it possible to realistically simulate a specific aircraft and its ground and flight environment. By taking advantage of the capabilities of state-of-the-art simulators, flightcrew training could be upgraded from a strictly maneuver/procedures-oriented program to a program where crewmembers can also gain experience in dealing with abnormal flight, system, and environmental situations. This can be illustrated by looking at current flightcrew training. Current flightcrew training is based on the maneuvers which have been historically conducted in the aircraft. These maneuvers include stalls, steep turns, instrument approaches, aircraft engine and system failures, etc. Since current training is based on what can be accomplished in an aircraft, the training has to be procedurally oriented and designed to avoid placing the aircraft in an unsafe condition. Simulators can provide this training and permit aircraft engine and system failures training to be conducted safely so that, for example, training in a critical-field-length engine failure on takeoff maneuver can be realistically conducted. Simulators have been designed, however, to provide the same types of manuever training that have been historically conducted in the aircraft and are not capable of providing improved types of training in different flight environments, such as thunderstorms, icy runways, etc. A review of NTSB accident statistics has shown that pilot error and adverse weather conditions are the primary causes of most air carrier accidents. This review has revealed that it is not the pilot's ability to control the aircraft or fly a specific maneuver but rather the ability of the crew to deal with the abnormal flight situation which causes the accidents. Improved training in advanced simulators could be the most significant means for reducing these types of accidents. Under the Advanced Simulation Plan, the simulators will have the capability to be programed to represent a full range of aircraft flight conditions as well as specific aircraft accidents in abnormal environmental conditions. In this way flightcrews could experience a far-ranging set of flight environments and malfunctions. This could assist the crew in making proper judgments when abnormal situations occur in flight. Safety could, therefore, be enhanced dramatically. Without upgrading simulators, upgrading training to this extent will be impossible.

Safety could also be greatly increased because advanced training simulators can provide training without the risk of aircraft training accidents. Since 1962 U.S. air carriers have experienced 67 training accidents of which 6 were fatal accidents. In the future, training accidents could be avoided through advanced simulation.

Energy Evaluation. As a result of information available to the FAA, it is estimated that 32,000,000 gallons of fuel could be saved per year if air carriers could use advanced flight training simulators in lieu of aircraft for transition and upgrade training. Over 65,000,000 gallons could be saved per year if the proposed advanced simulation plan were fully implemented. These figures are based on 1979 training and nonrevenue flight hours utilized by air carriers. Actual fuel savings will depend on the number of Part 121 and other operators who elect to upgrade their simulators.

Environmental. While it is impossible to accurately determine the environmental impact of the advanced simulation plan due to its permissive nature, it is certain that all impacts would be beneficial. Air carriers estimate that over 39,000 hours of flight training time in large turbojet aircraft will be logged during 1979. This training is almost always conducted at low altitudes near major metropolitan airports.

Economic. As a result of the economic and energy benefits which will result from this proposal, there is no economic burden imposed on the industry, the government, or the private sector by this action. This notice proposes a regulatory alternative which could result in economic savings for industry. This is consistent with Executive Order 12044. Economics do, however, play an important role in an operator's decision to upgrade its simulators according to the advanced simulation plan.

Basically, the operator must balance the cost of upgrading its simulators, including the value of the safety and training benefits of using advanced simulators, against the aircraft operating costs, time out of revenue service of the aircraft, aircraft scheduling and maintenance problems, etc. Cost involved in flying the aircraft vary from operator to operator depending, for example, on the type of aircraft involved, the number of crewmembers who require certain types of training, union contracts, and training base location. Costs for upgrading a simulator will also vary depending on the aircraft type and the condition of the simulator prior to upgrade. Over $35,000,000 per year could be saved by the U.S. air carriers in fuel costs alone under Phase III of the Advanced Simulation Plan.

The proposed rule will encourage simulator upgrade by permitting more training and checking in more advanced simulators. Therefore, each phase of the Appendix H Advanced Simulation Plan will have tighter simulator and visual requirements while permitting more training and checking to be conducted in a simulator. A simulator upgraded to the requirements specified in Appendix H is capable of providing the training indicated in that phase of the plan if the simulator training is accomplished as part of an FAA-approved training program.

The requirements set forth in Appendix H are in addition to the simulator approval requirements set forth in § 121.407. Each simulator which is used under Appendix H must be approved as a Phase I, II, or III simulator as appropriate. In order to obtain approval of the simulator for a specific phase, the following must be demonstrated to the satisfaction of the Administrator:

1. Documented proof of compliance with the appropriate simulator, visual system, and additional training requirements of Appendix H for the phase for which approval is requested and preceding phases.
2. An evaluation of the simulator to ensure that its ground, flight, and landing performance closely matches the type of aircraft simulated (Phase I approval tests).
3. An evaluation of the appropriate simulator and visual system requirements of the phase for which approval is requested and preceding phases.

Since an amendment to any portion of the simulator's programing can effect the other portions of the programing, it is important to evaluate the preceding requirements any time a simulator is upgraded to the next phase.

While the FAA acknowledges the need for some flexibility in making changes in the software programing, strict scrutiny of these changes is essential to ensure that the simulator retains its ability to precisely duplicate the aircraft's flight and ground characteristics. Therefore, the following procedure must be implemented to permit these changes without affecting the approval of an Appendix H simulator:

1. Twenty-one calendar days prior to making changes to the software programing of an Appendix H simulator, a complete list of planned changes that impact flight or ground dynamics, including dynamics related to the motion and visual systems, will be provided to the FAA office responsible for conducting the recurrent evaluation of that simulator.
2. The FAA office shall have 21 days in which to evaluate a planned change. If the FAA does not object within 21 calendar days, the operator may make the change.
3. Changes which might affect the approved simulator Phase I test guide must be tested by the operator in the simulator to determine the impact of the change.
4. Software changes actually installed must be summarized and provided to the FAA. Where the operator's test has shown a difference in simulator performance due to change, an amended copy of the test guide page which includes the new simulator test results must also be provided to update the FAA's copy of the test guide.
5. The FAA retains the option to examine supporting data and/or to flight check the simulator to ensure that the aerodynamic quality of the simulator has not been degraded by any change in software programing.
6. All requests for changes will be evaluated on the basis of the same criteria used in the initial approval of the simulator for Phase I, II, or III.

FAA recurrent evaluations of this simulator will consist primarily of tests selected from the Phase I test guide. The Phase I test guide and the multichannel recorder printout used in the initial Appendix H approval evaluation will be kept on file in the FAA office responsible for conducting the recurrent evaluation of that simulator. These documents will serve as a standard for recurrent evaluations and a record of the initial approval of that simulator for Phase I.

Because of the strict tolerances and other approval requirements of Appendix H simulators, the FAA also recognizes that the simulator can provide realistic training with certain nonessential items inoperative. Therefore, an operator is permitted to operate its simulator under the same conditions and limitations outlined in the simulated aircraft's minimum equipment list (MEL) as long as the inoperative equipment is repaired within 24 hours and the inoperative equipment permitted by the MEL is not specifically required for the training involved. A simulator visual system may be inoperative at one pilot position if a pilot is not receiving training in the position, but shall be operative at both pilot positions for Line Oriented Flight Training (LOFT).

The Advanced Simulation Plan will only apply to an operator who uses the simulator under an approved Part 121 training program or a certification training program used by an owner/operator which is equivalent to a Part 121 initial training program. The interim phase will only apply to Part 121 operators to permit the FAA to closely monitor the upgrade of air carrier simulators as part of the Advanced Simulation Plan. At the option of the Administrator, each pilot completing a flight check under Phase II or III may be observed by the FAA during at least one flight leg on the line which includes a takeoff and landing performed by that pilot.

One objective of the Advanced Simulation Plan is to issue the FAR Part 61 airline transport pilot (ATP) certificate at the successful completion of the appropriate simulator check. Another objective is to upgrade operators' simulator capabilities to persent realistic training in various abnormal and weather flight conditions which may be encountered during line

operations. Both objectives are essential to the plan.

The proposed Appendix H describes the specific training and checking permitted, the simulator requirements, the visual requirements, and the additional training requirements of each phase of the plan. The following discusses each phase of the plan in general.

Phase I—Simulator Landing Approval

Phase I is the current landing approval program. The training permitted under this phase is currently authorized for fully qualified air carrier pilots by FAR § 121.439 and through FAA exemptions. Phase I is designed to encourage operators to upgrade their older simulators to the greatest extent possible. Basic simulator approval guidance and specific simulator tolerances for Phase I simulators are contained in Advisory Circular 121-14B.

Phase II—Simulator Upgrade Program

Phase II is designed to provide new simulator training capabilities by expanding the ability of the simulator to portray the ground and flight environment and increasing the simulator's responsiveness. In addition to upgrading the simulator, a 4-hour LOFT course will be required after the appropriate Part 61 or 121 simulator check. This course must be approved by the Administrator and be designed to prepare the flight crewmember for line operations. At the completion of a Part 61, Appendix A, check in the simulator, the appropriate aircraft rating will be issued. Instructors used in these training programs must be highly experienced. A minimum of 1-year's experience on the line in an aircraft in the same group in which they are instructing and active participation in a regularly scheduled line flying program are required. Pilots who participate in the Phase II program are also highly experienced. they must be fully qualified pilots in a similar aircraft and meet the requirements of Appendix H prior to being eligible for Phase II certification.

Phase II A—Interim Simulator Upgrade Program for Part 121 Operators

Under Phase II A, any Part 121 operator may conduct Phase II training for 3½ years in a simulator approved for the landing maneuver under Phase I, provided the operator meets the additional requirements set forth in Appendix H and submits a plan acceptable to the Administrator to upgrade its simulator(s) to meet the Phase II standards. This interim program is designed to provide time and economic benefit to an operator to upgrade its simulators while ensuring safety through additional training requirements. Through the upgrading of industry simulators, further trainning in adverse conditions experienced in line operations will be possible. When Phase II simulator requirements are met, the additional training requirements, except the 4 hours of LOFT training listed herein, will be removed. Part 121 training and operating experience requirements will still apply.

Each Part 121 operator who submits an acceptable simulator upgrade plan to the Administrator prior to (a date to be specified which will be 1 year after the effective date of the amendment proposed herein) may apply for approval to use a Phase I simulator for transition and upgrade training as described in Phase II of the plan. When the simulator and visual systems are upgraded to meet the requirements for Phase II or III, the additional training requirements listed in Phase II A of the plan will be removed. When applicable, the appropriate certificate or rating will be issued after the successful completion of the simulator check. The certificates issued during interim Phase II A will contain a limitation which will, in effect, restrict the applicant from acting as a flight crewmember without accomplishing the appropriate landings and hours of line operating experience in the crew position under the supervision of a specially trained check airman. To conduct Phase II A training in a Phase I simulator, all required simulator instruction and checks must be conducted in a simulator as part of a revised training program approved for the operator. This training program will include the additional training requirements of Phase II A and will integrate Phase I simulators with other simulators and training devices to maximize the total training, checking, and certification functions.

Phase II A interim ends *for each Phase I simulator* listed in the operator's approved plan 3½ years after it is approved for Phase II A training. Any simulator not upgraded according to the operator's approved simulator upgrade plan will void the plan resulting in loss of all Phase II A training. Grandfather rights will not be considered. In order for a carrier's upgrade plan to be acceptable, it must—

1. Be submitted to the FAA prior to (1 year after the amendment proposed herein becomes effective).

2. Show which simulators will be upgraded to Phase I requirements and their projected upgrade dates;

3. Show that these simulators will meet Phase I requirements prior to 2½ years after the amendent proposed herein becomes effective);

4. Show that at least 50 percent of the operator's simulators for a particular aircraft type will be upgraded to, or be replaced with, simulators which meet Phase II or III requirements;

a. Show which simulators will be upgraded to, or replaced with, simulators which meet Phase II or III requirements;

b. Show that each of these simulators will meet Phase II or III requirements prior to 3½ years of the date it is approved for Phase I; and

5. Include a plan which shows how the instructors, check airmen, and flight crewmembers will be trained to meet the requirements of Appendix H.

Phase III—Advanced Simulation

Phase III is designed to permit all but static aircraft and operational line training and checking to be conducted in an advanced aircraft simulator. At the completion of the final simulator check, the applicant will receive the appropriate certificate or rating. Due to the scope of the training and the possible low experience level of the training candidates, a high degree of simulator fidelity and realism is mandatory. (Applicants must still meet the requirements for an airline transport pilot certificate, including 1500 hours of pilot flight time, to be eligible for that certificate under this plan.) This phase is also designed to guide research in simulator technology to meet training needs determined from aircraft accident investigations. The visual requirements of Phases II and III must therefore be represented in daylight, dusk, and night scenes under Phase III.

In summary, the increasing size, complexity, and operating costs of the modern turbojet transport and its operating environment point to greater use of the advanced technology now available in aircraft simulators. However, Federal Aviation Regulations (FAR) which currently apply to training, checking, and certification of flight crewmembers restrict the advanced use of simulation. Amending the FAR to permit nearly total simulation in advanced training simulators will encourage operators to upgrade their simulators. This will result in improved safety due to the greater training capabilities of advanced simulators. With higher percentages of training being accomplished in simulators, aircraft training flights could be reduced. This would result in a reduction in the possibility of aircraft training accidents, a reduction in airport congestion and noise, and significant fuel conservation.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Parts 61 and 121 of the Federal Aviation Regulations (14 CFR Parts 61 and 121) as follows:

1. By adding to § 61.157 a paragraph (e) which reads as follows:

§ 61.157 Airplane rating: Aeronautical skill.

* * * * *

(e) An airplane simulator may be used in lieu of the airplane to satsify the in-flight requirements of Appendix A of this Part, if the simulator—

(1) Is approved according to § 121.407 of this chapter and meets the appropriate simulator requirements of Appendix H to Part 121; and

(2) Is used as part of an approved program that meets the training requirements of § 121.424 (a) and (c) and Appendix H to Part 121.

2. By adding to § 121.407 a paragraph (c) which read as follows:

§ 121.407 Training program: Approval of airplanes simulators and other training devices.

* * * * *

(c) An airplane simulator may be used in lieu of the airplane to satisfy the in-flight requirements of §§ 121.439 and 121.441 and Appendices E and F of this Part, if the simulator—

(1) Is approved according to this section and meets the appropriate simulator requirements of Appendix H of this Part; and

(2) Is used as part of an approved program that meets the training requirements of § 121.424 (a) and (c) and Appendix H of this Part.

3. By adding a new Appendix H to Part 121 which reads as follows:

Appendix H—Advanced Simulation Plan

This Appendix provides guidelines and a means for achieving flightcrew training in advanced aircraft simulators. This plan for achieving the goal of advanced simulation consists of three major phases and an interim phase to facilitate the plan's implementation. The three-phase plan is to provide guidance through a progressive upgrade of flightcrew training simulators so that the total scope of flightcrew training can be enhanced. Each phase builds on the preceding phase so that the final advanced simulation phase would include all the requirements of preceding phases. This Appendix describes the simulator and visual system requirements which must be achieved in order to obtain approval of certain types of training in the simulator. The requirements set forth in this Appendix are in addition to the simulator approval requirements set forth in § 121.407. Each simulator which is used under this Appendix must be approved as a Phase I, II, or III simulator, as appropriate. In order to obtain FAA approval of the simulator for a specific phase, the following must be demonstrated to the satisfaction of the Administrator:

1. Documented proof of compliance with the appropriate simulators, visual system, and additional training requirements of this Appendix for the Phase for which approval is requested and preceding phases.

2. An evaluation of the simulator to ensure that its ground, flight, and landing performance matches the type of aircraft simulated (Phase I Approval Tests).

3. An evaluation of the appropriate simulator and visual system requirements of the phase for which approval is requested and preceding phases.

While the FAA acknowledges the need for some flexibility in making changes in the software programing, strict scrutiny of these changes is essential to ensure that the simulator retains its ability to precisely duplicate the aircraft's flight and ground characteristics. Therefore, the following procedure must be followed to permit these changes without affecting the approval of an Appendix H simulator:

1. Twenty-one calendar days prior to making changes to the software programing of an Appendix H simulator, a complete list of planned changes that impact flight or ground dynamics, including dynamics related to the motion and visual systems, must be provided to the FAA office responsible for conducting the recurrent evaluation of that simulator.

2. If the FAA does not object to the planned change within 21 calendar days, the operator may make the change.

3. Changes which might affect the approved simulator Phase I test guide must be tested by the operator in the simulator to determine the impact of the change.

4. Software changes actually installed must be summarized and provided to the FAA. Where the operator's test has shown a difference in simulator performance due to a change, an amended copy of the test guide page which includes the new simulator test results will also be provided to update the FAA's copy of the test guide.

5. The FAA retains the option to examine supporting data and/or flight check the simulator to ensure that the aerodynamic quality of the simulator has not been degraded by any change in software programing.

6. All requests for changes will be evaluated on the basis of the same criteria used in the initial approval of the simulator for Phase I, II, or III.

Because of the strict tolerances and other approval requirements of Appendix H simulators, the FAA also acknowledges that the simulator can provide realistic training with certain nonessential items inoperative. Therefore, an operator is permitted to operate its simulator under the same conditions and limitations outlined in the simulated aircraft's minimum equipment list (MEL) as long as the inoperative equipment is required within 24 hours and the inoperative equipment permitted by the MEL is not specifically required for the training involved. A simulator visual system may be inoperative at one pilot position if a pilot is not receiving training in that position, but shall be operative at both pilot positions for Line Oriented Flight Training (LOFT).

The Advanced Simulation Plan applies only to an operator who uses the simulator under an approved Part 121 training program or its equivalent. The interim phase applies only to Part 121 operators. In order to conduct total initial, transition, upgrade, or recurrent training in a simulator, all required simulator instruction and checks must be conducted in a simulator as part of a revised training program approved for the operator. This training program will integrate Phase II and III simulators with other simulators and training devices to maximize the total training, checking, and certification functions.

Phase I—Landing Maneuver Approval

Training and Checking Permitted.—1. Recency of experience (§ 121.439).

2. Night takeoffs and landings (Part 121, Appendix E).

3. Landings in a proficiency check without the landing on the line requirements (§ 121.441).

Simulator Requirements.—1. Aerodynamic programing to include:

a. Ground effect—e.g., roundout, flare, and touchdown. This would require data on lift, drag, and pitching moment in ground effect.

b. Ground reaction—Reaction of the aircraft upon contact with the runway during landing to include strut deflections, tire friction, and side forces.

c. Ground handling characteristics—steering inputs to include crosswind, braking, thrust reversing, deceleration, and turning radius.

2. Minimum of 3-axis freedom of motion systems.

3. Phase I landing maneuver test guide to verify simulator data with actual aircraft flight test data, and provide simulator performance tests for Phase I initial approval.

4. Multichannel recorders capable of recording Phase I performance tests.

Visual Requirements.—1. Visual system compatibility with new aerodynamic programing.

2. Visual system response time from pilot control input to visual system output shall not exceed 300 milliseconds. Visual system time is defined as the completion of the visual display scan of the first video field containing different information resulting from an abrupt control input.

3. A means of recording the visual response time.

4. Visual cues to assess sink rate and depth perception during landings.

5. Visual scene/instrument correlation to preclude perceptible lags.

Phase II—Simulator Upgrade Program

Training and Checking Permitted.—1. Transition training between aircraft in the same group and the certification check required by § 61.157 for pilot in command.

2. U grade to pilot-in-command training.

a. When the Pilot—

(i) Is previously qualified as second in command in the equipment to which the pilot is upgrading;

(ii) Has at least 500 hours of actual flight time while serving as second in command for the operator in an aircraft in the same group; and

(iii) Is currently serving as second in command with that operator in an aircraft in this same group; or

b. When the pilot is employed by an aircraft operator and—

(i) is currently serving as second in command with that operator in an aircraft of the same group;

(ii) has a minimum of 5,000 flight hours as second in command in an aircraft of the same group with that operator; and

(iii) has served as second in command on at least two aircraft of the same group with that operator.

In this case, the pilot may upgrade to another aircraft in that group in which that pilot has not been previously qualified.

Simulator Requirements.—1. Representative crosswind and three-dimensional windshear dynamics based on aircraft related data.

2. Representative stopping and directional control forces for normal conditions and for contaminated runways based on aircraft related data.

3. Representative brake and tire failure dynamics, including antiskid, and the decreased brake efficiency due to high brake temperatures based on aircraft related data.

4. Six-axis freedom of motion.

5. Operational principal navigation systems, including electronic flight instrument systems, INS, and OMEGA, if applicable.

6. Means for quickly and effectively testing simulator programing and hardware.

7. Expanded simulator computere capacity, accuracy, resolution, and dynamic response to meet Phase II and III demands. Resolution equivalent to at least 32 bits for critical aerodynamic programs is required.

8. Timely permanent update of simulator hardware and programing subsequent to aircraft modification.

9. Sound of precipitation and significant aircraft noises.

10. Relative responses of the motion system, visual system, and cockpit instruments shall be coupled closed to provide integrated sensory cues. These systems shall respond to abrupt pitch, roll, and yaw inputs at the pilot's position within 150 milliseconds when the simulator is tested in a light weight, clean configuration, at maximum cruise airspeed. Visual scene changes from steady state disturbance shall not occur before the resultant motion onset but within the total system dynamic response time of 150 milliseconds. The test to determine compliance with this requirement shall include simultaneously recording the analogue output from the pilot's stick and rudders, the output from an accelerometer attached to the motion system, the output signal to the visual system display, and the output signal to the pilot's attitude indicator.

Visual Requirements. 1. Dusk and night visual scenes with specific airport representations including at least 10 levels of occulting, general terrain characteristics and significant landmarks.

2. Radio navigation aids properly oriented to the airport runway layout.

3. Built-in test procedure to confirm visual system color, RVR, focus, intensity, level horizon, and attitude as compared to the simulator attitude indicator.

4. Weather representations, including variable cloud density, partial obscuration of ground scenes, gradual breakout, patchy fog, and the affect of fog on airport lighting.

5. Category II and III weather representations.

6. Continuous minimum visual field of view of 75° horizontal and 30° vertical per pilot seat. Visual gaps shall occur only as they would in the aircraft simulated or as required by visual system hardware. Both pilot seat visual systems shall be operative simultaneously.

7. Capability to present ground and air hazards such as another aircraft crossing the active runway or converging airborne traffic.

Additional Training Requirements. A 4-hour line oriented flight training course approved in the simulator by the Administrator.

Phase II A—Interim Simulator Upgrade Program for Part 121 Operators

Under Phase II A, any Part 121 operator may conduct Phase II training for 3½ years in a sumulator approved for landing maneuver under Phase I provided the operator meets the additional requirements set forth below and submits a plan acceptable to the Administrator to upgrade its simulator(s) to meet Phase II standards. In order for a carrier's upgrade plan to be acceptable, it must—

1. Be submitted to the FAA prior to (1 year after the amendment proposed herein becomes effective).

Show which simulators will be upgraded to Phase I requirements and their projected upgrade dates;

3. Show that these simulators will meet Phase I requirements prior to (2½ years after the amendment proposed herein becomes effective);

4. Show that at least 50 percent of the operator's simulators for particular aircraft type will be upgraded to, or be replaced with, simulators which meet Phase II or III requirements;

a. Show which simulators will be upgraded to, or replaced with, simulators which meet Phase II or III requirements;

b. Show that each of these simulators will meet Phase II or III requirements prior to 3½ years of the date it is approved for Phase I; and

5. Include a plan which shows how the instructors, check airmen, and flight crewmembers will be trained to meet the requirements of Appendix H.

When Phase II simulator requirements are met, the additional training requirements listed herein, except the 4 hours of LOFT training listed herein, will be removed. Part 121 training and operating experience requirements will still apply.

To conduct Phase II A training in a Phase I simulator, all required simulator instruction and checks must be conducted in a simulator as part of a revised training program approved for the operator. This training program must include the additional training requirements of Phase II A and integrate Phase I simulators with other simulators and training devices to maximize the training, checking, and certification functions.

Phase II A interim approval ends for each Phase I simulator listed in the operator's approved plan 3½ years after that simulator is approved for Phase II A training. Any simulator not upgrading according to the operator's approved simulator upgrade plan will void the plan resulting in the loss of all Phase II A training for that operator. Grandfather rights will not be considered.

Training Permitted: Same as Phase II.

Simulator Requirments: Same as Phase I.

Visual Requirements: Same as Phase I.

Additional Training Requirements:

1. In addition to the simulator training and the simulator certification and proficiency check, and prior to the line operating experience training, participating flight crewmembers must complete a 4-hour Line Oriented Flight Training Program in the simulator to prepare them to perform line duties.

2. Each participating pilot in command must be given 5 landings and 25 hours, and each second-in-command must be given 3 landings and 15 hours of line experience at his/her crew station under the supervision of a specially trained check airman.

3. Participating check airmen must be given a 4-hour training course to familiarize them with the Phase II A program and to emphasize their role in the program. They shall also be qualified to provide both line and proficiency checks or be a line check airmen who has successfully completed an approved simulator check airman course.

Phase III—Advanced Simulation

Training and Checking Permitted.—Initial, transition, upgrade, and proficiency training required under Appendix A to Part 61 and §§ 121.424 and 121.441 of Part 121. The static airplane requirements of Appendix E to Part 121 and the operating experience requirements of § 121.434 are still required to be performed in the airplane.

Simulator Requirements.—1. Simulator data on the specifics of motion bumps, including frequency and amplitude.

2. Aircraft related data for programing motion bumps to represent turbulence and other aircraft buffets. These data should include the vertical and lateral load factors of aircraft buffets.

3. Aerodynamic modeling for aircraft type certificated after January 1, 1980, including ground effect, mach effect at high altitude, effects of airframe icing, normal and reverse dynamic thrust effect on control surfaces, aero-elastic representations, and representations of nonlinearities due to side slip.

4. Realistic amplitude and frequency of cockpit noises/sounds, including thunder, precipitation static, engine and airframe sounds. The sounds shall be coordinated with the weather representations required in item 3 below.

5. Self-testing for simulator hardware and programing.

6. Diagnostic analysis printout of simulator malfunctions.

Visual Requirements.—1. Daylight, dusk, and night visual scenes with sufficient scene content to recognize a specific airport, the terrain, and major landmarks around that airport. The daylight visual scene must be part of a total daylight cockpit environment. For the purpose of this rule, daylight visual

system is defined as a visual system capable of producing, as a minimum, full color presentations, scene content of 4000 edges or 1000 surfaces for daylight and 4000 light points for night and dusk scenes, 6 foot lamberts of light at the pilot's eye, 3 arc minutes resolution at the pilot's eye, and a display which is free of quantization and other distracting visual effects while the simulator is in motion.

2. Landing illusions including short runway, landing over water, runway gradient, visual topographic features and rising terrain.

3. Special weather representations which include the sound, visual, and motion effects of entering light through heavy precipitation near a thunderstorm.

4. Phase II visual requirements in daylight as well as dusk and night representations.

5. Wet and, if appropriate for the operator, snow-covered runway representations, including runway lighting effects.

6. Realistic color and directionality of airport lighting.

7. Weather radar presentations in aircraft where radar information is presented on the pilot's navigation instruments.

Additional Training Requirements.—A 4-hour Line Oriented Flight Training course approved by the Administrator.

(Secs. 313, 601, 603, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, 1423, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 79-34838 Filed 11-9-79; 8:45 am]

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Part III

Department of State

Office of the Secretary

Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114

DEPARTMENT OF STATE

[Public Notice 690]

Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114

Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," was signed by the President on January 4, 1979. The Order represents the exclusive and complete determination by the United States Government of the procedural and other actions to be taken by Federal agencies to further the purposes of the National Environmental Policy Act with respect to the environment outside the United State, its territories and possessions. The following unified procedures are established to satisfy the requirement of the Executive Order for implementing procedures concerning nuclear export activities of Federal agencies.

A Fact Sheet released on January 5, 1979, 44 FR 18723, by the Office of the White House Press Secretary states: "Nuclear reactors are subject to the environmental review requirements of the Order, but exports of nuclear fuel are not. The President has designated the Department of State as the lead agency to work with other relevant agencies to develop unified procedures for environmental reviews of nuclear exports covered by the Order. These procedures will provide for consideration of environmental issues without impairing U.S reliability as a nuclear supplier."

It should be noted that the time limitations established in section 9 and 10(b) are designed to result in the completion of environmental reviews within time limits set by the Nuclear Non-Proliferation Act of 1978 for Executive branch consideration of export license applications as well as within a time which will permit the Export-Import Bank to take into account the review and still make effective financing decisions for covered actions.

With respect to section 14(a), it is noted that since under Article XI E.3 of the Statute of the International Atomic Energy Agency IAEA has a special responsibility with respect to Agency projects, pertinent documentation will be prepared by the Agency for such projects.

Section 19(a) provides that these procedures do not apply retroactively. However, consistent with the second sentence of that paragraph, it is the Department of State's intention that an environmental document will be prepared and taken into account for any future Executive branch judgments concerning export license applications covered by these procedures.

The Order and these procedures are intended solely for the purpose of establishing internal guidance and are not intended to create or enlarge any procedural rights against any Federal agency. However, these procedures are not advisory; the Department of State, as lead agency, intends to ensure they are complied with.

Any comments on these procedures should be directed to the Director of the Office of Export and Import Control in the Nuclear Energy and Energy Technology Division of the Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, D.C. 20520.

Dated: November 5, 1979.

Thomas R. Pickering,

Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Part A, General Provisions

Section 1. *Purpose and Scope of Unified Procedures.*—a. These procedures are established jointly by the Department of State, the Department of Energy, the Export-Import Bank to implement Executive Order 12114 (44 FR 1957), with respect to the actions defined in section 3.

b. These procedures apply to all Federal agencies.

c. These procedures have been agreed to by the Departments of State, Energy, Defense and Commerce and the Arms Control and Disarmament Agency, and the Export-Import Bank. The Council on Environmental Quality has been consulted concerning these procedures.

Section 2. *Definitions.*—For the purposes of these procedures: a. "Environment" means the natural and physical environment and excludes social, economic, and other environments; an action significantly affects the environment if it does significant harm to the environment even though on balance the agency believes the action to be beneficial to the environment;

b. "Environmental document" means any of the types of documents described in section 4;

c. "Federal action" means an action that is implemented, funded or approved directly by the United States Government. It does not include actions in which the United States participates in an advisory, information-gathering, representational, or diplomatic capacity but does not implement, fund or approve;

d. "Foreign nation" means any territory (land, water, and airspace) that is under the jurisdiction of a foreign government and any area under military occupation by the United States alone or jointly with any other foreign government. "Foreign government" in this context includes authorities, regardless of whether recognized by the United States, that exercise governmental power outside the United States;

e. "Global commons" means any territory (land, water and airspace) that is outside the territorial jurisdiction of any nation, and includes the oceans outside the territorial limits of any nation and Antarctica;

f. "Office of Export and Import Control" means the Office of Export and Import Control in the Nuclear Energy and Energy Technology Division of the Bureau of Oceans and International Environmental and Scientific Affairs, Department of State;

g. "Physical project" means

(1) Any nuclear reactor capable of producing more than 15 thermal megawatts,

(2) Any nuclear steam supply system for such a reactor,

(3) Any production facility as defined in section 50.2(a) of title 10 of the Code of Federal Regulations, or

(4) Any separate nuclear waste management facility;

h. "United States" means all States, territories, and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States.

Section 3. *Actions Included.*—Officers of Federal agencies who have ultimate responsibility for authorizing and approving actions in one of the following categories shall take into consideration in making decisions concerning such actions a document described in section 4:

a. Major Federal actions which provide to a foreign nation a physical project and which significantly affect the environment of that or any other foreign nation;

b. Major Federal actions which provide to a foreign nation a physical project and which significantly affect the global commons.

Section 4. *Environmental Document Required.*—a. For actions described in section 3(a), either of the following types of environmental documents shall be prepared and taken into consideration in accordance with these procedures in making decisions concerning such actions:

(1) A bilateral or multilateral environmental study, relevant or related to the proposed action, prepared by the

United States and the nation or group of nations that is the proposed recipient of the export or by an international body or organization in which the United States is a member or participant (such as the International Atomic Energy Agency); or

(2) A concise review of the environmental issues involved, i.e., an environmental assessment, a summary environmental analysis, or other appropriate document.

b. For actions described in section 3(b), the following type of environmental document shall be taken into consideration in accordance with these procedures in making decisions concerning such actions: an environmental impact statement (including, as appropriate, generic, program and specific statements).

Section 5. *Exemptions.*—Notwithstanding section 3 or any other provision of these procedures, the following actions are exempt from these procedures:

a. Actions not having a significant effect on the environment outside the United States, as determined in accordance with these procedures;

b. Actions taken by the President;

c. Actions taken by or pursuant to the direction of the President or a Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict;

d. Intelligence activities and arms transfer;

e. Export licenses or permits or export approvals (for the purposes of these procedures, "export approval" does not mean or include (i) direct loans to finance exports or (ii) the action of the Department of State of submitting to the Nuclear Regulatory Commission an Executive branch judgment under section 126a(1) of the Atomic Energy Act of 1954, as amended);

f. Votes and other actions in international conferences and organizations;

g. Disaster and emergency relief action;

h. Actions taken under sections 54, 55, 57, 64, 82, 123, 161t and 161v of the Atomic Energy Act of 1954, as amended, and sections 104, 402(a) and 404(a) of the Nuclear Non-Proliferation Act of 1978;

i. Actions taken under section 131 of the Atomic Energy Act of 1954, as amended, except those which provide to a foreign nation a physical project which would significantly affect the environment of a foreign nation;

j. Actions of the Executive branch relating to any export subject to licensing by the Nuclear Regulatory Commission under any authority other than section 103 or 104 of the Atomic Energy Act of 1954, as amended;

k. Approval of United States participation in international agreements for cooperation in nuclear energy research, development and demonstration which do not commit the United States to any specific projects or activities;

l. Approval of technical exchange arrangements for information, data or personnel with foreign nations or international organizations;

m. Approval of arrangements to assist other countries in identifying and analyzing their energy resources, needs and options; and

n. Any particular action for which the appropriate official of that agency determines that an exemption is necessary with respect to that agency to meet emergency circumstances, situations involving exceptional foreign policy and national security sensitivities, or other such special circumstances. In making such an exemption, the official shall, as soon as feasible, consult with the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs and the Council on Environmental Quality.

PART B—ENVIRONMENTAL PROCEDURES

Section 6. *Initiating the Process.*—Unless not required pursuant to section 11 or 14(a), the Office of Export and Import Control shall promptly arrange for the preparation of an appropriate environmental document upon the earliest of any of the following:

a. Notice from the Export-Import Bank of an application for a preliminary commitment under the Bank's direct lending program for the financing of a physical project. However, if at the time the application is received, the Office of Export and Import Control and the Export-Import Bank consider that there is insufficient likelihood that the preliminary commitment will be converted into a final commitment, the Office shall only initiate preparation of the document (i) when the Office and the Bank determine there is sufficient likelihood of conversion, or (ii) when the Office determines preparation of the document should be initiated in order that it may be ready in time to be taken into account with respect to an anticipated action of an agency other than the Export-Import Bank of the kind specified in section 3, whichever is earlier. If no preliminary commitment has been issued and preparation of the document has not otherwise been initiated, the Office shall initiate preparation of the document upon notice from the Export-Import Bank of an application for a final commitment under the Bank's direct lending program for the financing of a physical project;

b. Receipt from the Nuclear Regulatory Commission of an export license application for the export of a physical project; or

c. Notice from any Federal agency of a proposed agency action involving funding or approval for which environmental review is required under section 3.

Section 7. *Determination of Whether the Action is Included.*—Each Federal agency shall determine in writing whether a proposed action by that agency would require environmental review because:

a. The action provides to a foreign nation a physical project and significantly affects the environment of that or any other foreign nation;

b. The action provides to a foreign nation a physical project and significantly effects the environment of the global commons; or

c. The action provides to a foreign nation a physical project and significantly effects the environment of the United States.

For purposes of making this determination, the following factors shall be taken into account as appropriate: the percentage that any financing or funding represents of the total cost of such project, the percentage that any such support represents of the total financing for the United States goods and services that are being purchased, the likelihood that the project will go forward whether or not the action is taken, and the degree of control and responsibility which the agency has over the planning and execution of the project. Any agency that makes such a determination shall notify the Office of Import and Export Control as promptly as possible. Where an action is determined to fall under paragraph a or b, the Office shall record whether the environmental effects are being or have been reviewed in accordance with section 8, 11 or 14 of these procedures. Where an action is determined to fall under paragraph c, the Office shall record whether these effects are being or have been reviewed in accordance with the National Environmental Policy Act.

Section 8. *Preparation of the Environmental Document.*—a. The Office of Import and Export Control shall be responsible for arranging for the preparation of an environmental document initiated pursuant to section 6.

It shall communicate, as appropriate, with concerned foreign governments and international organizations. Where Export-Import Bank financing is requested and a determination has been made by the Bank that such financing would constitute a major Federal action, the Bank shall, to the maximum extent feasible, assist in the preparation of the document by making available appropriate technical staff and by contributing to the cost of preparation. The Department of Energy shall, to the maximum extent feasible, assist in the preparation of the document by making available appropriate technical staff and by contributing to the cost of preparation. Where the appropriate environmental document is an environmental impact statement, responsibility for the preparation and processing of the document may be transferred from the Department of State to another agency by agreement of the concerned agencies.

b. An environmental document of the type described in section 4(a) shall concisely review the anticipated significant environmental effects of the physical project. In particular, it shall, to the extent to which the required information is available and as appropriate, include the following:

(1) A general description of the recipient country's overall energy program, including its current energy mix for power generation, projected power requirements and indigenous energy resources, if any;

(2) A description of the power level, type, purpose and location of the physical project;

(3) A description of any cooperative programs relating to regulatory or environmental matters between the recipient country and the United States, other countries or international organizations which relate to the physical project directly or indirectly;

(4) A discussion of the extent to which the recipient country has adopted a regulatory review mechanism or procedures that apply to the physical project;

(5) A discussion of the extent to which the recipient country has adopted environmental standards applicable to the physical project and their relationship to IAEA standards and recommended measures or to other internationally recognized standards and measures;

(6) Based on a summary review of the literature and any other technical information in the possession of the United States Government or otherwise readily available, in particular any environmental review that has been undertaken for the physical project—

(a) A discussion of the salient characteristics of the site (including any natural hazards) and an assessment of whether there are any special or unique considerations which could pose a significant threat to the environment;

(b) A discussion of significant radioactive, chemical or thermal effects on the environment that would normally be considered in United States environmental reviews; and

(c) A description of any plans for spent fuel disposition and any waste disposal plans;

(7) A discussion of whether the equipment to be exported from the United States is being or will be manufactured to quality assurance standards comparable to those used for a similar facility in the United States;

(8) A discussion of whether significant environmental effects in the recipient country of the kind normally considered in United States environmental reviews and which are identified under item (6) are being taken into account in the planning of the physical project; and

(9) A discussion of whether significant environmental effects on the environment of any foreign nation not participating or otherwise involved in the project with the United States and the recipient nation of the kind normally considered in United States environmental reviews and which are identified under item (6) are being taken into account in the planning of the physical project.

Section 9. *Completion of the Environmental Document.*—An environmental document prepared pursuant to these procedures shall be prepared and circulated no later than 80 days after its preparation is initiated pursuant to section 6: *Provided, however,* That the environmental document shall be prepared and circulated no later than 10 days prior to the time when any related Executive branch judgment must be completed under section 126a (1) of the Atomic Energy Act, as amended. Additional time may be authorized by the Deputy Assistant Secretary of State for Nuclear Energy and Energy Technology: *Provided,* That if the Export-Import Bank, the Department of Energy or another agency is involved, such additional time may be authorized only with the concurrence of the Bank, that Department or that agency. If additional time is authorized for consideration by the Executive branch of an application for a license for the export of a physical project in accordance with section 126 a (1) of the Atomic Energy Act of 1954, as amended, an appropriated period of additional time shall also be authorized for preparation and circulation of the environmental document relating to that physical project. Notwithstanding section 13, if time is extending pursuant to the previous sentence, the Export-Import Bank may make a decision on a final commitment, if such a decision is needed before the document is completed, taking into account the environmental documentation developed up to that time pursuant to these procedures.

Section 10. *Circulation of the Environmental Document.*—a. The Office of Import amd Export Control shall circulate the environmental document to the following offices:

(1) The Office of Nuclear Affairs, in the Office of International Affairs, Department of Energy;

(2) The Office of International Programs, Nuclear Regulatory Commission;

(3) The Engineering Division, Export-Import Bank;

(4) The Office of Environmental Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State;

(5) Any agency that has provided notice to the Office of Import and Export Control pursuant to sections 6 and 7;

(6) The Office of International Activities, Environmental Protection Agency; and

(7) Any other agency involved in the proposed action or which has appropriate expertise.

b. These offices shall provide within 20 days of their receipt of the document any agency written views concerning the document to the Office of Export and Export Control and all agencies that have received the document under paragraph a: *Provided, however,* That such views shall be provided no later than the time when any related Executive branch judgment must be completed under section 126 a (1) of the Atomic Energy Act, as amended.

c. In addition to the requirements of paragraphs a and b, in the case of an environmental impact statement prepared pursuant to these procedures the Office of Export and Import Control shall make appropriate efforts to make the document available in draft form and to obtain views from the public and any other appropriate Federal agency.

Section 11. *Generic Documents.*—Generic documents of the types specified in section 4 may be prepared. If environmental issues involved in a particular action covered by these procedures are adequately addressed in such a document, that document shall satisfy all the requirements of these procedures.

Section 12. *Availability of the Environmental Document.*—a. The

Department of State shall, as appropriate, provide copies of an environmental document, as well as views related to it, to concerned nations or groups of nations.

b. An environmental document may be classified in whole or in part if classification is warrented under the criteria in Executive Order 12065. In this event, the Department of State shall, if possible, prepare an unclassified summary of any classified portions of the document.

Section 13. *Taking the Environmental Document into Account.*—Where any Federal agency has determined pursuant to section 7 that a proposed action by that agency requires environmental review, that agency shall, consistent with applicable law, take the environmental document prepared pursuant to these procedures and any related views into account in making its decision on that action. The Export-Import Bank may approve a preliminary commitment before receiving such document but shall not approve a final commitment without taking into account such document and related views.

Part C, Technical Provisions

Section 14. *Duplication of Resources.*—a. The Department of State shall not arrange for the preparation of an environmental document required by these procedures if an appropriate environmental document already exists that covers the proposed action. In any such case, the Department shall record this fact in its files.

b. When an environmental document is prepared in accordance with these procedures, it shall also address any related major Federal action for which an independent environmental review would otherwise be prepared by the agency contemplating such action pursuant to the procedures established by it to implement Executive Order 12114.

c. If a major Federal action having significant effect on the environment of the United States requires preparation of an environmental impact statement, and if the action also has significant effects upon the environment of a foreign nation or the global commons, the latter effects shall be addressed in accordance with these procedures.

Section 15. *Compliance with Executive Order 12114.*—The preparation and taking into account of an environmental document in accordance with these procedures shall constitute full compliance with Exective Order 12114 with respect to physical projects and any other export in connection with such projects.

Section 16. *Modifications.*—The content, timing and availability of documents may be modified by the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs and the appropriate official of any other agency involved in the proposed action where necessary to:

a. Enable the Federal Government to decide and act promptly as and when required;

b. Avoid adverse impacts on foreign relations or infringement in fact or appearance of other nations' sovereign responsibilities; or

c. Ensure appropriate reflection of:

(1) Diplomatic factors;

(2) International commercial, competitive and export promotion factors;

(3) Needs for governmental or commercial confidentiality;

(4) National security considerations;

(5) Difficulties of obtaining information and agency ability to analyze meaningfully environmental effects of a proposed action; or

(6) The degree to which the agency is involved in or able to affect a decision to be made.

Section 17. *Right of Action.*—These procedures are solely for the purpose of establishing internal procedures for Federal agencies to consider significant effects of covered actions on the environment outside the United States, its territories and possessions, and nothing in these procedures shall be construed to create a cause of action.

Section 18. *Protection of Information.*—Nothing in these procedures shall affect the ability of any agency to protect classified or proprietary information pursuant to applicable law.

Section 19. *Pending Actions.*—a. These procedures do not apply to any Executive branch judgment or export financing for which the application was filed prior to the effective date of these procedures. Nevertheless, to the extent feasible and where this can be accomplished without undue delay, any applications for export licenses pending in the Executive branch shall be reviewed in a manner which accomplishes the objectives of these procedures.

b. Clearances obtained or matters resolved prior to the effective date of these procedures need not be reconsidered for the purpose of complying with these procedures.

c. Executive branch judgments pending in the Nuclear Regulatory Commission on the effective date of these procedures shall be processed in accordance with applicable law and regulations and shall not be returned to the Executive branch because of the entry into force of these procedures.

Section 20. *Consistency with Other Law.*—The provisions of sections 5 and 16 do not apply to actions described in section 3(b) unless permitted by law.

Section 21. *Effective Date.*—These procedures take effect on November 13, 1979.

Section 22. *Amendment.*—These procedures may be amended at any time subject to agreement and consultation of agencies as specified in section 1(c).

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federal register

Tuesday
November 13, 1979

Part IV

Department of Labor

Office of the Secretary

Improving Government Regulations; Semiannual Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chapters I, IV, V, VI, and VII

29 CFR Subtitle A and Chapters II, IV, V, XVII, and XXV

30 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Department of Labor.

ACTION: Second Semiannual Agenda of Regulations Selected for Review or Development.

SUMMARY: In accordance with Executive Order 12044 and the Department of Labor Regulatory Reform Guidelines, this Document sets forth the Department's Second Semiannual Agenda of Regulations selected for review or development during the coming 6 month period.

DATES: This Agenda is applicable for the period from October 1, 1979 to March 31, 1980.

ADDRESS: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW, Room N2428, Washington, DC 20210, (202) 523-8201.

FOR FURTHER INFORMATION CONTACT: Dr. Judy Sorum, Special Assistant to the Secretary, 200 Constitution Avenue NW, Room S2018, Washington, DC 20210, (202) 523-9184, or Mark E. Solomons, Counsel for Special Legislative Projects, Department of Labor, 200 Constitution Avenue NW, Room N2428, Washington, DC 20210, (202) 523-8088.

SUPPLEMENTARY INFORMATION: On January 26, 1979 the Department of Labor published in the Federal Register its Guidelines for implementing Executive Order 12044 and its First Semiannual Agenda of Regulations Selected for Review or Development (44 FR 5570-5590). On August 28, 1979 the Department published a Supplemental Agenda in the Federal Register indicating, among other things, which of the regulations listed on the First Semiannual Agenda had been completed as of July 1, 1979, and that the Department's Second Semiannual Agenda would be published in the Federal Register on or about October 1, 1979 (44 FR 50357-50359). Eight of the regulations originally listed in the Department's First Agenda have either been published in final form or removed from the Department's jurisdiction. As indicated in the Supplemental Agenda, none of these eight will appear in this document. All other regulations listed in the Department's First Semiannual Agenda will appear in this document and the discussion of each will detail the progress made since the publication of the First Semiannual Agenda. This document also contains additional new regulations selected for review or development during the coming 6 month period.

The reader should also note that the format of this Second Agenda is changed. In order to conserve space and consolidate relevant information a single paragraph will now be used to describe the regulation and the review or development process underway. This paragraph will explain why action is being considered and contains the name and address of the person to contact for further information concerning the regulation. It will also indicate whether a regulatory analysis is required. The regulations listed will, once again, be organized by agency but will be numbered consecutively on a Department-wide basis, for easier reference. An index of all regulations listed will precede the Agenda.

The Department has found the regulatory agenda process to be an extremely useful aide to departmental officials in the management of regulatory activities. Moreover, we believe the First Agenda served as a vehicle to stimulate increased public interest and participation in the review and development of Department of Labor regulations. For these reasons we believe the semi-annual agenda process has significantly improved the effectiveness and efficiency of regulatory activity undertaken by the Department, and we are optimistic that because of these improvements in the process better and more responsive regulations will result.

All interested members of the public are invited and encouraged to let the Department know how the semi-annual agenda exercise can be further improved and, of course, to participate in the development or review of the regulations listed. In particular, the Department would like to know which of its regulations are difficult to understand, confusing, or poorly written.

The Department of Labor's Third Semiannual Agenda will be published on or about March 31, 1980.

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DEPARTMENT OF LABOR SECOND SEMIANNUAL AGENDA

1. Employment and Training Administration (ETA)—20 CFR Part 615—Extended Benefits for Unemployent Insurance Claimants, Including Federal Employees and Exservicemen

This regulation will modify the currently used "trigger" for bringing the Extended Benefit Program into operation by excluding claims for extended benefits from the calculations. The purpose of this change is to imporve the method by which the calculation of unemployment insurance indicator rates are made. Other technical and clarifying changes also will be made. A regulatory analysis is not required. Status; the publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Joe Hickey, Room 7310—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-7122.

2. ETA—20 CFR Part 653—Services for Veterans

This regulation, which governs services provided to veterans by the State employment service agencies, and which establishes the fiscal year 1980 veteran's perference service levels used by the Department to monitor the State employment service agencies and ensures that veteran applicants receive priority treatment, must be reviewed annually. New veterans preference indicator levels must be established when necessary. A regulatory analysis is not required. Status; The publication of a final regulation by March 1, 1980 is anticipated.

Contact: Emmett McNulty, Room 8111—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6557.

3. ETA—20 CFR Part 656—Labor Certification Process for Permanent Employment of Aliens in the United States

These regulations set forth the alien labor certification process in detail, describe the responsibilities of employers who wish to employ aliens on a permanent basis, and delineate the role of the public employment service in assisting employers in finding available U.S. workers. Technical changes are being considered in order to update and clarify these regulations. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Nandor Kertai, Room 8416—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6982.

4. ETA—20 CFR Part 653, Subparts A, and E—Basic Services of the Employment Service System, Support Services of the Employment Service System

The purpose of these regulations is to clarify and simplify existing policies, procedures, and guidelines contained in the Employment Security manual and the field instructions governing basic services of the Employment Service System. The need for review of existing regulations and the development of new regulations where only a manual existed, was determined in discussions involving both State and Federal agencies. The Employment Service Manual contains a complex assortment of directives and advisory material. It has evolved over a 30 year period and much of it is now out of date and incomplete. Recent court rulings have highlighted the need for the Employment Service to codify and clarify its regulations, policies and procedures. A regulatory analysis is not required. Status; This regulation was published in proposed form in September, 1979 and the publication of a final regulation by March 1, 1980 is anticipated.

Contact: Edward A. Waters, Room 8018—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6700.

5. ETA—20 CFR Part 658, Subpart G—Administrative Provisions Governing the Employment Service; Review and Assessment of State Agency Compliance With Employment Service Regulations

These regulations will serve to further clarify and simplify the many current policies, procedures, and guidelines contained in the Employment Security Manual, and field instructions governing the review and assessment of State agency compliance with employment service regulations. The need for review of existing regulations and the development of new regulations was determined in discussions involving both State and Federal agencies. The current Employment Service manual has evolved over a 30 year period and now much of it is out of date and incomplete. Recent court rulings have also highlighted the need to develop comprehensive regulations in this area. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Edward A. Waters, see item 4.

6. ETA—20 CFR Part 609—Unemployment Compensation for Federal Employees

These regulations implement 5 U.S. Code §§ 8501–8508, which sections provide a program of unemployment compensation for Federal employees administered by State Employment Security agencies. A review of the regulations is required because of amendments made to the law by Public Law 94–566. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Robert B. Edwards, Room 7000—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–7032.

7. ETA—20 CFR Part 614—Unemployment Compensation for Ex-Servicemen

These regulations implement 5 U.S.C. §§ 8521–8525 which provide a federally funded unemployment compensation program for certain ex-servicemen. The program is administered by State employment security agencies acting as agents of the United States. A review of the regulation is required because of amendments to the law made by Public Law 95–566. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Robert B. Edwards, see item 6.

8. ETA—20 CFR Part 216—Interstate Arrangement for Combined Employment and Wages

These regulations govern the ability of an unemployed worker with covered employment or wages in more than one State to combine all such employment and wages in a single State, in order to maximize entitlement to unemployment insurance benefits. These regulations will be reviewed in response to a request by the Interstate Conference of Employment Security Agencies, whose members have experienced certain difficulties with existing procedures. Other changes are also required by Public Law 94–566. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Edwin Kerley, Room 7102—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–7105.

9. ETA—20 CFR Part 640—Standards for Benefit Payment Promptness—Unemployment Compensation

These regulations establish standards for promptness in the payment of unemployment insurance benefits, set forth criteria States must attain to meet these standards, and corrective action to be taken when a State's performance falls below the criteria. Review of these regulations is necessary to clarify existing requirements. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Edwin Kerley, see item 8.

10. ETA—20 CFR Part 660 and 661—Cost Principles and Allowable Costs for State Employment Security Agencies

These regulations establish general principles and procedures governing the allowability and allocability of Employment Security Administration costs. Review may be required in order to implement Federal Management Circular 74–7 and Office of Management and Budget Circular A–102. A regulatory analysis is not required. Status; The Department has reviewed this regulation and has determined that no changes are necessary. The regulation is, therefore, removed from the Agenda.

Contact: Edward Rowland, Room 4208—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6414.

11. ETA—20 CFR Part 662—Transfers to State Accounts Under Section 903 of the Social Security Act (Reed Act)

These regulations describe the purposes for which Reed Act funds may be used and the administrative requirements which apply to their use. Review may be required to develop a clear and comprehensive set of requirements applicable to the use of Reed Act funds. A regulatory analysis is not required. Status; The Department has reviewed this regulation and determined that no changes are necessary. The regulation is, therefore, removed from the Agenda.

Contact: Edward H. Rowland, see item 10.

12. ETA—29 CFR Part 32—Nondiscrimination on the Basis of a Handicap in Programs and Activities Receiving or Benefitting From Federal Financial Assistance

The purpose of this regulation is to implement Section 504 of the Rehabilitation Act of 1973, as amended, with respect to programs and activities receiving Federal financial assistance from the Department of Labor. The development of this regulation is required by Section 504 of the Rehabilitation Act of 1973, Executive Order 11914, and Department of Health, Education, and Welfare Regulations implementing Executive Order 11914. A regulatory analysis will be prepared. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Frederick A. Drayton, Room 1034—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6743.

13. ETA—29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor

The purpose of this regulation is to assure compliance with: Title VI of the Civil Rights Act of 1964; Section 132 of the Comprehensive Employment and Training Act of 1973 as amended; the Age Discrimination Act of 1975, as amended; and Title IX of the Education Amendments of 1972, as amended so that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program receiving Federal financial assistance from the Department, on the basis of race, color, religion, sex, national origin, age, political affiliation or belief or citizenship. These regulations are being reviewed in order to update existing provisions under Title VI and to add specific requirements based on the other statutes listed above, with the objective of a single comprehensive regulation under these laws. The Department intends to consolidate its regulations under Section 504 of the Rehabilitation Act (see item 12) within this comprehensive regulation at a later date. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 31, 1979 is anticipated.

Contact: Frederick A. Drayton, see item 12.

14. ETA—20 CFR Part 687—Special Programs and Activities Under Title III of the Comprehensive Employment and Training Act (CETA)

These regulations will replace the existing provision of 29 CFR Part 97, Subpart D, which governs special programs and activities under Section 301 of CETA. Review is required by amendments to CETA. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Steve Puterbaugh, Room 6402—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6093.

15. ETA—20 CFR Part 688—Indian and Native American Employment and Training Programs

These regulations will replace 29 CFR Part 97, Subpart B, which governs programs for Indians and other Native Americans under Section 302 and other provisions of CETA. Review is required by amendments to CETA. A regulatory analysis is not required. Status; A proposed regulation was published in May, 1979 and a final regulation was published on November 6, 1979. The regulation is, therefore, removed from the Agenda.

Contact: Bill McVeigh, Room 6410—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-7282.

16. ETA—20 CFR Part 689—Migrant and Other Seasonally Employed Farmworkers Program Under CETA

These regulations replaced 29 CFR Part 97, Subpart C, which governs programs for Migrant and seasonal farmworkers under Section 303 and other provisions of CETA. Review was required by amendments to CETA. A regulatory analysis was not prepared. Status; A final regulation was published on May 25, 1979 and the regulation is therefore removed from the Agenda.

Contact: Dan Cox, Room 6308—Patrick Henry Building; 601 D Street, N.W., Washington, D.C. 20213, 202-376-7240.

17. ETA—Community Service Employment Pilot Program for Handicapped Individuals

These regulations would govern the programs authorized under Title VI of the Comprehensive Rehabilitation Services Amendments of 1978. A regulatory analysis is not required. Status; The Department has reviewed this matter and is now considering the development of regulations.

Contact: Paul Mayrand, Room 6122—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6233.

18. ETA—29 CFR Part 89—Senior Community Service Employment Program

These regulations govern the Senior Community Service Employment Program under Title V of the Older Americans Act. Review is required by amendments to the enabling Act. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Paul Mayrand, see item 17.

19. ETA—29 CFR Part 97a—Job Corps Regulations

These regulations govern the administration of the Job Corps program. Review is required by certain amendments to CETA. A regulatory analysis is not required. Status; A final regulation was published on November 6, 1979. The regulation is, therefore, removed from the Agenda.

Contact: Anola Harris, Room 6100—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6995.

20. ETA—29 CFR Part 26—Exemplary Rehabilitation Certificates for Ex-Servicemen

These regulations describe the process by which certain ex-servicemen will be issued a certificate by the Secretary of Labor entitling the person to receive special counseling and job development assistance through the United States Employment Service. A review of the regulations will be undertaken as a part of an effort to determine the viability of the existing program and the appropriateness of any changes in the regulation. A regulatory analysis is not required. Status; A decision whether to revise the regulation will be made by March 1, 1980.

Contact: Dennis R. Wyant, Room 10008—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-7480.

21. ETA—29 CFR Part 97(b)—Young Adult Conservation Corps

These regulations govern the administration of the Young Adult Conservation Corps Program under Title VIII of CETA. Review is required by amendments to CETA and to examine current policies. A regulatory analysis is not required. Status; A final regulation was published in August, 1979, and the regulation is removed from the Agenda.

Contact: Vincent Jerome or Winston Lee, Room 6014—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-3959.

22. ETA—Airline Employee Protection Program

These regulations are being developed to implement the employee protection provisions of the Airline Deregulation Act (Public Law 95-504). The Department is required to develop these regulations in accordance with this new legislation. A regulatory analysis is not required. Status; The publication of a final regulation by March 1, 1980 is anticipated.

Contact: Robert S. Kenyon, Room 7004—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376-7545; or LMSA Contact: Lary Yud, Room S5639—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-6495.

23. ETA—29 CFR Part 91, Adjustment Assistance for Workers After Certification Under the Trade Act of 1974.

These regulations are required by Section 248 of the Trade Act of 1974 to implement provisions relating to individual entitlements to trade adjustment assistance for certain workers. A review of the regulations is underway to determine whether it is necessary to clarify existing provisions, correct errors and omissions, and update those sections relating to program administration. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Bob Gillham, Room 7221—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6352.

24. Occupational Safety and Health Administration (OSHA)—29 CFR Part 1910, Subpart L—Fire Protection

These regulations contain requirements for fire suppression equipment and fire protection systems. The existing subpart is being revised to simplify present requirements related to fire suppression equipment and fire protection systems and to require training for persons who are members of certain fire brigades. A regulatory analysis is not required. Status; The publication of a final regulation by December, 1979 is anticipated.

Contact: Dr. Jerry L. Purswell, Room N3605—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8061.

25. OSHA—Standards for Work in Confined Spaces

This standard will establish requirements for protection of workers who must enter and work in confined spaces with hazardous environments. This regulation is being developed because of an increasing number of fatalities and serious injuries from this type of work and, the anticipated receipt of a NIOSH criteria document for the standard. The need for a regulatory analysis is under study. Status; An advance notice of proposed rulemaking will be published by December, 1979.

Contact: Dr. Jerry Purswell, see item 24.

26. OSHA—29 CFR Part 1907, Laboratory Accreditation

This regulation establishes standards to accredit testing laboratories which certify that equipment used by workers meets OSHA standards. The regulation is being reviewed to improve existing procedures in this area. The need for a regulatory analysis is under study. Status; An advance notice of proposed rulemaking will be published by March, 1980.

Contact: Dr. Jerry Purswell, see item 24.

27. OSHA—29 CFR Part 1910.177—Multi-piece Wheel Rims

The regulation will be a new addition to 29 CFR Part 1910, subpart N to govern the handling of multipiece wheel rims. The regulation is needed to afford additional protection to affected workers who may be subject to serious hazards when multi-piece wheel rims explode while being assembled and disassembled. A regulatory analysis is not required. Status; A proposed regulation was published on April 24, 1979 and the publication of a final regulation in 1979 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

28. OSHA—29 CFR Part 1910.186—Conveyors

This regulation will prescribe standards to protect employees from safety hazards encountered around conveyors. A new standard is needed to help control such hazards as limbs being caught in conveyors, falling while going over conveyors and objects falling from conveyors onto workers. An economic study has been performed. Status; The record will be reopened for public comment by March 31, 1980.

Contact: Dr. Jerry Purswell, see item 24.

29. OSHA—29 CFR Part 1926, Subpart M—Perimeter Protection, Flat Roofs

This proposed new standard would provide perimeter protection for employees working on flat roofs. A new regulation is required in response to recent court decisions and to the recommendations of a draft NIOSH study of the hazards in the roofing industry. A regulatory analysis is not required. Status; A proposed regulation was published in August, 1979 and the evaluation of public comments is now underway. The publication of a final regulation by January, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

30. OSHA—29 CFR Part 1926—Subparts—Tunnelling

These regulations prescribe safety and health standards to protect employees working in the construction of tunnels and shafts. The standard needs revision to bring coverage up to date with current technology and provide for improved monitoring of hazardous conditions. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by March, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

31. OSHA—29 CFR Part 1918, Subparts M-S—Safety and Health Regulations for Marine Terminal Facilities

These regulations will prescribe safety and health standards for employment in marine terminal facilities. New standards are now being developed as a result of a request from the industry, and in order to facilitate voluntary compliance and have more efficient enforcement in a high hazard industry. A regulatory analysis is not required. Status; The publication of a proposed regulation by December, 1979 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

32. OSHA—29 CFR Part 1910, Subpart D—Walking and Working Surfaces

Subpart D contains safety requirements concerning falling and tripping hazards related to holes in floors, walls, platforms and ladders at the workplace. This subpart may be in need of revision to simplify language, bring requirements up to date with current technology and cover new types of work platforms. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by March, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

33. OSHA—29 CFR Part 1926, Subpart L, Ladders and Scaffolding

This subpart contains standards to protect employees working on ladders and scaffolds. These regulations are being reviewed to coincide with the review of 29 CFR 1910, Subpart D, to simplify language, bring requirements up to date with current technology, and cover new types of work platforms. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by March, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

34. OSHA—29 Part 1910.401—Commercial Diving Operations

This regulation is being revised to reflect differences in hazards for scientific diving as compared to commercial diving. The rulemaking record for the current standard did not adequately treat these differences. For this reason the regulation will be reviewed at the request of the scientific diving community. A regulatory analysis is not required. Status: The publication of a proposed regulation by March, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

35. OSHA—29 CFR Parts 1915, 1916 and 1917—Ship Repairing, Shipbuilding, Shipbreaking

These regulations are being consolidated into a single standard for all three activities in order to reduce overlapping provisions and produce a simplified standard for three related activities. A regulatory analysis is not required. Status: The publication of a proposed regulation by March, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

36. OSHA—29 CFR Part 1910, Subpart H—Hazardous Materials

This subpart contains regulations for control of hazardous materials in the workplace which cause fires and explosions and which my also produce acute health effects such as asphyxiation or chemical burns. The existing standard needs to be revised to encompass the continuing number of fires and explosions resulting in worker fatalities for which no standard exists. The need for a regulatory analysis is under study. Status; An advance notice of proposed rulemaking will be published by March 1980.

Contact: Dr. Jerry Purswell, see item 24.

37. OSHA—29 CFR Part 1910, Subpart S—Electrical

This Subpart contains provisions related to the design and installation of electrical systems in public and private facilities. Subpart S requires revision to provide a significant simplification of the current regulations and to bring the existing regulations up to date with the current consensus standards and technology. A regulatory analysis is not required. Status: A proposed regulation was published on September 26, 1979.

38. OSHA—29 CFR Part 1926, Subpart M—Floor and Wall Openings and Stairways

This subpart contains standards to protect employees working around floor and wall openings and stairways. This subpart needs to be revised to coincide with the revision of 29 CFR Part 1910—Subpart D since similar material is treated. It is being revised to simplify language, bring requirements up-to-date with current technology and cover new types of work platforms. The need for a regulatory analysis is under study. Status: The publication of a proposed regulation by March, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

39. OSHA—Lockout/Tagout Systems for Machines

This standard will prescribe the requirements for locking out or otherwise insuring that employees are not injured while maintaining machines and equipment. A petition for a standard from the United Auto Workers and increasing number of fatalities to workers from this hazard have highlighted the need for activity in this area. Recently completed analyses of data from OSHA fatality investigations as well as data supplied by others demonstrates a serious problem with worker exposure to electrical, mechanical and chemical hazards while maintaining or servicing equipment. These hazards produce electrocution, severe trauma from being caught in between machine parts, chemical or thermal burns, and acute respiratory problems. The need for a regulatory analysis is under study. Status: The publication of an advance notice of proposed rulemaking by March, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

40. OSHA—Occupational Exposure to Hexavalent Chromium

OSHA is developing a standard for occupational exposure to hexavalent chromium. The standard would include permissible exposure limits, and provisions for medical surveillance, exposure monitoring, methods of compliance, and employee training. The Agency is responding to a need to provide more effective protection of employees from the health hazards of hexavalent chromium exposure. The potential hazards include skin ulceration, nasal septal perforation, and cancer. The need for a regulatory analysis is under study. Status: The publication of a proposed regulation by March, 1980 is anticipated.

Contact: Fayez Hanna, Room N3713—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7076.

41. OSHA—Identification, Classification, and Regulation of Toxic Substances Posing a Potential Carcinogenic Risk (Cancer Policy)

OSHA has proposed a statement of policy and procedure for the regulation of potential carcinogens found in the occupational environment. This action does not in itself impose any requirements on employers, but rather establishes a framework for regulation. The Agency is responding to a need to find a more expeditious means of evaluating data on potentially carcinogenic materials and for developing regulations to provide adequate employee protection from exposure to these substances. A regulatory analysis has been prepared. Status: The publication of a final regulation in 1979 is anticipated.

Contact: Anson M. Keller, Room N3718—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7075.

42. OSHA—Occupational Exposure to Pesticides

OSHA is developing a generic standard to control occupational exposure to pesticides during the manufacturing and formulating processes. OSHA has determined that employees in the pesticide industry have an increased risk of illness due to their exposure to pesticides, and the agency has developed several alternative standards designed to reduce this risk. The standards include provisions relating to work practices, medical surveillance, employee training and respiratory protection. A regulatory analysis will be prepared. Status: The publication of a proposed regulation by June, 1980 is anticipated.

Contact: Flo H. Ryer, Room N3663—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7175.

43. OSHA—Occupational Exposure to Beryllium

OSHA is developing a standard for occupational exposure to beryllium. The standard would include permissible exposure limits, and provisions for medical surveillance, exposure monitoring, methods of compliance, and employee training. The Agency is responding to a need to provide more effective protection of employees from the health hazards of beryllium exposure. The potential hazards include berylliosis (a disease of the lungs and other organs) and cancer. A regulatory analysis is not required. Status: The publication of a final regulation in 1979 is anticipated.

Contact: Fayez Hanna, see item 40.

44. OSHA—Access to Employee Exposure and Medical Records

Employers which make or maintain exposure and medical records may be required to retain these records for a specified period of time and make them available to employees, former employees, their designated representatives, and to OSHA and NIOSH. This proposed rule would implement OSHA's policy under the OSHAct that employees have the basic right to know information obtained by employers on the employees' exposure to workplace hazards and any consequent health effects on the employees. A regulatory analysis is not required. Status: The publication of a final regulation by November, 1979 is anticipated.

Contact: Flo Ryer, see item 42.

45. OSHA—Occupational Exposure to Noise

OSHA is reviewing the record on the proposed noise standard that was issued in October, 1974, in light of the public hearings held during 1975 and 1976. Specific requirements for hearing conservation programs, methods of compliance, and permissible exposure limits are being reviewed and options analyzed. Noise is a pervasive occupational health problem, and the Agency is reviewing the adequacy of its current standard in protecting employees. In addition, clarification may be needed of certain provisions of the present standard. The need for a regulatory analysis is under study. Status: Staff analysis of the need for change in this regulation is continuing.

Contact: John O'Neill, Room 3669—Main Labor Building, 200 Constitution Avenue N.W., Washington, D.C. 20210, 202-532-7151.

46. OSHA—Standards Completion Project

The purposes of the project is to establish a general standard on environmental monitoring of worker exposure to toxic chemicals, medical surveillance of exposed employees, employee training and recordkeeping. In addition, supplementary, substance-specific guidelines would be prepared for employer and employee use. The project covers the current list of chemicals for which OSHA has only permissible exposure limits. The Occupational Safety and Health Act of 1970 describes the above provisions as

important elements of a comprehensive and effective program of industrial hygiene. Conclusion of this project is important to assuring that the intent of the Act is fulfilled. A regulatory analysis will be prepared. Status: Staff analysis of the action to be taken is continuing.

Contact: Flo Ryer, see item 42.

47. OSHA—29 CFR 1910.94(a)—Occupational Exposure Standards for Asbestos

OSHA is considering revisions to its current asbestos standard. Revision might include changes to the permissible exposure limit and provisions for medical surveillance, monitoring, etc. A separate standard may be proposed for the construction industry. New research on the health hazards of asbestos and concern for the adequacy of our current standard prompted our review. Asbestos is a major cause of occupationally related cancer. A regulatory analysis will be prepared. Status: Staff analysis of the need for a new proposal is continuing.

Contact: Bailus Walker, Room N3718—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7075.

48. OSHA—Occupational Standards for Abrasive Blasting Operations.

OSHA is reviewing and considering modifications to the current standards for abrasive blasting. Information available to the Agency suggests that the current standards need to be revised to make them more effective in protecting abrasive blasters, and workers in the vicinity of abrasive blasting from the hazards inherent in the process, which includes silicosis and other lung disorders. A regulatory analysis will be prepared. Status: The publication of a proposed regulation by December, 1980 is anticipated.

Contact: Bailus Walker, see item 47.

49. OSHA—Occupational Exposure to Cadmium

OSHA is considering revisions to amend its current permissible exposure limit for cadmium and add provisions for medical surveillance, exposure monitoring, etc. Research on the health effects of cadmium indicates that the current standard may not be adequately protective. Exposure to cadmium may cause kidney, liver, adrenal and other systemic damage as well as several types of cancer. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by July, 1980 is anticipated.

Contact: Fayez Hanna, see item 40.

50. OSHA—Occupational Exposure to Nickel

OSHA is considering revisions to amend its current permissible exposure limit for nickel and add provisions for medical surveillance, environmental monitoring, etc. The National Institute for Occupational Safety and Health has published a summary of the toxic effects of nickel and recommendations for controlling occupational exposure to this substance. The NIOSH report, called a Criteria Document, indicated that OSHA's current standard for nickel may not be sufficiently protective. Exposure to nickel may increase the risk of lung and nasal cancer and also causes nasal septum perforation and dermatitis. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by July, 1980 is anticipated.

Contact: Fayez Hanna, see item 40.

51. OSHA—Occupational Exposure to MOCA

OSHA is developing a standard for occupational exposure to MOCA (4,4 methylene bis (2-chloroaniline)) which may include a permissible exposure limit and provisions for medical surveillance, environmental monitoring, methods of compliance, and employee training. An earlier standard for MOCA was vacated for a procedural reason through judicial action. MOCA has been found to increase the risk of liver and bladder cancer. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation in 1980 is anticipated.

Contact: Fayez Hanna, see item 40.

52. OSHA—Chemical Hazard Identification

OSHA is developing a proposal to require employers to inform employees of the identities and hazards of chemicals in the workplace, by means of labels, placards, lists and substance data sheets. Employee's awareness of the chemical hazards to which they are exposed provides the knowledge necessary for that individual to actively participate in the reduction or elimination of exposure to these harmful agents. A regulatory analysis will be prepared. Status; The publication of a proposed regulation by January, 1980 is anticipated.

Contact: Flo Ryer, see item 42.

53. OSHA—29 CFR Part 1960—Safety and Health Provisions for Federal Employees

The regulations and guidelines of part 1960 are applicable only to Federal employees and constitute a framework for the occupational safety and health programs of the various Federal agencies. Modification of criteria for program evaluation and safety and health awards have been under development for inclusion in 29 CFR Part 1960. No regulatory analysis is required. Status; All modifications or revisions to 29 CFR Part 1960 have been held in abeyance pending issuance of a new Executive Order covering the occupational safety and health of Federal employees.

Contact: Annie W. Asensio, Room N3423, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8677.

54. OSHA—29 CFR 1904.8—Reporting of Fatality or Multiple Hospitalization Accidents

OSHA is proposing to reduce the current fatality or multiple hospitalization accident reporting time requirement. Employers would now be required to report a fatality or multiple hospitalization accident within 8 hours. Reduction of the reporting time and prompt investigation of the accident by OSHA will assure a timely gathering of more useful information and more effective identification of the hazards involved. A regulatory analysis is not required. Status; The publication of a final regulation by January, 1980 is anticipated.

Contact: Kathleen A. Grosso, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8137.

55. Office of the Assistant Secretary for Administration and Management (OASAM)—41 CFR 29-4.9—Unsolicited Proposals

This regulation governs unsolicited grant proposals received by the Department. New Federal procurement regulations require the Department to review these existing provisions. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Ted Goldberg, Room S1325—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-9148.

56. OASAM—41 CFR Part 29-70—Administrative Requirements Governing all Grants and Agreements by Which Department of Labor Agencies Award Funds

This regulation implements for the Department, the Federal Administrative standards imposed on recipient of Federal grants by Office of Management and Budget Circulars A-102 and A-110.

The development of these new regulations is required by these Circulars. A regulatory analysis is not required. Status; A final regulation was published in June, 1979 and the regulation is, therefore, removed from the Agenda.

Contact: Ted Goldberg, see item 55.

57. OASAM—49 CFR 29-1.6—Debarred, Suspended and Ineligible Bidders

These regulations govern the exclusion of individuals and concerns from eligibility to receive Department of Labor contracts, on account of violations of applicable Federal laws and regulations. Current Departmental regulations on this subject need to be reviewed and updated. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Ted Goldberg, see item 55.

58. Employment Standards Administration (ESA)—41 CFR Parts 60-1, 60-2, and 60-30—Office of Federal Contract Compliance Programs

The regulatory changes published for comment in the Federal Register of March 20, 1979, deal with three distinct subjects related to prohibition of employment discrimination and affirmative action by federal contractors under E.O. 11246: conciliation agreements, annual reports by contractors, and expedited enforcement hearings. A regulatory analysis is not required. Status; The publication of a final regulation is anticipated by December 1, 1979.

Contact: Edward E. Mitchell, Room C3324—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-9426.

59. ESA—41 CFR Parts 60-1, 60-2, 60-20, 60-30, 60-50, 60-250 and 60-741, Office of Federal Contract Compliance Programs Coverage, Requirements, Prohibited Practices, and Guidelines

This group of regulations contains OFCCP's rules covering obligations of Federal contractors and general enforcement provisions under E.O. 11246 (41 CFR Part 60-1), affirmative action program requirements (41 CFR Part 60-2), sex discrimination guidelines under E.O. 11246 (41 CFR Part 60-20), administrative hearing rules (41 CFR Part 60-30), religion or national origin discrimination guidelines (41 CFR Part 60-50), supply contractor evaluation procedures under E.O. 11246 (41 CFR Part 60-60), affirmative action for disabled and Vietnam era veterans under Section 402 of the Vietnam Era Veteran Rehabilitation Assistance Act (41 CFR Part 60-250), and affirmative action for handicapped workers under Section 503 of the Rehabilitation Act of 1973 (41 CFR Part 60-471). This group of regulations is in need of a comprehensive reorganization, simplification, and clarification. In the review process the Department will also consider the sufficiency of existing provisions, and proposals to improve the effectiveness of existing provisions, and proposals to improve the effectiveness of the OFCCP programs. A regulatory analysis is not required. Status; The publication of a proposed regulation is anticipated by December 1, 1979.

Contact: Edward Mitchell, see item 58.

59A. ESA—41 CFR Part 60-1—Payment of Membership Fees in Private Clubs and Organizations

The OFCCP is considering the development of a proposed regulation which will provide that the payment or reimbursement by contractors of membership fees and other expenses for participation by their employees in a private club or organization which bars, restricts, or limits its membership on the basis of race, color, sex, religion, national origin, handicap, or veterans status, constitutes a violation of E.O. 11246 and of section 402 of the Vietnam Veterans Readjustment Assistance Act and Section 503 of the Rehabilitation Act, as applicable. A violation would be found under the circumstances described unless the contractor could establish that the membership of its contractor could establish that membership of its employees in these clubs or organizations has no impact on the employees' opportunity for promotion, compensation, or other terms and conditions of employment. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Edward Mitchell, see item 58.

59B. ESA—CFR Part 60-20—Exclusionary Employment Policies Involving Exposure to Reproductive Hazards

The OFCCP is considering the development of a proposed regulation under E.O. 11246 to regulate exclusionary employment policies involving exposure to reproductive hazards. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Edward Mitchell, see item 58.

60. ESA—41 CFR Part 60-4—Construction Contractor's Affirmative Action Requirements Under Executive Order 11246, as Amended

Proposed nationwide employment goals under this regulation were published for public comment in the Federal Register on September 7, 1979. A regulatory analysis is not required. Status; The publication of a final rule by February 1, 1980 is anticipated.

Contact: Edward Mitchell, see item 58.

61. ESA—41 CFR Part 60-40—Examination and Copying of OFCCP Documents

These provisions cover the implementation of the Freedom of Information Act with respect to records of the OFCCP. Revisions are being developed to accommodate recent court decisions and advice received from the U.S. Department of Justice. A regulatory analysis is not required. Status; The publication of a proposed regulation is anticipated by March 1, 1980.

Contact: Edward Mitchell, see item 58.

62. ESA—29 CFR Part 4—Labor Standards for Federal Service Contracts

These provisions contain regulations and interpretations governing the administration of the Service Contract Act, which requires certain contractors and subcontractors performing work under service contracts with the United States Government to observe prevailing and fringe benefit pay standards for the various classes of employees engaged in the performance of the contract. Revisions are needed to reflect current policies and to simplify and clarify existing language. A regulatory analysis is not required. Status; The publication of a proposed regulation by November 1, 1979 is anticipated.

Contact: Dorothy P. Come, Room S3502—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 30210, 202-523-8333.

63. ESA—29 CFR Parts 1, 3 and 5—Labor Standards Provisions, Davis-Bacon and Related Act

These provisions contain regulations and interpretation governing the issuance of prevailing wage and fringe benefit determinations and the administration of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and responsibilities under the Copeland Anti-Kickback Act. Revisions are needed to reflect current policies to simplify and clarify existing

language, to propose modifications to wage determination procedures, and to provide for more effective enforcement procedures under these Acts. A regulatory analysis will not be prepared. Status; The publication of a proposed Part 1 and Subpart A of Part 5 by November 1, 1979 is anticipated. The publication of the remainder by February 1, 1980 is anticipated.

Contact: Dorothy P. Come, see item 62.

64. ESA—29 CFR Part 41—Interpretations of the Farm Labor Contractor Registration Act

These regulations contain interpretations of the Farm Labor Contractor Registration Act, which requires farm labor contractors, their full-time or regular employees and users of migrant agricultural workers to observe certain rules regarding the recruiting, transporting, or housing of migrant workers. The Farm Labor Contractor Registration Act was significantly changed as a result of the 1974 Amendments. Revisions in this Interpretative Bulletin are required to reflect changes made in the statute, changes in policy, and to provide clear and responsive interpretations to affected parties. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Solomon Sugarman, Room S3504—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7531.

65. ESA—29 CFR Part 570, Subpart C—Employment of Minors Between 14 and 16 Years of Age

This regulation sets forth the periods and conditions for the employment of minors 14 and 15 years of age. This regulation is issued under Section 3(1) of the Fair Labor Standards Act. A review of the Regulation is needed to provide uniformity, to clarify the standards, and to provide consistency in the application of the provisions. A regulatory analysis is not required. Status; The publication of a proposed regulation by January 1, 1980 is anticipated.

Contact: Lucille C. Pinkett, Room S3002—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8412.

66. ESA—29 CFR Parts 531—Wage Payments Under the Fair Labor Standards Act (FLSA)

This regulation defines the term "wage" under the FLSA and governs determinations of the "reasonable cost" and "fair value" of board, lodging and other facilities customarily furnished by an employer to employees. The regulation must be updated to reflect the 1974 and 1977 amendments to the FLSA and also to incorporate certain interpretative rulings. A regulatory analysis is not required. Status; The publication of a proposed regulation by February 1, 1980 is anticipated.

Contact: Brooks Sipes, Room S3508—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7043.

67. ESA—29 CFR Part 778—Overtime Compensation

This regulation contains an explanation and interpretation of the overtime and maximum hours provisions of the FLSA. Technical and editorial changes are needed to reflect the 1977 amendments to the FLSA. A regulatory analysis is not required. Status; The publication of a proposed regulation by January 1, 1980 is anticipated.

Contact: Brooks Sipes, see item 66.

68. ESA—29 CFR Part 516—Records To Be Kept by Employers (FLSA)

This regulation contains recordkeeping and posting requirements applicable to all employers whose employees are covered by the FLSA. The regulation needs to be updated to reflect the 1977 amendments to the FLSA. A regulatory analysis is not required. Status; The publication of a proposed regulation by January 1, 1980 is anticipated.

Contact: Brooks Sipes, see item 66.

69. ESA—29 CFR Part 529—Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages

This regulation sets forth the conditions under which certificates can be issued authorizing special minimum wage rates for patients performing work for the hospitals or institutions in which they reside, under Section 14 of the FLSA. These regulations, first issued in 1975, contain a section which provides for a review based on our initial administrative experience with the regulations. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Arthur H. Korn, Room C4316, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8727.

70. ESA—29 CFR Part 780—Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act

This regulation discusses exemptions under various sections of the FLSA for certain employers engaged in agriculture or the processing of agricultural commodities. Review is required to reflect changes in coverage and exemptions brought about by the 1974 and 1977 amendments to the FLSA. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Brooks Sipes, see item 66.

71. ESA—29 CFR Part 525—Employment of Handicapped Clients in Sheltered Workshops

This regulation sets forth the conditions under which special certificates can be issued providing for employment of handicapped persons at special minimum wage rates in sheltered workshops, under the Fair Labor Standards Act. These regulations were last comprehensively revised in 1967. Revisions are needed to resolve problems which have arisen, and the simplification of certain procedures is needed to improve the administration of the program. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Arthur Korn, see item 69.

72. ESA—29 CFR Part 505—Labor Standards on Projects or Productions Assisted by Grants From the National Endowment for the Arts

The regulation sets forth procedures to carry out the provisions of Section 5(j) of the National Foundation on the Arts and Humanities Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts. The regulation must be updated to reflect the imposition of labor standards requirements with respect to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part under grants made by the National Endowment for the Humanities brought about by the 1976 Amendments to the National Foundation on the Arts and the Humanities Act of 1965. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Brooks Sipes, see item 66.

73. ESA—29 CFR 570.61—Occupations Involving Slaughtering, Meat Packing, or Processing, or Rendering (Child Labor Hazardous Order No. 10) Under the FLSA

This Order prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering. A review of this order is needed to update it in light of various technological changes which have occurred in the affected industries since it was adopted. A regulatory analysis is not required. Status: The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Lucille Pinkett, see item 65.

74. ESA—20 CFR Part 718—Standards for Determining Coal Miner's Disability or Death Due to Pneumoconiosis

ESA has proposed regulations establishing standards to be applied in determining whether a coal miner is or was totally disabled due to pneumoconiosis or died from pneumoconiosis and specifying procedures and requirements to be followed in conducting medical examinations and in administering various tests. Review and revision of Part 718 is required by the amendments made to the Black Lung Benefits Act by the Black Lung Benefits Reform Act of 1977. A regulatory analysis is not required. Status; The publication of a final regulation by December 1, 1979 is anticipated.

Contact: Eula Ossofsky, Room C3516—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-6711.

75. ESA—20 CFR Part 722—Criteria for Determining Whether State Workers' Compensation Laws Provide Adequate Coverage for Pneumoconiosis and Listing of Approved Laws

These regualtions establish procedures and standards to be applied by the Secretary of Labor in determining whether a State workers' compensation law provides adequate coverage for death or disability due to pneumoconiosis. Review and revision of Part 722 is necessary because of the amendments to Section 421 of the Black Lung Benefits Act by the Black Lung Benefits Reform Act of 1977. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Neil Montone, Room C3320—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-6692.

76. ESA—20 CFR Part 726—Black Lung Benefits: Requirements for Coal Mine Operators Insurance

These rules govern the manner by which a coal mine operator shall fulfill its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Review and revision of Part 726 is necessary as a result of enactment of the Black Lung Benefits Reform Act of 1977 and the Black Lung Benefits Revenue Act of 1977. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Howard Miller, Room S5519—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-472-9620.

77. Mine Safety and Health Administration (MSHA)—30 CFR Parts 55, 56, and 57—Consolidation of Parts

Standards relating to metal and nonmetal open pit mines are currently contained in 30 CFR Part 55, those relating to sand, gravel and crushed stone operations are in 30 CFR Part 56, and those relating to all underground mines are in 30 CFR Part 57. Some of these standards are redundant and a few are different as they relate to the special conditions at different types of mines. MSHA plans to consolidate these regulations. A regulatory analysis is not required. Status; The Department has reviewed this regulation and has determined not to prepare changes at this time. The regulation is, therefore, removed from the Agenda.

Contact: Frank A. White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703-235-1910.

78. MSHA—30 CFR Part 110—Safety and Health Standards for Construction Work at all Surface Mines

This regulation will set forth minimum safety and health requirements for construction workers at surface mines. Although MSHA has existing regulations which are applicable to construction at surface coal and metal/nonmetal mines, many of the requirements contained in this rulemaking will be new to the mining industry. Section 101(a)(8) of the Federal Mine Safety and Health Act of 1977 requires that the Secretary, to the extent practicable, promulgate separate standards applicable to mine construction activity on the surface. The need for a regulatory analysis is under study. Status; An advance notice of proposed rulemaking was published in September, 1979, and the publication of a proposed regulation by June 1, 1980 is anticipated.

Contact: Frank White, see item 77.

79. MSHA—30 CFR Part 75—Underground Coal Mine Safety Standards

All safety standards applicable to underground coal mines are contained in 30 CFR Part 75. Prior to March 9, 1978, the effective date of the Federal Mine Safety and Health Act of 1977, there had been pre-proposal consultations with the coal industry with respect to changes in safety standards relating to surface coal mines. A regulatory analysis is not required. Status; MSHA will continue preproposal rulemaking activities in order that improved standards may be issued.

Contact: Frank White, see item 77.

80. MSHA—30 CFR Parts 55, 56, and 57—Metal and Nonmetal Health and Safety Advisory Standards

These regulations contain health and safety standards to protect life, promote health and safety, and prevent accidents in open pit, metal and nonmetal mines, sand and gravel and crushed stone operations, and metal and nonmetal underground mines. Section 301 of the Federal Mine Safety and Health Act of 1977 requires the Secretary of Labor to review all existing metal and nonmetal advisory standard and convert appropriate advisory standards, with or without change, to mandatory standards. A regulatory analysis was not required. Status; A final rule was published on August 17, 1979 and this regulation is therefore, removed from the Agenda.

Contact: Frank White, see item 77.

81. MSHA—30 CFR Part 71—Respirable Dust Standard for Surface Coal Mines

This is a health standard which sets forth the dust level and procedures for sampling respirable coal dust in surface coal mines. This regulation will change the current sampling procedure and give miners a greater degree of participation in this program. MSHA has proposed, for all underground coal mines, a new sampling procedure. This regulation will assure that health requirements, and protection afforded miners, are the same for both surface and underground coal miners. A regulatory analysis is not required. Status; The publication of a proposed regulation by December 1, 1979 is anticipated.

Contact: Frank White, see item 77.

82. MSHA—30 CFR Part 57—Requirements To Provide Self-Contained (Oxygen Generating) Self Rescue Devices to Underground Metal and Non Metal Miners

This regulation will require that all underground metal and nonmetal miners be provided with self-contained (oxygen-generating) self-rescue devices. The current self-rescue devices available to underground metal and nonmetal miners are of a filter type, which do not generate oxygen, and hence the user must rely on the oxygen in the air. The new device, which does generate oxygen, will greatly increase a miner's chance of surviving a mine emergency in which irrespirable air is present. A regulatory analysis is not required. Status; The circulation of a preproposal draft by December 1, 1979 is anticipated.

Contact: Frank White, see item 77.

83. MSHA—30 CFR Parts 55, 56 and 57—Requirements for Construction and Maintenance of Impoundments and Tailings Piles at Metal and Nonmetal Mines

This regulation will set forth minimum safety standards for waste piles and impounding structures at metal and nonmetal mines. Improved standards governing waste dams at coal mines were developed following the dam failure at Buffalo Creek in 1972, which caused death and injury to many miners. These standards, which will set forth requirements for new dam construction and upgrading of existing facilities, will help reduce the likelihood of dam failures occurring. Because of recent dam failures which include the potential for loss of life and damage to the environment, MSHA decided to develop improved standards for new and existing waste piles and dams. The need for a regulatory analysis is under study. Status; The publication of an advance notice of proposed rulemaking by March 1, 1980 is anticipated.

Contact: Frank White, see item 77.

84. MSHA—30 CFR Part 77—Surface Coal Mine Safety Standards

This regulation includes mandatory safety standards for surface coal mines and surface areas of underground mines. This regulation was proposed in January, of 1977. MSHA is in the process of reviewing all of the comments and preparing a new proposal in light of the MSH Act. The need for a regulatory analysis is under study. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Frank White, see item 77.

85. MSHA—30 CFR Part 75—Automated Temporary Roof Support Standards To Protect Miners From Roof Falls in Underground Coal Mines

This regulation will provide for the mechanical installation of temporary roof supports in underground coal mines. Regulations currently provide that temporary roof supports can be installed by miners. The high incidence of roof fall accidents in underground coal mines has led us to look for improved methods for setting temporary roof supports. The need for a regulatory analysis is under study. Status; The Department has reviewed this regulation and has determined that it should be reviewed within the context of the overall review of all roof control standards. The regulation as a separate item is, therefore, removed from the Agenda.

Contact: Frank White, see item 77.

86. MSHA—30 CFR Part 70—Respirable Dust Standards for Underground Coal Mines

Rulemaking had begun on this regulation at the time of the transfer of MESA from the Department of Interior to the Department of Labor. MSHA will finalize this regulation which should significantly enhance the effectiveness of MSHA's dust control efforts. A regulatory analysis is not required. Status; The publication of a final regulation by December 1, 1979 is anticipated.

Contact: Frank White, see item 77.

87. MSHA—30 CFR Part 90—Transfer of Miners

These regulations contain procedures for the transfer of surface and underground coal miners with evidence of pneumoconiosis to less dusty work areas in order to prevent further development of the disease. To improve the health environment of coal miners and for consistent enforcement, MSHA is revising all of its respirable dust regulations. This regulation will give miners both greater health and economic protections and it is expected that the regulation will encourage more miners to exercise their transfer rights. A regulatory analysis is not required. Status; The publication of a proposed regulation by December, 1979 is anticipated.

Contact: Frank White, see item 77.

88. MSHA—30 CFR Part 45—Regulations To Identify Independent Contractors as Mine Operators

This regulation sets forth criteria and procedures for identifying certain independent contractors as mine operators. Once identified as operators, these independent contractors will generally be subject to the requirements of the Act, standards, and regulations. Section 3(d) of the Federal Mine Safety and Health Act of 1977 amended the definition of "operator" to include "any independent contractor performing construction or services at a mine." This regulation will enable MSHA to implement an enforcement policy consistent with the amended definition of "operator". A regulatory analysis is not required. Status; A notice of proposed rulemaking was published in August, 1979 and public hearings are scheduled for October, 1979.

Contact: Frank White, see item 77.

89. MSHA—30 CFR Part 49—Mine Rescue Teams for all Underground Mines

This regulation sets forth requirements for insuring a mine rescue capability at all underground mines. Section 115(e) of the Federal Mine Safety and Health Act requires that mine rescue teams be available for rescue and recovery work at all underground mines. A regulatory analysis is not required. Status; The publication of final regulation by January 1, 1980 is anticipated.

Contact: Frank White, see item 77.

90. MSHA—30 CFR Parts 55, 56, and 57—Explosive Standards That Prohibit Loading Through a Kelly Bar or Drill System

This regulation prohibits the loading of explosives into blastholes through drill steel (Kelly Bar) or other devices which could be withdrawn from the hole after loading. As a result of a Bureau of Mines research contract completed in March 1978, it has been demonstrated that new techniques will provide a safe alternative to the Kelly Bar method of loading explosives. Since 1964, our statistics reveal a total of 12 deaths and five accidents associated with the Kelly Bar method of loading explosives. In March 1976, the Federal Metal and Nonmetal Mine Safety Advisory Committee recommended that the Secretary of Interior adopt a standard which would forbid the loading of explosives into blastholes through drill stem equipment. After further reseach by the Bureau of Mines into alternative methods of loading explosives, MSHA began its rulemaking. A regulatory analysis was not required. Status; A final regulation was published in September, 1979 and the regulation is, therefore, removed from the Agenda.

Contact: Frank White, see item 77.

91. MSHA—30 CFR Part 48, Subpart C—Training Regulations for Construction Workers

This regulation will set forth training and retraining requirements for construction workers on mine property. Section 115(d) of the MSH Act requires that the Secretary promulgate appropriate standards for safety and health training for mine construction workers. The need for a regulatory analysis is under study. Status; The publication of an advance notice of proposed rulemaking by March 1, 1980 is anticipated.

Contact: Frank White, see item 77.

92. MSHA—30 CFR Parts 55, 56, and 57—Miscellaneous Amendments to Explosive Standards

The regulation issues certain new and revised definitions and standards for metal and nonmetal mining. This regulation was undergoing rulemaking at the time of the transfer of MSHA from the Department of Interior to the Department of Labor. The Mine Act authorized the continuation of all rulemaking proceedings which were pending at the time of the transfer. A regulatory analysis was not required. Status; A final regulation was published on August 17, 1979 and the regulation is, therefore, removed from the Agenda.

Contact: Frank White, see item 77.

93. Labor Management Services Administration (LMSA)— 29 CFR Parts 402 and 403—Labor Organization Reports

Amendments under consideration would require labor organizations to mail or directly supply to every member copies of certain reports filed under the Labor Management Reporting and Disclosure Act (LMRDA). This proposal will be reviewed in light of a petition received from nine union members represented by the Institute for Public Interest Representation of the Georgetown University Law Center. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Herbert Raskin, Room N5109—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7373.

94. LMSA—29 CFR Part 452, Subpart J—Election Enforcement Provisions of the LMRDA

Proposals to review the enforcement provisions of the Election Bulletin will be considered. This review is intended to revise and update existing provisions. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 31, 1980 is anticipated.

Contact: Herbert Raskin, see item 93.

95. LMSA—29 CFR Part 204—Standards of Conduct Regulations

These regulations contain rules and procedues governing the standards of conduct prescribed for employee organizations. Certain changes are required by the recently enacted Civil Service Reform Act. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Herbert Raskin, see item 93.

96. LMSA—29 CFR Part 403—Labor Organization Financial Reports

An amendment under consideration would allow labor organizations with up to $100,000 total annual receipts to file annual financial reports on Form LM-3 (Short Form) rather than the more detailed LM-2. The present cut-off amount is $30,000 total annual receipts. The Department will review this proposal at the request of the AFL-CIO. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Herbert Raskin, see item 93.

97. LMSA—Dispute Resolution Procedures for Determination of Employee Protections

These guidelines will be issued to provide information about the Department of Labor's procedures for making final and binding determinations in the resolution of disputes arising under the employee protective arrangements of the Urban Mass Transportation Act of 1964, as amended, and under Section 405 of the Rail Passenger Service Act of 1970, as amended when the employees are not represented by a labor organization which is signatory to the protective arrangement. These guidelines are necessary so that employees and representatives of employees and responsible carriers will know how the Department processes claims submitted for adjudication by the Department. A regulatory analysis is not required. Status; The publication of a proposed regulation by January 1, 1980 is anticipated.

Contact: Lary Yud, Room N5639—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-6495.

98. LMSA—29 CFR 92.1—92.9—Redwood National Park Employee Protection Program

These regulations are being developed to define the criteria which employees must meet to receive benefits under the Redwood National Park Expansion Act. A regulatory analysis is not required. Status: The publication of a final regulation by January 1, 1980 is anticipated.

Contact: Ron Glass, Room N5641—Main Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-6495.

99. LMSA/ERISA—Suspension of Benefits

This regulation will describe the circumstances under which an employee benefit plan will be permitted to suspend the payment of benefits plan will be permitted to suspend the payment of benefits to a retiree under section 203(a)(3)(B) of The Employee Retirement Income Security Act (ERISA). Section 203(a)(3)(B) of ERISA directs the Secretary to prescribe such regulations as may be necessary to carry out the purposes of that provision, including regulations with respect to the meaning of the term "employed". A regulatory analysis is not required. Status: A proposed regulation was published on December 19, 1978 and is anticipated.

Contact: Judith B. Kahn, Room N4461—Main Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8430.

100. LMSA/ERISA—Transitional Relief for Certain Loans, Leases, and Dispositions of Property Prior to June 30, 1984, Under Sections 414(c)(1) (2) and (3) of ERISA

These regulations, if adopted, will clarify the scope of transitional relief provided in section 414(c)(1), (2) and (3) of ERISA, which suspends until June 30, 1984 the application of the prohibited transaction provisions of section 406 and 407(a) of ERISA to certain loans, leases, joint uses and dispositions of property between employee benefit plans and parties in interest. In part, these regulations will define certain terms and clarify certain conditions contained in section 414(c)(1), (2) and (3). These regulations may relieve the department's administrative burden by reducing the number of applications for exemptions from the prohibited transaction provisions of ERISA. A regulatory analysis is not required. Status: A proposed regulation was published in April, 1979 and the

publication of a final regulation by June 1, 1980 is anticipated.

Contact: William J. Flanagan, Room C-4508—Main Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-7931.

101. LMSA/ERISA—29 CFR Parts 2520 and 2530—Individual Benefit Reporting and Recordkeeping

These regulations will govern (1) reports that must be furnished to participants in pension plans and in some cases, to their beneficiaries regarding the benefits to which they are entitled, or may become entitled at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This regulation if adopted, would provide necessary guidance to employers maintaining pension plans and to the pension plan administrators for compliance with certain statutory reporting and recordkeeping requirements of ERISA. The need for a regulatory analysis is under study. Status: A proposed regulation was published in February, 1979 and the publication of a reproposed or final regulation by March 1, 1980 is anticipated.

Contact: Robert Doyle, Room N4472—Main Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-7901.

102. LMSA/ERISA— 29 CFR Part 2520—Certain Exemptions for Plans Under Which Membership in a Health Maintenance Organization is Offered as a Benefit

This regulation would provide exemptions from certain reporting and disclosure requirements, where application of those requirements might be duplicative in view of the Health Maintenance Organization Act of 1977. It will also provide that the grievance procedures which qualified HMOs are required to establish under the HMO Act with respect to benefits offered by the HMO will be deemed to satisfy the claims requirements of ERISA. The action taken is intended to harmonize the requirements of the two Acts and reduce unnecessary paperwork. A regulatory analysis is not required. Status: A proposed regulation was published in June, 1979 and the publication of a final regulation by March 30, 1980 is anticipated. The actual date of publication will depend upon coordination with the Department of Health, Education and Welfare.

Contact: Robert Doyle, see item 101.

103. LMSA/ERISA—29 CFR Part 2520—Exemption From Reporting and Disclosure Requirements With Regard to Apprenticeship and Other Training Plans

This regulation would amend an existing regulation, 29 CFR 2520.104-22, to provide an exemption from the reporting and disclosure requirements under Title I of ERISA for certain apprenticeship or other training plans. The availability of the exemption would be conditioned on a plan administrator's filing a brief notice with the Department containing certain information about the plan, taking steps to see that the information contained in the notice is disclosed to certain employees of employers contributing to the plan, and making the notice available to those employees upon request. The Department believes that the relief offered by the proposed exemption is necessary to relieve certain apprenticeship and training plans of reporting and disclosure requirements that are overly burdensome. A regulatory analysis is not required. Status: A proposed regulation was published in June, 1979 and the publication of a final regulation by March 1, 1980 is anticipated.

Contact: Barry Barbash, Room C4508—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-9298.

104. LMSA/ERISA—Revision of Forms 5500, 5500-C, and 5500-K (Annual Return/Report Forms) and Schedule A (Insurance Information) Filed Under ERISA

Revisions of these forms would affect the reporting of certain commission information relating to the acquisition of insurance coverage by employee benefit plans. Specifically, item 3 of Schedule A, attached to the annual return/report form, would be revised to provide information in a manner that would be more useful to the Department and to participants and less burdensome to plans and insurance companies. In conjunction with these revisions, additional questions would be added to item 15 of Forms 5500, 5500-C, and 5500-K. The Department proposed revisions to item 3 of Schedule A and to item 15 of the Forms 5500, 5500-C, and 5500-K in light of public objections to certain aspects of the current reporting requirement. A regulatory analysis is not required. Status: A proposal was published in June, 1979 and the publication of a final form by December 31, 1979 is anticipated.

Contact: Wayland Coe, Room N4902—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8805.

105. LMSA/ERISA—29 CFR Part 2520—Limited Exemption and Alternative Method of Compliance for Filing of Insurance Company Financial Reports

This regulation would require that insurance company finanical reports be filed with the Department only upon request, in lieu of the present statutory requirement that such reports be filed with the plan's annual report. The proposed regulation is part of the Department's effort to reduce the administrative and cost burdens imposed by the reporting and disclosure requirements of ERISA. Experience to date demonstrates that the infrequent need for information contained in financial reports of insurance companies does not justify a requirement that the reports be filed on an annual basis. A regulatory analysis is not required. Status: A proposed regulation was published in June, 1979 and the publication of a final regulation by December, 31, 1979 is anticipated.

Contact: Wayland Coe, see item 104.

106. LMSA/ERISA—29 CFR 2520—Revision of Certain Annual Information Return/Reports: Compliance Oriented Returns

These form changes will effectuate a transition from annual to triennial filing of the annual return/report for certain plans under ERISA. The triennial return/reports would be filed by administrators of pension or welfare plans with fewer than 100 participants at the beginning of the plan year. Plans will file a Form 5500-R Registration Statement during the other two years. On May 10, 1978, a series of actions to reorganize and reform the regulation of employee benefit plans was announced at the White House. As a part of the reform, the IRS, DOL, and PBGC have these form changes under consideration as a substitution for the current system of annual reporting. A regulatory analysis is not required. Status: A proposed regulation was published in June, 1979 and the publication of a final regulation by December 1, 1979 is anticipated.

Contact: John Christensen, Room N4472—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8377.

107. LMSA/ERISA—29 CFR Part 2550—Maintenance of Indicia of Ownership of Plan Assets Outside Jurisdiction of District Courts of the United States

Revision of this regulation will clarify the conditions under which banks may maintain the indicia of ownership of

certain plan assets in foreign entities under 29 CFR 2550.404(b). Public comments received from banks have requested clarification of this regulation. A regulatory analysis is not required. Status; The publication of a proposed regulation by March 1, 1980 is anticipated.

Contact: Gloria E. Pollack, Room C4508—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8297.

108. LMSA/ERISA—Alternative Method of Compliance With the Reporting and Disclosure Requirements of ERISA for Certain Simplified Employee Pensions

This regulation, if adopted, will provide an alternative method of compliance with the reporting and disclosure requirements of ERISA for simplified employee pensions (SEPs) established by use of Internal Revenue Service Form 5305-SEP (Model SEPs). The Secretary of Labor is authorized to prescribe such an alternative method of compliance by section 110(a) of ERISA. The regulation is intended to reduce the reporting and disclosure requirements for these Model SEPs. A regulatory analysis is not required. Status; a proposed regulation was published on September 25, 1979, and final action with regard to the proposed regulation is anticipated by January 30, 1980.

Contact: Timothy S. Smith, Room C4508—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-6855.

109. LMSA/ERISA—29 CFR Part 2510—Supplemental Pay

A regulation to amend the existing regulation to clarify the circumstances under which an arrangement to make supplemental payments to employees will not be deemed an employee pension benefit plan under section 3(2) of ERISA. Status; The development of this regulation is still under consideration by the Department

Contact: Helene Benson, Room N4700—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8664.

Signed this 7th day of Nov. 1979 at Washington, D.C.

Ray Marshall,

Secretary of Labor.

[FR Doc. 79-34966 Filed 11-9-79; 8:45 am]

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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

Interior Department

Fish and Wildlife Service—

60103 10-18-79 / Determination that the Purple-Spined Hedgehog Cactus and Wright Fishook Cactus are endangered species [Originally published at 44 FR 58866, Oct. 11, 1979]

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 November 8, 1979

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: Nov. 30; Dec. 14; at 9 a.m. (identical sessions)

WHERE: Office of the Federal Register, Room 9409, 1100 L Street N.W., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202-523-5235 or Gwendolyn Henderson, Assistant Coordinator, 202-523-5234.

DALLAS, TEXAS

WHEN: December 8, 1979 at 9:30 a.m.

WHERE: Dunfey Dallas Hotel
3800 West Northwest Highway
Dallas, Texas

RESERVATIONS: Call Mary Peters (214) 445-0855