11-15-79
Vol. 44 No. 222
Pages 65729-65958

federal register

Thursday
November 15, 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.

CUMULATIVE LIST OF PUBLIC LAWS—The second cumulative list of public laws for the first session of the 96th Congress will be published in the Reader Aids Section of the issue of Wednesday, November 21, 1979

65729 **Blocking Iranian Government Property** Executive order

65956 **Government of Iran** Treasury/Foreign Assets Control Office issues rule to block assets; effective 11-14-79 (Part VI of this issue)

65777 **Income Tax** Treasury/IRS proposes a rule relating to the withholding of tax on certain payments of gambling winnings; comments by 1-14-80

65777 **Income Tax** Treasury/IRS issues a proposed amendment relating to the application of conventions under the Class Life Asset Depreciation Range Sysem (CLADR System); comments by 1-14-80

65803 **Ocean Dumping, Monitoring, and Research** Commerce/NOAA announces acceptance of competitive applications for grants; closing date 12-26-79

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Highlights

65806 **Fisheries Development** Commerce/NOAA announces availability of fiscal year 1980 funds to foster the development and strengthening of the industry; effective 11-15-79; proposals by 1-15-80 and 4-1-80

65950 **Community Development Block Grants** HWD/CPD clarifies provisions; effective 11-30-79; comments by 1-14-80 (Part V of this issue)

65924 **Housing Assistance Payments Program** HUD/FHC adopts final rules which sets forth automatic annual adjustment factors and fair market rents; effective 12-17-79 (Part III of this issue)

65940 **Metric Conversion Guidelines** U.S. Metric Board proposes interim procedures to be utilized in private sector planning; comments by 8-1-80

65838 **Federal Employee Parking** Executive Office of the President publishes notice redefining the rules as they may apply to handicapped employees

65771 **Preservation of Consumers' Claims and Defenses** FTC approves substance of proposed trade regulation; comments by 1-14-80

65736 **National Security Information** SEC establishes new procedures and criteria for classifying, declassifying and protecting

65780 **Freedom of Information** CIA issues a proposal on public access to documents and records and declassifiction requests; comments by 1-7-80

65862 **Improving Government Regulations** USDA/Sec'y publishes semi-annual calendar of significant actions (Part II of this issue)

65797 **Privacy Act** CIA publishes document affecting systems of records

65739 **Securities** SEC issues rules regarding relief from certain wholly-owned subsidiaries from portions of annual and quarterly reports required

65859 **Sunshine Act Meetings**

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65924 **Part III, HUD/FHC**
65940 **Part IV, U.S. Metric Board**
65950 **Part V, HUD/CPD**
65956 **Part VI, Treasury/Foreign Assets Control Office**

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Presidential Documents

Title 3—

The President

Executive Order 12170 of November 14, 1979

Blocking Iranian Government Property

Pursuant to the authority vested in me as President by the Constitution and laws of the United States including the International Emergency Economic Powers Act, 50 U.S.C.A. sec. 1701 *et seq.*, the National Emergencies Act, 50 U.S.C. sec. 1601 *et seq.*, and 3 U.S.C. sec. 301,

I, JIMMY CARTER, President of the United States, find that the situation in Iran constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national emergency to deal with that threat.

I hereby order blocked all property and interests in property of the Government of Iran, its instrumentalities and controlled entities and the Central Bank of Iran which are or become subject to the jurisdiction of the United States or which are in or come within the possession or control of persons subject to the jurisdiction of the United States.

The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act to carry out the provisions of this order.

This order is effective immediately and shall be transmitted to the Congress and published in the Federal Register.

Jimmy Carter

THE WHITE HOUSE,
November 14, 1979.

Editorial Note: A White House statement of Nov. 14, 1979, on the blocking of Iranian Government property, is printed in the Weekly Compilation of Presidential Documents (vol. 15, no. 46).

[FR Doc. 79-35495
Filed 11-14-79; 9:16 am]
Billing code 3195-01-M

Rules and Regulations

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

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R-0255]

Supervision of Foreign Banking Organizations and Edge Corporations by Federal Reserve Banks; Final Rule; Correction

AGENCY: A Board of Governors of the Federal Reserve System.

ACTION: Final rule: Correction.

SUMMARY: This document corrects a previous Federal Register document (FR Doc. 79-34405) beginning at page 64398 of the issue for Wednesday, November 7, 1979.

DATE: Effective October 24, 1979.

FOR FURTHER INFORMATION CONTACT: C. Keefe Hurley, Senior Counsel (202/452-3269), or Michael L. Kadish, Attorney (202/452-3428), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: In the third column of page 64398, paragraph "1." of PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL is corrected to read as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. By revising § 225.1(c) to read as follows:

§ 225.1 Authority, scope, and definitions.

* * * * *

(c) *Federal Reserve Bank.* The term "Federal Reserve Bank" as used in this Part with respect to action by, on behalf of, or directed to be taken by a bank holding company or other organization shall mean either the Federal Reserve Bank of the Federal Reserve district in which the operations of the bank holding company or other organization are principally conducted, as measured by total deposits held or controlled by it in subsidiary banks on the date on which it became or is to become, a bank holding company, or such Reserve Bank as the Board may designate. In the case of a foreign banking organization that is not a bank holding company but which has one or more branches, agencies, or commercial lending companies located in any State of the United States or the District of Columbia "Federal Reserve Bank" shall mean, unless otherwise determined by the Board, the Reserve Bank of the district in which its banking assets are the largest as of the later of January 1, 1980, or the date that it establishes its first branch, agency, or commercial lending company. With respect to notices filed and other actions taken under the Control Act, the term refers to the Federal Reserve Bank for institution to be acquired, as determined by the preceding sentence in the case of bank holding companies and by section 9 of the Federal Reserve Act in the case of State member banks.

Board of Governors of the Federal Reserve System, November 7, 1979.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 79-35208 Filed 11-14-79; 8:45 am]
BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 720

Procedures for Handling National Security Information

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This regulation sets forth NCUA's procedures for handling national security information. This regulation is promulgated in response to E.O. 12065 (43 FR 28949) entitled National Security Information.

The Director of the Office of Administration oversees the agency's national security information procedures. The regulation prescribes procedures the agency must follow when the agency (1) processes declassification requests, (2) handles and safeguards classified data, (3) reproduces classified data, (4) stores classified data, and (5) educates NCUA employees about these procedures.

EFFECTIVE DATE: December 14, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, NW., Washington, D.C., 20456.

FOR FURTHER INFORMATION CONTACT: Bernard Snelnick, Deputy Director, Office of Administration, National Credit Union Administration, 1375 K Street, NW., Washington, D.C. 20456. Telephone: (202) 633-6771. Barbara A. Burrows, Attorney Advisor, Office of General Counsel, National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. Telephone: (202) 632-4870.

SUPPLEMENTARY INFORMATION:

1. Background

On June 25, 1978, the President issued Executive Order 12065, for the purpose of making as much information as possible available to the public without threatening national security. This regulation is adopted by the National Credit Union Administration in response to the President's executive order.

2. NCUA's Role With Classified Data

The NCUA neither classifies nor declassifies data; however, NCUA handles data classified by other agencies. This regulation sets forth agency procedures for handling such classified data. It (1) requires the Director of the Office of Administration to refer declassification requests to the agency that classified the data; (2) designates certain agency officials as custodians of all classified data received by NCUA; (3) controls reproduction of classified data; and (4) requires the Director to educate certain agency employees about these security information procedures.

3. Administrative Procedures Act Requirements

The regulation is adopted as a final regulation in accordance with the Administrative Procedures Act which allows an agency to promulgate an internal procedural regulation without prior notice and comment (5 U.S.C. 553(b)(A)). This regulation relates solely to internal agency procedure on matters of classified national security information; therefore, it has no substantial or procedural impact on the credit unions regulated by the NCUA or on the public.

4. E.O. 12044 Procedures

This internal procedural regulation is also outside the scope of the NCUA Final Report, "In Response to E.O. 12044: Improving Government Regulations", which excludes matters that relate to the management of NCUA. (44 FR 17954]. The Final Report was designed to increase public participation and to measure the outside impact of new regulations. The new national security information regulation relates solely to internal agency management and procedure and has no impact on credit unions or on the public. The official responsible for this determination is Robert M. Fenner, Assistant General Counsel.

Rosemary Brady,
Secretary of the Board.
November 7, 1979.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789].)

Accordingly, 12 CFR Part 720 is amended by adding a new § 720.9 to read as follows:

§ 720.9 National security information procedures.

(a) *Program.* (1) The Director of the Office of Administration (Director) is designated as the person responsible for implementation and oversight of information security program procedures. The Director receives questions, suggestions and complaints regarding all elements of this program. The Director is solely responsible for changes to the program and assures that the program is consistent with Executive Order 12065.

(2) The Director is the agency's official contact for declassification requests submitted under the provisions of E.O. 12065, regardless of the point of origin of such requests. The Director is also responsible for assuring that requests submitted under the Freedom of Information Act (5 U.S.C. 552) are handled in accordance with that Act.

(b) *Procedures*—(1) *Mandatory Review.* All declassification requests made by a member of the public, by a government employee or by an agency shall be handled by the Director or the Director's designee. Under no circumstances shall the Director refuse to confirm the existence or non-existence of a document under the Freedom of Information Act or the Mandatory Review provisions of Executive Order 12065 unless the fact of its existence or non-existence would itself be classifiable under E.O. 12065. NCUA has no authority to classify or declassify data; NCUA, however, occassionally handles data that has been classified by another agency. The Director shall refer all declassification requests to the agency that originally classified the data. The Director (or the Director's designee) shall notify the requesting person or agency that the request has been referred to the originating agency and that all further inquiries and appeals must be made directly to the other agency.

(2) *Handling & Safeguarding.* All data marked "Top Secret," "Secret," and "Confidential" shall be delivered to the Director or the Director's designee immediately upon receipt. The Director shall advise recipients of such data the name of the current designee. If the Director or the designee is unavailable to receive such documents, the documents shall be turned over to the Freedom of Information Officer who shall lock them, unopened, in the combination safe located in the Office of Administration until the Director is available. If the Freedom of Information Officer is unavailable, the documents shall be delivered to the Director of the Division of Personnel who shall lock them, unopened, in the combination safe in the Division of Personnel. Under no circumstances shall classified materials that cannot be delivered to the director be stored other than in the two designated safes.

(3) *Reproduction.* Reproduction of classified material shall take place only in accordance with E.O. 12065, Section 4-4, and any limitations imposed by the originator. Should copies be made, they are subject to the same controls as the original document. Records showing the number and distribution of copies (except as provided in paragraph (b)(2) of this section) shall be maintained by the Director and the log stored with the original documents.

(4) *Storage.* All classified documents (except as provided in paragraph (b)(2) of this section), shall be stored in the combination safe located in the Director's Office. The combination shall be changed as required by Information Security Oversight Office (ISOO) Directive No. 1, Section IV F 5a. The combination shall be known only to the Director and the Director's designee holding the proper security clearance.

(5) *Employee Education.* The Director shall send a memo to every NCUA employee who (i) has a security clearance and (ii) may handle classified materials. This memo shall describe NCUA procedures for handling, reproducing and storing classified documents. The Director shall require each such employee to review E.O. 12065 and appropriate ISOO Directives. All subsequently hired employees who have the proper security clearance and may handle classified documents shall be instructed in these procedures at the outset of their employment.

(6) *Agency Terminology.* The National Credit Union Administration's central offices shall use the terms "Top Secret," "Secret," or "Confidential" only in relation to materials classified for national security purposes.

[FR Doc. 79-35175 Filed 11-14-79; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-CE-18-AD; Amdt. 39-3611]

Airworthiness Directives; Beech Model 77 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Beech Model 77 airplanes. The AD requires a one-time inspection of wing main spar to fuselage carry-thru structure attachment bolts and associated nut plates for damage and installation of the correct number of spacer washers. This action is necessary to assure the structural integrity of the attachment of the wings to the fuselage.

EFFECTIVE DATE: November 19, 1979, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated October 5, 1979. Compliance: Prior to the next flight after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions No. 1088, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the Service Instructions is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3146.

SUPPLEMENTARY INFORMATION: Reports have been received showing that the four NAS1112-11 or -15 bolts which attach the wing main spar to the

fuselage carry-thru structure were improperly installed on Beech Model 77 airplanes. Investigation revealed that an incorrect number of spacer washers were installed on the bolts resulting in insufficient engagement of the bolt threads into their respective part number 108-120010-5 nut plates. This condition can result in a loss of structural integrity of the attachment of the wings to the fuselage. Subsequent to receiving the report the manufacturer has issued Beechcraft Service Instructions No. 1088 recommending inspection of the bolts and nut plates for damage, replacement of any damaged parts and installation of the correct number of washer spacers on each of the four wing attach bolts on certain Beech Model 77 airplanes. The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by airmail letter dated October 5, 1979. The AD became effective as to these individuals upon receipt of that letter. Since the unsafe condition described herein may still exist on other Beech Model 77 airplanes, the AD is being published in the Federal Register as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Beech: Applies to Model 77 (S/N's WA-1 through WA-39, WA-41, WA-42, and WA-44 through WA-46) airplanes certified in all categories.

Compliance: Required as indicated unless already accomplished.

To assure structural integrity of the attachment of the left and right wing to the fuselage carry-thru structure, accomplish the following:

(A) Prior to the next flight, in accordance with instructions in (1) Beech Mailgram sent to owners on October 3, 1979 or (2) Beechcraft Service Instructions No. 1088 (whichever is available):

1. Remove the four NAS1112-11 or -15 wing main spar to fuselage carry-thru structure attachment bolts and visually inspect (1) the threads on the bolts and (2) the threads in the Part Number 108-120010-5 internal nut plate for each bolt, for stripped threads or other damage.

2. Replace any damaged NAS1112-11 or -15 bolts or any Part Number 108-120010-5 internal nut plates with new components.

Note.—If new NAS1112 bolts are obtained locally, the heads must have a .093 to .103 inch diameter hole drilled in them to accommodate MS20995-NC32 safety wire. Locate the hole in the bolt head at approximately the same location as the safety wire hole in the bolt removed.

3. Modify, apply zinc chromate primer to, and install the correct number of AN960-1216 washers under the NAS1112-11 or -15 bolts.

Note.—The Beech Part Number 108-120013-1 radius washer must be installed between the AN960-1216 washers and the main spar tube on each of the four NAS1112-11 or -15 bolts. The total shank length of a NAS1112-11 bolt is 1.26 inches and for the NAS1112-15 1.51 inches.

(B) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished provided that inspection of each of the four NAS1112-11 or -15 wing main spar to fuselage carry-thru attachment bolts shows that all four bolts are (1) in place, (2) safety wires in place, and (3) secure when an attempt is made to turn or pull the bolts by hand. This inspection must be accomplished by an FAA certificated aircraft mechanic or persons authorized under Federal Aviation Regulations 43.3.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on November 19, 1979, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated October 5, 1979.

(Secs. 313(a), 601 and 603 of the 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(a)); sec. 11.89 of the Federal Aviation Regulations (14 CFR sec. 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on November 2, 1979.

Paul J. Baker,

Director, Central Region.

[FR Doc. 79-35160 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-CE-19-AD; Amdt. 39-3615]

Airworthiness Directive; Beech Model 76 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech Model 76 airplanes. The AD requires installation of self-locking nuts on the aileron and rudder bell crank stop bolts. This action is necessary to prevent aileron and rudder stop bolts from working loose, thereby assuring controllability during all phases of aircraft operation.

EFFECTIVE DATE: November 23, 1979. Compliance Schedule: As prescribed in the body of the AD.

ADDRESSES: Class I Beechcraft Service Instructions No. 1087, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. Copies of these service instructions are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446 or for off-duty hours and weekends (816) 374-3246.

SUPPLEMENTARY INFORMATION: There has been one reported occurrence involving a Beech Model 76 airplane wherein a non self-locking nut backed off the aileron bell crank stop bolt allowing the stop bolt to fall out and jam between the aileron bell crank and the support rib which limited aileron travel. Although this condition was discovered during the preflight inspection, occurrences of this type could have an adverse effect on airplane controllability if not discovered prior to takeoff. Further investigation determined that non self-locking nuts had been installed on the rudder bell crank stop bolts. If the non self-locking nuts loosen and back off, the rudder travel can be reduced to the point where directional control cannot be maintained in the event single engine operation occurs at the same time rudder travel is restricted. In order to correct these conditions, the manufacturer has issued Beechcraft

Service Instructions Number 1087 which recommends inspection and, if necessary, replacement of the stop bolt nuts for the aileron and rudder bell cranks. The manufacturer recommends accomplishment within 25 hours time-in-service after the service instructions are received.

Accordingly, since the condition described herein is likely to exist or develop on other airplanes of the same type design, the FAA is issuing an AD applicable to certain Beech Model 76 airplanes making inspection and, if necessary, replacement of the stop bolt nuts for the aileron and rudder bell cranks, in accordance with Beechcraft Service Instructions 1087, mandatory. The AD compliance time has been set at twenty-five (25) hours in order to allow sufficient time for maintenance personnel to obtain the MS21044N4 or MS20365-428A self-locking nuts that are required for the aileron and rudder bell crank stop bolts. This extended compliance time will reduce the hardship on owners/operators without unduly compromising safety.

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

Adoption of the Amendment

In consideration of the foregoing, and 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:

Beech: Applies to Model 76 (Serial Numbers ME-1 through ME-164, ME-166, ME-168 through ME-181, ME-184 through ME-193, ME-195 and ME-198) airplanes certified in all categories.

Compliance: Required as indicated unless already accomplished.

To prevent possible restriction in aileron and rudder travel, within twenty-five (25) hours time-in-service after the effective date of this AD accomplish the following:

(A) On Serial Numbers ME-1 through ME-149, ME-151 through ME-164, Me-166, ME-168 through ME-181, ME-184 through ME-190, ME-192, and ME-193 visually inspect and, if necessary, replace the stop bolt nuts for the aileron bell cranks with self-locking nuts in accordance with procedures set forth in Beechcraft Service Instructions Number 1087.

(B) On Serial Numbers ME-1 through ME-164, ME-166, ME-168 through ME-181, ME-184 through ME-193, ME-195 and ME-198 visually inspect and, if necessary, replace the stop bolt nuts for the rudder bell crank with self-locking nuts in accordance with procedures set forth in Beechcraft Service Instructions Number 1087.

(C) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This Amendment becomes effective November 23, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on November 6, 1979.

Paul J. Baker,

Director, Central Region.

[FR Doc. 79-35161 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-30]

Alteration of Transition Area: Oklahoma City, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter transition area at Oklahoma City, Okla. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Clarence E. Page Municipal Airport. The circumstance which created the need for the action is the development of an Area Navigation (RNAV) approach to the Clarence E. Page Municipal Airport. In addition, this action changes the name of the airport from Cimarron Airport to Clarence E. Page as described in the Federal Register.

EFFECTIVE DATE: January 24, 1980.

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

SUPPLEMENTARY INFORMATION:

History

On September 13, 1979, a notice of proposed rule making was published in the Federal Register (44 FR 53177) stating that the Federal Aviation Administration proposed to alter the Oklahoma City, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Oklahoma City, Okla., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing established and the proposed RNAV instrument approach procedures to the Clarence E. Page Municipal Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G § 71.181, of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (44 FR 442) is amended, effective 0901 GMT, January 24, 1980, by deleting:

* * * and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'15"N., longitude 97°49'00"W.),

and by substituting the following therefor:

* * * and within a 6.5-mile radius of the Clarence E. Page Municipal Airport (latitude 35°29'15"N., longitude 97°49'00"W.).

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

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

Issued in Fort Worth, Tex., on November 1, 1979.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 79-35009 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2994]

Forbes Health System Medical Staff; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Pittsburgh, Pa. medical association (Medical Staff), among other things, to cease engaging in actions having the purpose or effect of excluding from appointment to Medical Staff applicants who are associated with a Health Maintenance Organization (HMO), or who practice on an other than fee-for-service basis. The association is further prohibited from unreasonably delaying final recommendations on staff privilege applications; and from according discriminatory treatment to HMO-associated members, which may prevent them from providing effective patient care at Forbes. Additionally, Medical Staff is required to change its Bylaws to conform with the terms of the order.

DATES: Complaint and order issued October 15, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580 (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Friday, June 29, 1979, there was published in the Federal Register, 44 FR 37957, a proposed consent agreement with analysis In the Matter of Forbes Health System Medical Staff, an association, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining or Conspiring: § 13.405 To discriminate unfairly or restrictively in general; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.475 To restrain competition in buying. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

Carol M. Thomas,

Secretary.

[FR Doc. 79-35235 Filed 11-14-79; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Designation of Senior Official To Oversee Commission Use of National Security Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commission has designated the Executive Director to oversee the safety of classified information received by the Commission, to chair an agency committee with the authority to act on all suggestions and complaints with respect to the Commission's administration of its information security program, and to ensure that practices for safeguarding information are systematically reviewed and that those practices which are duplicative or are unnecessary are eliminated.

EFFECTIVE DATE: December 17, 1979.

NAME AND ADDRESS: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Budd Hallberg, Office of Personnel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-2375.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission receives, from time to time, information which is classified Top Secret, Secret or Confidential from another agency. Because the Commission handles such information, the Commission has determined to designate the Executive Director to chair a Commission committee with authority to act on all suggestions and complaints with respect to the Commission's administration of its program designed to guarantee the security of this information. In addition, the Executive Director will actively oversee and review the Commission's practices to ensure the safety of classified information which the Commission receives. The Executive Director will also direct a systematic review of the Commission's practices which are duplicative or unnecessary. The Commission is taking this action in accordance with the policies set forth in Executive Order 12065, Sections 5-404 (a), (b), and (g), 43 FR 28960 (July 3, 1978).

The Commission has established controls and procedures to ensure that classified information is used, processed, stored, produced and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons. A member of the staff of the Office of Personnel has been designated Personnel Security Officer. The Personnel Security Officer is responsible for designating and granting clearances to Commission personnel, ensuring custody of classified material and developing access procedure to such material on a need-to-know basis.

The Commission has no original classification authority, nor does it have the authority to declassify or downgrade classified information. However, members of the Commission and its staff who utilize classified information in other documents and who therefore apply derivative classification markings will respect the original classifications assigned to information received from other agencies. Any national security information which the Commission receives from an agency will be cared for and returned in accordance with that particular agency's policy guidelines.

The Commission's Office of Personnel maintains copies of the Executive Order 12065 and reference ISOO Directive No. 1 [1] which contain further information on national security matters.

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

This notice of rulemaking is issued under the authority of Section 2(a)(11)

[1] The Information Security Oversight Office ("ISOO") of the General Services Administration has been designated by the President to conduct on-sight reviews of information security programs in each agency which handles classified information. The Office may also require each agency to provide reports, information and other cooperation as is necessary to fulfill the ISOO Director's responsibilities.

and 8(a) of the Commodity Exchange Act, 7 U.S.C. 4a(j) and 12(a) (1976).

Based upon the foregoing, the Commission adds Rule 140.20 to Part 140 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

§ 142.20 Designation of senior official to oversee Commission use of national security information.

(a) The Executive Director is hereby designated to oversee the Commission's program to ensure the safeguarding of national security information received by the Commission from other agencies, to chair a Commission committee composed of members of the staff selected by him with authority to act on all suggestions and complaints with respect to the Commission administration of its information security program, and, in conjunction with the Personnel Security Officer of the Commission, to ensure that practices for safeguarding national security information are systematically reviewed and that those practices which are duplicative or unnecessary are eliminated.

(b) The Executive Director may submit any matter for which he has been designated under paragraph (a) of this section to the Commission for its consideration.

Authority: Secs. (2)(a) and 8(a), 42 Stat. 1001, as amended, 49 Stat. 1498, 1499; 88 Stat. 1391; 7 U.S.C. 4a and 12(a).

Issued in Washington, D.C. on November 8, 1979.

By the Commission.

Jane Stuckey,

Secretary, Commodity Futures Trading Commission.

[FR Doc. 79-35187 Filed 11-14-79; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

Classification and Declassification of National Security Information and Material

AGENCY: Securities and Exchange Commission.

ACTION: Final Rule—Establishment of subpart.

SUMMARY: This subpart implements certain provisions of Executive Order 12065 which deals with the classification, declassification and safeguarding of national security information.

EFFECTIVE DATE: November 9, 1979.

FOR FURTHER INFORMATION CONTACT: George A. Fitzsimmons, Office of the Secretary, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549, 202-272-2600.

SUPPLEMENTARY INFORMATION: Executive Order 12065 (43 FR 28949, June 28, 1978) and its implementing directive, Information Security Oversight Directive No. 1 (43 FR 46280, October 5, 1978), establish new procedures and criteria for classifying, declassifying and protecting national security information from unauthorized disclosure. These orders, effective December 1, 1978, require establishment of a new Subpart J under our Organization regulations (17 CFR Part 200).

We are designating the Secretary of the Commission as the senior agency official to oversee compliance with the order and to head the Oversight Committee. This committee will monitor the policies and procedures of the Executive Order and will act on all suggestions and complaints concerning these procedures. It is also charged with establishing the security education program and the controls for preventing unauthorized access that are required by the order.

As adopted, Subpart J requires that the derivative document be marked, at the time it is classified, with the same date or event for declassification as is marked on the source document. The rule provides, however, for source documents that were not assigned a declassification date or were assigned one further in the future than now permitted under Executive Order 12065. In such cases, the derivative document is to be marked with a date for review for declassification 20 years from the date on which the source document was originally classified. If the derivative document contains "foreign government information," (information obtained from a foreign government in confidence), the date for review for declassification should be 30 years from the classification date of the source document.

Although the Commission lacks original classification authority, properly cleared Commission personnel have authority to apply classification markings derived from classified source documents or prescribed by classification guides.

No Commission official has the power to declassify a derivatively classified document. Only the agency that authorized the source document has the power to do that. Also, Commission documents in the control of the Archivist will be systematically reviewed for declassification in accordance with separate guidelines issued after consultation with the Archivist.

Any person, including Commission employees, may request access to a classified document in the Commission's possession, by filing either a Freedom of Information Act (FOIA) request or a request for mandatory review for declassification. Requests for mandatory review for declassification shall be in writing and shall be sent to the Office of the Secretary, Attn: Mandatory Review Request, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549. FOIA requests are processed in accordance with the provisions of the Act and Part 200 of our Regulations. This amendment of Part 200 will govern declassification requests.

Subpart J of Part 200 provides that declassification requests reasonably describe the information sought. If the description of the document is not sufficient, the requester will be notified that no further action will be taken until additional information is provided or the scope of the request is narrowed. If the request is sufficient, but describes a document that is either no longer in the Commission's possession or was derivatively classified by the Commission or originally classified by another agency, the request will be forwarded to the appropriate agency for review together with a copy of the document containing the information requested where practicable, and with the Commission's recommendation to withhold any of the information where appropriate. The requester will be notified of such referrals.

Finally, we are providing for access to classified information by historical researchers and former Commission members. The regulation allows researchers access to classified information if such access would be consistent with the national security and the researcher agrees to protect that information and prevent its unauthorized disclosure. Former Commission members are allowed access under this section only to those classified documents that they originated, reviewed, signed, or received while in public office.

Executive Order 12065 has been in effect since December 1, 1978. Therefore, because this regulation relates solely to agency internal management and procedure and imposes no significant burden on any member of the public, we find that notice and further public procedures are unnecessary, and that an immediate effective date is in the public interest.

Accordingly, the Securities and Exchange Commission adopts Subpart J of Part 200, Classification and Declassification of National Security Information and Material, 17 CFR Part 200, to read as follows:

Subpart J—Classification and Declassification of National Security Information and Material

200.500 Purpose.
200.501 Applicability.
200.502 Definitions:
200.503 Senior agency official.
200.504 Oversight Committee.
200.505 Original classification.
200.506 Derivative classification.
200.507 Declassification dates on derivative documents.
200.508 Requests for mandatory review for declassification.
200.509 Challenge to classification by Commission employees.
200.510 Access by historical researchers.
200.511 Access by former Presidential appointees.

Authority: Sec. 19 of the Securities Act of 1933, as amended, 48 Stat. 84, 15 U.S.C. § 77s. Executive Order 12065, 43 FR 28949, July 3, 1978. Information Security Oversight Office Directive No. 1 (43 FR 46280, October 5, 1978).

Subpart J—Classification and Declassification of National Security Information and Material

§ 200.500 Purpose.

This part establishes general policies and procedures for the classification, declassification and safeguarding of national security information which is generated, processed and/or stored by the Commission, and supplements Executive Order 12065, June 28, 1978 (43 FR 28949), and Information Security Oversight Directive No. 1, October 5, 1978 (43 FR 46280).

§ 200.501 Applicability.

This part applies to the handling of, and public access to, national security information and classified documents in the Commission's possession. Such documents no longer in the Commission's possession will be handled by the agency having possession, or in accordance with guidelines developed in consultation with the Archivist.

§ 200.502 Definition.

As used in this part: "Foreign government information" means either (a) information provided to the United States by a foreign government or international organization in the expectation, express or implied, that the information be kept in confidence, or (b) information requiring confidentiality, produced by the United States under a written joint arrangement with a foreign government or international organization.

§ 200.503 Senior agency official.

The Secretary of the Commission is designated the senior agency official responsible for conducting an oversight program to ensure effective implementation of Executive Order 12065.

§ 200.504 Oversight Committee.

An Oversight Committee is established, under the chairmanship of the Secretary, with the following responsibilities:

(a) Establish a security education program to familiarize Commission and other personnel who have access to classified information with the provisions of Executive Order 12065, and encourage Commission personnel to challenge those classification decisions they believe to be improper.

(b) Establish controls to insure that classified information is used, processed, stored, reproduced, and transitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(c) Establish procedures which require that a demonstrable need, under Section 4-1 of Executive Order 12065, for access to classified information be established before administrative clearance procedures are initiated, as well as other appropriate procedures to prevent unnecessary access to classified information.

(d) Act on all suggestions and complaints concerning Commission administration of its information security program.

(e) Establish procedures within the Commission to insure the orderly and effective referral of requests for declassification of documents in the Commission's possession.

(f) Review on an annual basis all practices for safeguarding information and to eliminate those practices which are duplicative or unnecessary.

(g) Recommend to the Executive Director appropriate administrative action to correct abuse or violation of any provision of Executive Order 12065.

(h) Consider and decide other questions concerning classification and declassification that may be brought before it.

§ 200.505 Original classification.

(a) No Commission Member or employee has the authority to classify any information on an original basis.

(b) If a Commission employee originates information that appears to require classification, the employee shall immediately notify the Secretary and protect the information accordingly.

(c) If the Secretary believes the information warrants classification, it shall be sent to an agency with original classification authority over the subject matter, or to the information Security Oversight Office, for determination.

§ 200.506 Derivative classification.

Any document that includes paraphrases, restatements, or summaries of, or incorporates in new form, information that is already classified shall be assigned the same level of classification as the source, unless the basic information has been so changed that no classification, or a lower classification than originally assigned, should be used.

§ 200.507 Declassification dates on derivative documents.

(a) A document that derives its classification from information classified on or after December 1, 1978, shall be marked with the date or event assigned to that source information for its automatic declassification or for review of its continued need for classification.

(b) A document that derives its classification from information classified before December 1, 1978, shall be marked as follows:

(1) If the source has a declassification date or event 20 years or less from the date of its original classification, that date or event shall also be assigned to the derivative document.

(2) If the source has no declassification date or is marked for declassification beyond 20 years, the derivative document shall be assigned a date for review for declassification 20 years from the date of original classification of the source information.

(3) If the source contains foreign government information having no date or event for declassification, or has a date 30 years or more from the date of original classification, the derivative document shall be assigned a date for review for declassification 30 years from the date of original classification of the source information.

(c) A derivative document that derives its classification from the approved use of the classification guide of another agency shall bear the declassification date required by the provisions of that classification guide.

§ 200.508 Requests for mandatory review for declassification.

(a) Requests for mandatory review of a Commission document for declassification may be made by any person, including Commission

employees. The request shall be in writing and shall be sent to the Office of the Secretary, Attn: Mandatory Review Request, Securities and Exchange Commission, 500 N. Capitol Street, Washington, DC 20549.

(b) The request shall describe the material sufficiently to enable the Commission to locate it. Requests with insufficient description of the material will be returned to the requester for further information.

(c) Within 5 days of receiving a request for declassification, the Commission shall acknowledge its receipt. If the document was derivatively classified by the Commission or originally classified by another agency, the request and the document shall be forwarded promptly to the agency with original classification authority together with the Commission's recommendation to withhold any of the information where appropriate. The requester shall be notified of the referral.

(d) If the request requires the provision of services by the Commission, fair and equitable fees may be charged under Title 5 of the Independent Offices Appropriation Act, 65 Stat. 290, 31 U.S.C. 483a.

§ 200.509 Challenge to classification by Commission employees.

Commission employees who have reasonable cause to believe that information is classified unnecessarily, improperly, or for an inappropriate period of time, may challenge those classification decisions through mandatory review or other appropriate procedures as established by the Oversight Committee. Commission employees who challenge classification decisions may request that their identity not be disclosed.

§ 200.510 Access by historical researchers.

(a) Persons outside the executive branch performing historical research may have access to information over which the Commission has classification jurisdiction for the period requested (but not longer than 2 years unless renewed for an additional period of less than 2 years) if the Secretary determines in writing that access to the information will be consistent with the interests of national security.

(b) The person seeking access to classified information must agree in writing:

(1) To be subject to a national agency check;

(2) To protect the classified information in accordance with the provisions of Executive Order 12065; and

(3) Not to publish or otherwise reveal to unauthorized persons any classified information.

§ 200.511 Access by former Presidential appointees.

(a) Former Commission Members appointed by the President may have access to classified information or documents over which the Commission has jurisdiction that they originated, reviewed, signed, or received while in public office, if the Secretary determines in writing that access to the information will be consistent with the interest of nation security.

(b) The person seeking access to classified information must agree in writing:

(1) To be subject to a national agency check;

(2) To protect the classified information in accordance with the provisions of Executive Order 12065; and

(3) Not to publish or otherwise reveal to unauthorized persons any classified information.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 9, 1979.

[FR Doc. 79-35304 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 210

[Release Nos. 33-6144, 34-16325, AS-272]

Rescission of Moratorium on Capitalization of Interest Cost

AGENCY: Securities and Exchange Commission.

ACTION: Amendment of rules.

SUMMARY: The Commission in Accounting Series Release No. 163, issued in November 1974, imposed a moratorium on the adoption or extension of a policy of capitalization of interest cost by companies other than public utilities. In adopting this moratorium the Commission expressed concern that an alternative to the general practice of expensing interest cost as incurred had developed "without careful consideration of such change by the Financial Accounting Standards Board." Capitalization of interest cost has since been given careful study by the FASB and a standard has been established. In response to the initiatives taken by the FASB in establishing a financial accounting and reporting standard for capitalization of interest cost, the Commission is rescinding the moratorium imposed by ASR No. 163. In addition, the Commission is amending its disclosure requirements for interest cost under Rule 3-16(r) of Regulation S-X to adopt the disclosures required under the new standard for all periods for which an income statement is presented.

EFFECTIVE DATE: November 6, 1979 with respect to the revision of Rule 3-16(r). Rescission of the moratorium is effective upon adoption by registrants of the FASB standard.

FOR FURTHER INFORMATION CONTACT: Lawrence C. Best or John W. Albert, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2130).

SUPPLEMENTARY INFORMATION: In November 1974, the Commission adopted Accounting Series Release ("ASR") No. 163, entitled "Capitalization of Interest by Companies other than Public Utilities." [1] Under this release, a moratorium was imposed on the adoption or extension of a policy of capitalization of interest cost by companies other than electric, gas, water and telephone utilities and those companies covered by two exceptions which exist in accounting literature.[2]

The moratorium was adopted in response to a trend in which an increasing number of registrants, other than public utilities and those complying with specialized industry guides, were capitalizing interest costs. The release expressed concern that an alternative to the general practice of expensing interest costs as incurred had developed "* * * without careful consideration of such a change by the Financial Accounting Standards Board * * *." It was further stated that, "at such time as the Financial Accounting Standards Board develops standards for accounting for interest cost, the Commission expects to reconsider this conclusion."

In October, 1979, the Financial Accounting Standards Board ("FASB") issued Statement of Financial Accounting Standards No. 34 "Capitalization of Interest Cost" ("FAS Statement No. 34"), which establishes standards for the capitalization of interest cost as a part of the historical cost of acquiring an asset under certain circumstances. Since the moratorium on interest capitalization under ASR No.

[1] Also Release Nos. 33-5540, 34-11100 (November 14, 1974) [39 FR 43197, December 11, 1974].

[2] Exceptions to the general rule of recording interest as a period cost are set forth in an Industry Audit Guide for "Savings and Loan Associations" and an Industry Accounting Guide, "Accounting for Retail Land Sales," both issued by the American Institute of Certified Public Accountants.

163 was imposed in response to a proliferation of alternative practices, the establishment of an accounting standard by the FASB satisfies the principal concern expressed in the release and, therefore, eliminates the necessity for continuation of the moratorium. Accordingly, the Commission is rescinding such moratorium effective upon adoption by registrants of FAS Statement No. 34. This rescission is consistent with the Commission's expressed policy that the initiative for establishing and improving accounting standards should remain in the private sector, subject to Commission oversight.

In ASR No. 163, the Commission also adopted an amendment to Rule 3-16(r) under Regulation S-X which requires certain disclosures for companies which capitalize interest cost. The requirements of Rule 3-16(r) include income statement disclosure of the amount of interest costs capitalized for each period in which an income statement is presented. In addition, companies other than public utilities are required to disclose the effect on net income of capitalizing interest costs as compared with a policy of expensing interest as incurred, the reason for this capitalization policy, and the method of determining the amount capitalized.

The provisions of FAS Statement No. 34 require disclosure of the amount of interest cost incurred and the amount charged to expense or capitalized as appropriate in the circumstances. The disclosures are required for each accounting period in which interest cost was incurred and are to be presented in the financial statements or related notes.

Although the disclosure requirements under FAS Statement No. 34 differ from the requirements under Rule 3-16(r) with respect to prominence and detail, these requirements appear adequate to enable investors and other financial statement users to analyze the impact of the incurrence of interest cost on a company's operations. Since FAS Statement No. 34 is required to be applied prospectively in fiscal years beginning after December 15, 1979, it is necessary for the Commission to retain disclosure requirements for interest cost for coverage of prior years. As a consequence, Rule 3-16(r) is hereby amended to conform the disclosure of interest cost with the requirements under FAS Statement No. 34 for each period in which an income statement is presented. The revised rules shall apply to financial statements and interim financial information filed subsequent to the date of issuance of this release. Prior period disclosure shall be provided on a consistent basis with the conformed disclosure.

Effective Date

November 6, 1979 with respect to the revision of Rule 3-16(r). Recission of the moratorium is effective upon adoption by registrants of FAS Statement No. 34.

Commission action: The Commission hereby amends 17 CFR Part 210 by revising paragraph (r) of § 210.3-16 (Interest capitalized) as follows:

§ 210.3-16 General notes to financial statements. (See release No. AS-4.)

* * * * *

(r) *Interest cost.* Disclosure shall be provided for each period for which an income statement is presented of the amount of interest cost incurred and the respective amounts expensed or capitalized.

* * * * *

This amendment is adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s(a) of the Securities Act of 1933 and Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78*o* (d), 78w(a)] of the Securities Exchange Act of 1934. Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of this amendment on competition and is not aware of any burden that would be imposed on competition.

Inasmuch as the above described amendment does not impose any additional requirements under § 210.3-16(r), the Commission finds, for good cause, that the thirty-day notice provision specified in the Administrative Procedures Act [5 U.S.C. 553(d)] is unnecessary and, accordingly, the amendment shall be effective as indicated above.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 6, 1979.

[FR Doc. 79-35254 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 249

[Release No. 34-16327]

Relief for certain Wholly-Owned Subsidiaries From Portions of Annual and Quarterly Reports Required Under the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the effectiveness of amendments to provide relief from certain portions of the reporting requirements of the annual and quarterly reports filed with the Commission by a registrant whose equity securities are owned either directly or indirectly by a single person which itself is a reporting company under the Securities Exchange Act of 1934 ("Exchange Act"). The amendments had been conditionally adopted by the Commission on September 27, 1979 in Securities Exchange Act Release No. 16226 (44 FR 57374).

EFFECTIVE DATE: November 15, 1979.

FOR FURTHER INFORMATION CONTACT: John J. Heneghan, Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2573).

SUPPLEMENTARY INFORMATION: The Securities Exchange Commission today announced the effectiveness of amendments to the General Instructions to Form 10-K and to the General Instructions to Form 10-Q under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq. (1976)) relating to the disclosure required by certain registrants which are wholly-owned subsidiaries.

These amendments allow omission of certain disclosure items in reports on Form 10-Q and both omission of and substitution for various disclosure items in reports on Form 10-K filed by registrants whose equity securities are owned, either directly or indirectly, by a single parent which is a reporting company under the Exchange Act.

Form 10-K is used for annual reports to the Commission pursuant to section 13 or 15(d) of the Exchange Act where no other report is prescribed. Form 10-Q is used for quarterly reports to the Commission under section 13 or 15(d) of the Exchange Act and is filed pursuant to Rule 13a-13 or Rule 15d-13 thereunder.

On September 27, 1979 the Commission had conditionally adopted the amendments. Interested persons were to have until November 5, 1979 to comment. Only three letters of comment were received and they all supported the amendments. Therefore, such amendments are effective as of November 15, 1979. The text of the amendments appear in the September 27, 1979 release.

Authority: The amendments to Form 10-Q and to Form 10-K are pursuant to Sections 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; sec. 203(a), 49 Stat. 705; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 569, 570-574;

sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; secs. 10, 18, 89 Stat. 119, 155; secs. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; (15 U.S.C. 78m, 78o(d), 78w(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

November 8, 1979.

[FR Doc. 79-35290 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 35, 154

[Docket No. RM 77-22; Order No. 47-A]

Rate of Interest on Amounts Held Subject to Refund; Order on Rehearing Modifying and Clarifying Prior Order

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order on Rehearing Modifying and Clarifying Prior Order.

SUMMARY: The Federal Energy Regulatory Commission denies the applications for rehearing of Order No. 47, and amends the regulations adopted therein to clarify the Commission's intent that, after October 1, 1979, compounding should apply to interest on refundable amounts which accrued both before and after October 1, 1979.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:
Dennis Melvin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8572.
Clarence Burris, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8161.

November 8, 1979.

On September 10, 1979, the Federal Energy Regulatory Commission issued Order No. 47 in the above-referenced docket which established (1) a new, self-adjusting, compounded carrying interest rate on refunds, (2) a new, self-adjusting, compounded carrying charge rate on deferred purchased gas costs, and (3) a reduction in the number of required refund reports.

Applications for rehearing of this order were timely filed by Cities Service Gas Company, Indicated Producers, the Interstate Natural Gas Association of America, Michigan Wisconsin Pipe Line Company, Northern Natural Gas Company, Southern Natural Gas Company, Transcontinental Gas Pipe Line Corporation, United Gas Pipe Line Company, and Tennessee Gas Pipeline Company and Midwestern Gas Transmission Company and East Tennessee Natural Gas Company (jointly).

Most of the arguments raised by applicants were treated adequately in Order No. 47 and need no further discussion in this order. One point requires clarification.

Many parties are unclear as to whether the compounding feature adopted in Order No. 47 is to be applicable only to interest which accumulates from and after October 1, 1979, the effective date of Order No. 47, or is it also to be applied to interest which accumulated before October 1, 1979.

Compounding is intended to apply after October 1, 1979, to all interest, regardless of when it accumulated. In Order No. 47, we found that the purpose of compounding is to reimburse the customer for the use of the accumulated interest on his overpayments (mimeo, p. 15). Consistentcy requires that we apply this principle to all the interest. Accordingly, clarifying language will be added to our refund regulations consistent with this result.

Order No. 47 made the revised interest rate rule effective as of October 1, 1979. These amendments merely clarify the intent of the regulations adopted in Order No. 47. Therefore, the amendments are hereby made effective as of October 1, 1979.

(Sec. 16, Natural Gas Act, 15 U.S.C. 7170; Section 309, Federal Power Act, 16 U.S.C. 825h; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Parts 35 and 154, of Chapter I, Title 18, of the Code of Federal Regulations are amended as set forth below, effective October 1, 1979.

To the extent not granted in this order, the applications for rehearing are denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 35—FILING OF RATE SCHEDULES

1. Section 35.19a is amended in paragraph (a)(2)(iii)(A) to read as follows:

§ 35.19a Refund requirements under suspension orders.

(a) *Refunds.* * * *

(2) * * *

(iii) (A) At an average prime rate for each calendar quarter on all excessive rates or charges held (including all interest applicable to such rates or charges) on or after October 1, 1979. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest one-hundredth of one percent, of the prime rate values published in the *Federal Reserve Bulletin* for the fourth, third, and second months preceding the first month of the calendar quarter.* * *

* * * * *

PART 154—RATE SCHEDULES AND TARIFFS

2. Section 154.67 is amended in paragraph (d)(2)(iii)(A) to read as follows:

§ 154.67 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

* * * * *

(d) *Refunds.* * * *

(2) * * *

(iii)(A) At an average prime rate for each calendar quarter on all excessive rates or charges held (including all interest applicable to such rates and charges) on or after October 1, 1979. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest one-hundredth of one percent, of the prime rate values published in the *Federal Reserve Bulletin* for the fourth, third, and second months preceding the first month of the calendar quarter.* * *

3. Section 154.102 is amended in paragraph (d)(2)(iii)(A) to read as follows:

§ 154.102 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

* * * * *

(d) *Refunds.* * * *

(2) * * *

(iii)(A) At an average prime rate for each calendar quarter on all excessive rates or charges held (including all interest applicable to such rates or charges) on or after October 1, 1979. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest one-hundredth of one percent, of the prime rate values published in the *Federal Reserve Bulletin* for the fourth, third, and second months preceding the first month of the calendar quarter.* * *

[FR Doc. 79-35285 Filed 11-14-79; 8:45 am]

BILLING CODE 6450-01-M

18 CFR Parts 141, 260

[Docket No. RM80-5; Order No. 57]

Revising Annual Reporting of Officers' Salaries; Final Order

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final order.

SUMMARY: The Commission is hereby amending schedule page 104, (entitled "Officers") of its Annual Report Forms No. 1 and No. 2 to increase the floor for annual salary that is presently required to be reported from $35,000 to $50,000 for all respondents and in connection therewith, to adopt the term "executive officer." This is being done to reduce reporting burdens and to bring the reporting requirements of the schedule into line with the revised reporting requirements of the Securities and Exchange Commission, adopted by the SEC. In addition, certain instructions are deleted from Schedule page 104.

EFFECTIVE DATE: The changes are effective with respect to Annual Reports submitted for reporting year 1979 and subsequent reporting years.

FOR FURTHER INFORMATION CONTACT: James Kitchen, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 3508-N, Washington, D.C. 20426, (202) 275-4051.

November 8, 1979.

A. Background

Schedule page 104 ("Officers") of the Commission's Annual Report Forms No. 1 and No. 2 requires jurisdictional companies to report the name, title, office address and salary for the report year of each general officer of the respondent company. The requirements of this schedule were last changed by Order No. 503 (Docket No. RM74-5) issued January 29, 1974, (39 FR 4473, February 2, 1974). By that Order the Commission [1] increased the minimum salary of officers required to be reported annually from $25,000 to $35,000 for companies reporting $50 million or more in annual operating revenues and from $15,000 to $25,000 for companies reporting operating revenues less than $50 million.

Since these changes were made, the data submitted by jurisdictional companies reporting officers' salaries on Forms No. 1 and No. 2 have grown beyond the bounds necessary for the Commission's purposes. The inflationary trends of the past five years, coupled with the current reporting thresholds, means that more and more information is required in order to comply with Schedule page 104. Second, the requirement that an "officer's" salary must be reported leaves open the possibility that personnel who are not in policymaking positions may be listed. The term "officer", without further qualifications, may then be adding to reporting burdens. Finally, the requirement to report the principal business address (column C of Schedule page 104) of personnel listed on Schedule page 104 appears unnecessary. The principal business address of the reporting firm should suffice for the Commission's purposes.

In addition to the reporting burden of Schedule page 104, changes in the requirements of the Securities and Exchange (SEC) respecting management remuneration filings require a revamping of Schedule page 104. Since the SEC no longer accepts Commission Annual Report Forms No. 1 and No. 2 in lieu of SEC Form 10-K, certain instructions to Schedule page 104 are now superfluous.

B. Summary of Revisions

The Commission today revises Schedule page 104 of its Annual Report Forms No. 1 and No. 2 by (1) requiring the reporting of officers' salaries greater than or equal to $50,000 per year irrespective of the annual operating revenues reported by respondent companies; (2) adopting the term "executive officer" to describe those salaries which should be reported; and (3) deleting column (c) ("Principal Business Address"). The increase of the reporting threshhold and the removal of the distinction between the size of respondents as to reported revenues are made in recognition of inflationary trends since 1974. The adoption of the term "executive officer" will ensure that only the salaries of policymaking personnel are reported.

An "executive officer" includes the president, secretary, treasurer, and vice president in charge of a principal business unit, division or function (such as sales, administration or finance) of the respondent. It also includes any other person who performs similar policymaking functions and who is employed by the respondent.

These changes will reduce the reporting burden of respondents without materially affecting the informational needs of the Commission. In addition, the new threshhold reporting requirement of $50,000 and the adoption of the term "executive officer" are consistent with recent changes made by the SEC for the reporting of management remuneration for fiscal years ending after December 25, 1978.[2] For this reason, the Commission will accept copies of filings made to the SEC under Item 4 of Regulation S-K in lieu of Schedule page 104 if the substitution of Item 4 is conformed to the size of the Commission's Schedule pages of Annual Report Forms No. 1 and No. 2. This alternative filing option should further reduce reporting burdens by eliminating duplicative reporting.

Finally, instructions 2 through 5 and 7 to Schedule page 104 of Forms No. 1 and No. 2 are deleted. These instructions, keyed to SEC reporting requirements, are no longer appropriate since the SEC no longer accepts the Commission's Forms No. 1 and No. 2 in lieu of their Form 10-K.

C. Effective Date

Because of the minor nature of these revisions and the fact that their immediate adoption will promote an expeditious reduction of unnecessary reporting burdens, and because the

[1] Commission refers to the Federal Power Commission with respect to actions taken before October 1, 1977; and to the Federal Energy Regulatory Commission with respect to actions taken thereafter.

[2] SEC, "Uniform and Integrated Reporting Requirements: Management Remunerations", Release Nos. 33-6003, 34-15380, 35-20811, IC-10505 (issued Dec. 4, 1978), 43 FR 58181 (Dec. 13, 1978).

prompt adoption of these changes is necessary to provide adequate notice of reporting requirements in time for report year 1979, the Commission finds that there is good cause to dispense with public procedures in adopting the revisions. For the same reasons, and because the prompt adoption of the above described changes to Schedule page 104 will reduce reporting burdens without seriously impairing the Commission's informational needs, the Commission finds that there is good cause to make these changes effective for the reporting year 1979 and following for filings made during 1980 and after.

(Department of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565, E.O. 12009, 42 FR 46267 (Sept. 15, 1977); Natural Gas Act as amended, 15 U.S.C. 717, *et. seq.*; Federal Power Act, *as amended*, 16 U.S.C. 791)

For the foregoing reasons, Schedule page 104 ("Officers") of Form No. 1 (Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations and Form No. 2 (Annual Report for Natural Gas Companies (Class A and Class B)), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations are revised as set forth in Attachment A hereto. These revisions are effective for reports filed for the 1979 and subsequent reporting years.

The Secretary shall cause prompt publication of this Order to be made in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-01-M

Docket No. RM80-5

Attachment A
Year ended December 31, 19

OFFICERS

1. Report below the name, title and salary for the year for each executive officer whose salary is $50,000 or more. An "executive officer" of a respondent includes its president, secretary, treasurer and vice president in charge of a principal business unit, division or function (such as sales, administration or finance) and any other person who performs similar policy making functions.

2. If a change was made during the year in the incumbent of any position, show name and total remuneration of the previous incumbent and date change in incumbency was made.

3. Utilities which are required to file similar data with the Securities and Exchange Commission, may substitute a copy of item 4 of Regulation S-K, identified as this schedule page. The substituted page(s) should be conformed to the size of this page.

Line No.	Title (a)	Name of Officer (b)	Salary for Year (c)
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[FR Doc. 79-35292 Filed 11-14-79; 8:45 am]
BILLING CODE 6450-01-C

18 CFR Part 292

[Docket No. RM79-54]

Interim Rule for Qualification of Gas-Fired Cogeneration Facilities for Purposes of the Incremental Pricing Program; Interim Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim rule.

SUMMARY: The Commission gives notice that it has adopted interim rules permitting certain gas-fired cogeneration facilities to be exempt from the incremental pricing provisions of the Natural Gas Policy Act of 1978 (NGPA). The exemption in the NGPA permits cogeneration facilities which qualify under the Commission's rules implementing section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA) to be exempt from the surcharges for natural gas otherwise provided under the incremental pricing provisions of the NGPA. Under the interim rules, cogeneration facilites which meet certain standards may file an affidavit that they are "qualifying cogeneration facilites," and thereby be exempted from incremental pricing.

EFFECTIVE DATE: November 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Adam Wenner, Executive Assistant to the Associate General Counsel, Federal Energy Regulatory Commission, Room 8104-C, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8171, or

James C. Liles, Office of Regulatory Analysis, Federal Energy Regulatory Commission, Room 3000, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8128.

SUPPLEMENTARY INFORMATION:

November 9, 1979.

Background

On September 28, 1979, the Commission issued final rules implementing the incremental pricing provisions of the Natural Gas Policy Act of 1978 (NGPA).[1] These rules provide, among other things, that natural gas used by "a qualifying cogeneration facility" shall be exempt from the incremental pricing provisions of the NGPA.[2] A qualifying cogeneration facility is defined in the regulations as a cogeneration facility which meets the requirements prescribed by the Commission pursuant to section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[3]

On June 27, 1979, the Commission issued a notice of proposed rulemaking providing requirements for qualification of small power production and cogeneration facilities under section 201 of the PURPA.[4] At this time, the Commission has not promulgated a final rule establishing criteria for qualifying status.

An operative rule setting forth the requirements for a qualifying natural gas-fired cogeneration facility is necessary for the timely implementation of the Commission's incremental pricing program. Section 282.602 of the incremental pricing regulations requires that on or before December 1, 1979, each interstate pipeline must file with the Commission a tariff sheet reflecting a "reduced PGA" rate for the period January 1, 1980, to the effective date of the pipeline's next normally scheduled PGA filing. In order to calculate this reduced PGA rate, each pipeline must ascertain which of the customers it serves, whether directly or indirectly are wholly or partially exempt from being incrementally priced as to their use of natural gas. This information is to be provided by the filing by individual customers of exemption affidavits, a copy of which must be filed with the facility's natural gas supplier. By filing an affidavit, a customer affirms, under penalty of law, that he belongs to one of the several customer groups which is exempt from incremental pricing. In the case of the exemption for qualifying cogeneration facilities, therefore, an industrial customer cannot certify that his facility is a qualifying cogeneration facility until the Commission issues final rules so specifying.

In order to permit natural gas-fired cogeneration industrial end-users to file exemption affidavits in a timely fashion, and thus provide affected pipelines with the information needed to make accurate calculations as to their reduced PGA rates which will be effective January 1, 1980, the Commission finds good cause to issue interim regulations providing that certain existing gas-fired cogeneration facilities can obtain qualifying status on an interim basis, solely for the purpose of obtaining an exemption from incremental pricing.

The interim qualifying status available to certain existing gas-fired cogeneration facilities will not enable them to obtain any of the benefits set forth pursuant to section 210 of PURPA or to continue to retain the exemption from the incremental pricing of natural gas after final regulations are promulgated in this docket. Those benefits will be available only if a facility qualifies under the Commission's final rules in Docket No. RM79-54. The only benefit to be derived from this interim qualification is exemption from the incremental pricing of natural gas pending promulgation of the final regulations in this docket.

The Commission finds it appropriate to adopt for this interim rule certain provisions proposed in Docket No. RM79-54. In addition, the Commission finds it appropriate to make changes in other proposed provisions of that Docket for the purpose of this interim rule. The adoption of this interim rule in this manner does not reflect a final decision by the Commission as to which gas-fired cogeneration facilities will meet the criteria for qualification under the final rule in this docket. Rather, it indicates that the Commission finds these particular standards and procedures appropriate and expedient for use on an interim basis.

Summary of the Interim Rule

§ 292.501 Scope.

The purpose of the interim rule is limited to establishing an interim exemption from incremental pricing under the Natural Gas Policy Act of 1978.

§ 292.502 Qualifying requirements for cogeneration facilities.

Paragraph (a) provides that, for purposes of Title II of the Natural Gas Policy Act of 1978, a "qualifying cogeneration facility" is a cogeneration facility which was in existence on November 1, 1979, and which used natural gas as a fuel on or prior to that date. In addition, a qualifying cogeneration facility must meet the efficiency standards prescribed in § 292.502 (e) and (f) of this rule.

The fundamental concept behind the provision of benefits to cogeneration facilities is the ability of these facilities to make more efficient use of fuel needed to meet heat and power demands. This more efficient use of fuel is only accomplished when the waste or rejected heat from one power or heating process is used in another heating or power process. Thus, the "combined" or "joint" production of heat and power does not fully define cogeneration; the production must represent the sequential use of the same stream of energy or heat. Such sequential use ordinarily is more energy-efficient than separate production. Section 292.502(a) accordingly requires that a facility must produce electric energy and other forms of useful energy through the *sequential* use of energy.

[1] Order No. 49, Docket No. RM79-14, issued September 28, 1979.

[2] Sections 282.201(a), and 282.203.

[3] Section 282.202(e).

[4] Docket No. RM79-54, issued June 27, 1979 (44 FR 38872, July 3, 1979.)

Section 3 (18)(B)(ii) of the Federal Power Act provides that a qualifying cogeneration facility must be owned by a person "not primarily engaged in the generation or sale of electric power (other than electric power solely from cogeneration or small power production facilities)." Section 206(c)(2) of the Natural Gas Policy Act of 1978 provides that incremental pricing of gas shall not apply to the generation of electricity by any electric utility. Section 282.203(d) of the Commission's rules implements this exemption. Section 292.206(b) of the Commission's proposed rules in this docket would provide that a cogeneration facility may not qualify under section 201 of PURPA if more than 50 percent of the facility is owned by electric utilities.

The Commission wishes to ensure that cogeneration facilities which satisfy the technical requirements for qualification, but which, because of majority utility ownership, might not be eligible to be qualifying cogeneration facilities under section 201 of PURPA receive the same exemption available for electric utilities referred to above. Accordingly, this interim rule does not contain the ownership limitations set forth in § 292.206(b) of the proposed rules for qualification under section 201 of PURPA.

As a result, qualification under this interim rule is intended both to implement the exemption for qualifying cogeneration facilities in section 206(c)(3) of the NGPA, and to clarify the applicability of the exemption for electric utilities in section 206(c)(2) of the NGPA. Therefore, a cogeneration facility which meets the technical requirements for qualification under PURPA, but which might be excluded because of utility ownership, is nevertheless eligible to be a "qualifying cogeneration facility" for the purpose of exemption from incremental pricing. The Commission emphasizes that qualification of utility-owned facilities under this interim rule does not reflect qualifying status under section 201 of PURPA, or eligibility for the benefits provided under section 210 of PURPA. It is only intended to ensure that the combined effect of the exemptions for qualifying cogeneration facilities and for electric utilities does not exclude efficient cogeneration facilities.

Section 292.502(b) sets forth definitions used to calculate the efficiency of a facility. Subparagraph (1) defines a "cogeneration facility" as the equipment used to produce electric energy and other forms of useful energy (such as heat or steam) used for industrial, commercial, heating or cooling purposes, through the sequential use of energy. Subparagraph (1) limits qualification to equipment used for cogeneration. Therefore, although gas may be used for other purposes at the same location, only gas used for qualifying cogeneration is exempt from incremental pricing.

Subparagraph (2) defines the "useful thermal energy output" of a cogeneration facility as the heat made available for use in an industrial process or for use as space or water heating or cooling.

Subparagraph (3) defines the "useful power output" of a cogeneration facility as the electrical or mechanical energy made available for use, exclusive of any use solely in the power production process.

Subparagraph (4) provides that "total energy input" means the total energy of all forms supplied from external sources to the cogeneration facility. In the case of energy in the form of fossil fuel, the energy input is to be measured by the lower heating value of such fuels.

Subparagraph (5) defines "working fluid energy input" to a cogeneration facility as the enthalpy of steam leaving a boiler minus that of the feed water, when the steam is subsequently used in a topping cycle.

Subparagraph (6) defines "overall energy efficiency" as the ratio of the sum of all useful energy outputs to the total energy input of the facility, measured by means of actual data or estimates. The definition provides that any energy used exclusively in the thermal process of a topping-cycle (supplementary firing) facility shall not be included as energy output or energy input for the purpose of determining the cogeneration facility's overall energy efficiency. The definition of "overall energy efficiency" for this rule is different from that initially proposed in Docket No. RM79-54 in that it is based only on the energy output of the heat and power production equipment, without requiring a computation of process heat utilization efficiency. The Commission makes this change in order to simplify the computation of energy efficiency.

Subparagraph (7) defines "internal energy efficiency" as the ratio of the sum of all useful energy outputs to the working fluid energy input, measured by means of actual data or estimates. This definition also provides that any energy used exclusively in the thermal process of any topping-cycle (supplementary firing) facility shall not be included as energy output or energy input for the purpose of determining the cogeneration facility's internal energy efficiency.

Cogeneration facilities can generally be grouped into two distinct classes: "topping" cycles and "bottoming" cycles. In a topping-cycle cogeneration facility, electricity is generated first and the rejected energy is typically used in a thermal process. Examples of topping-cycles are backpressure steam turbines and combustion turbines with waste heat recovery boilers. Such systems can produce both electric power and process steam. Subparagraph (8) accordingly defines a "topping-cycle cogeneration facility" as a facility in which the energy input is first used to produce power, and the waste heat from power production is then used to provide useful heat.

Bottoming-cycle cogeneration facilities use high-temperature energy for a thermal process first, with subsequent use of the rejected heat for generating electricity. Subparagraph (9) defines a "bottoming-cycle cogeneration facility" as a facility in which the energy input to the system is first applied to a useful heating process, and the residual heat emerging from the process is then used for power production.

Subparagraph (10) states that "supplementary firing" means natural gas used only in the thermal process of a topping cycle, or only in the electric generation process of a bottoming-cycle.

Paragraph (c) sets forth efficiency standards for topping-cycle cogeneration facilities. Only topping-cycle cogeneration facilities are required to meet the efficiency standards set forth in this interim rule. (Complex facilities, with both topping and bottoming generation of electricity or mechanical energy, may be considered bottoming cycles for the purpose of this interim rule). Subparagraph (1) requires that, to qualify, the overall energy efficiency of a cogeneration facility must be no less than 0.55.

An alternative efficiency standard is provided in subparagraph (2) which eliminates boiler efficiency as a standard for qualification. Under this standard, the internal energy efficiency must be not less than 0.70. The alternative efficiency standard is provided to permit qualification of facilities using low-quality fuel burned in association with natural gas, giving rise to low boiler efficiencies.

Paragraph (d) states that a bottoming-cycle cogeneration facility does not have to meet any efficiency standards in order to be a qualifying facility.

Paragraph (e) sets forth the limitation on eligibility for qualification under this interim rule. In order to qualify, a facility must have been in existence on November 1, 1979, and must use natural gas as an energy input. It need not use

gas exclusively, but can combine gas with other fuel sources.

Paragraph (f) provides that the Commission may waive any of the standards for qualification, if it finds that such waiver is necessary to encourage congeneration.

Paragraph (g)(1) provides that obtaining qualifying status for purposes of this interim rule does not make a facility eligible for the rates and exemptions set forth in section 210 of PURPA.

Paragraph (g)(2) provides that interim qualification does not necessarily assure that a facility will be a qualifying facility under the Commission's final rules in Docket No. RM79-54, which implement section 201 of PURPA.

Interim qualification will terminate upon the issuance of final rules in Docket No. RM79-54. Facilities qualifying under this interim rule will have to qualify under that rule in order to retain their exemption from incremental pricing.

§ 292.503 Procedures for obtaining qualifying status.

Section 292.503 provides that an applicant who meets the standards must indicate on the exemption affidavit provided under the incremental pricing program that it is a qualifying cogeneration facility. Upon filing that affidavit with the Commission, with a copy to the supplying pipeline, such facility shall be exempt from incremental pricing.

Section 553(d) of Title 5, United States Code, provides that a substantive rule need not be published 30 days prior to taking effect if the rule grants or recognizes an exemption. As stated above, the regulations below set forth criteria for the determination of an exemption from the Commission's incremental pricing program. Thus, the 30-day period is not required with respect to these rules. The regulations are being made effective immediately, for the reasons stated above.

In consideration of the foregoing, Subchapter K, Chapter I, Title 18, Code of Federal Regulations, is amended by adding a new Part 292 as set forth below, effective on the issuance of these rules.

By the Commission.

Kenneth F. Plumb,

Secretary.

(1) Subchapter K is amended in the table of contents by adding in the appropriate numerical order a new Part number and heading to read as follows:

SUBCHAPTER K—REGULATIONS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

PART 292—REGULATION OF SMALL POWER PRODUCTION AND COGENERATION FACILITIES UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

(2) Subchapter K is amended by adding a new Part 292 to read as follows:

PART 292—REGULATION OF SMALL POWER PRODUCTION AND COGENERATION FACILITIES UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Subparts A through D—[Reserved]

Subpart E—Qualification of Cogeneration Facilities for Incremental Pricing Exemption

Sec.
292.501 Scope.
292.502 Qualifying requirements for cogeneration facilities.
292.503 Procedures for obtaining qualifying status.

Authority: Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Natural Gas Policy Act of 1978, Pub. L. 95-621; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.

Subparts A through D—[Reserved]

Subpart E—Qualification of Cogeneration Facilities for Incremental Pricing Exemption

§ 292.501 Scope.

This subpart defines qualifying cogeneration facilities for the sole purpose of establishing an interim exemption from incremental pricing under the Natural Gas Policy Act of 1978.

§ 292.502 Qualifying requirements for cogeneration facilities.

(a) *Definition of qualifying cogeneration facility.* For purposes of Title II of the Natural Gas Policy Act of 1978 (NGPA), and Subpart B of Part 282 of the Commission's rules, the term "qualifying cogeneration facility" means a cogeneration facility which:

(1) Was in existence on November 1, 1979;

(2) Used natural gas as a fuel on or prior to that date;

(3) Produces electric energy and another form of useful energy (such as heat or steam), used for industrial, commercial, heating or cooling purposes, through the sequential use of energy; and

(4) Meets the efficiency standards set forth in this section.

(b) *Definitions.* For purposes of this subpart:

(1) "Cogeneration facility" means equipment used to produce electric energy and another form of useful energy (such as heat or steam), used for industrial, commercial heating or cooling purposes, through the sequential use of energy;

(2) "Useful thermal energy output" of a cogeneration facility means the heat made available for use in an industrial process or for use as space or water heating;

(3) "Useful power output" of a cogeneration facility means the electrical or mechanical energy made available for use, exclusive of any used solely in the power production process;

(4) "Total energy input" means the total energy of all forms supplied from external sources to the cogeneration facility. In the case of energy in the form of fossil fuel, the energy input is to be measured by the lower heating value of such fuel;

(5) "Working fluid energy input" to a cogeneration facility means the enthalpy of steam leaving a boiler minus that of the feed water, when the steam is subsequently used in a topping cycle;

(6) "Overall energy efficiency" means the ratio of the sum of all useful thermal and power outputs to the total energy input of the cogeneration facility, measured by means of actual data or estimates. Any energy used exclusively in the thermal process of a topping-cycle (supplementary firing) facility shall not be included as energy output or energy input for the purpose of determining the cogeneration facility's overall energy efficiency;

(7) "Internal energy efficiency" means the ratio of the sum of all useful thermal and power outputs to the working fluid energy input, measured by means of actual data or estimates. Any energy used exclusively in the thermal process of a topping-cycle (supplementary firing) facility shall not be included as energy output or energy input for the purpose of determining the cogeneration facility's internal energy efficiency;

(8) A "topping-cycle cogeneration facility" means a cogeneration facility in which the energy input to the facility is first used to produce power, and the waste heat from power production is then used to provide useful heat;

(9) A "bottoming-cycle cogeneration facility" means a cogeneration facility in which the energy input to the system is first applied to a useful heating process, and the residual heat emerging from the

process is used then for power production; and

(10) "Supplementary firing" means natural gas used only in the thermal process of a topping-cycle cogeneration facility, or only in the electric generating process of a bottoming-cycle cogeneration facility.

(c) *Efficiency standards for topping-cycle facilities.* For topping-cycle cogeneration facilities using natural gas, with or without any other fuels, the following efficiency standard applies:

(1) The facility's overall energy efficiency must be not less than 0.55, or

(2) The internal energy efficiency of the facility must be not less than 0.70.

(d) *Efficiency standards for bottoming-cycle facilities.* For bottoming-cycle cogeneration facilities, there is no efficiency standard for qualification.

(e) *Eligibility.* In order to obtain qualifying status under the interim rule, a cogeneration facility must:

(1) Have been in existence on November 1, 1979, and

(2) Have used natural gas as an energy input on or prior to November 1, 1979.

(f) *Waiver.* The Commission may waive any of the provisions of this subpart if it determines that such waiver is neccessary to encourage cogeneration.

(g) *Limitations of benefits of interim qualification.* Obtaining qualifying status for purpose of this interim rule does not:

(1) Constitute qualifying status for purposes of section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA), or

(2) Assure that a facility will be a qualifying facility under the Commission's final rules implementing section 201 of PURPA or Title II of the NGPA.

§ 292.503 Procedures for obtaining qualifying status.

(a) In order to be a qualifying facility for purposes of exemption from incremental pricing, a facility must meet the standards set forth in § 292.502.

(b) If a cogeneration facility meets the standards set forth in § 292.502, the owner or operator of the facility may file an executed exemption affidavit that the facility is a qualifying cogeneration facility, pursuant to the procedures set forth in § 282.204 of the Commission's rules.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

Off-Reservation Treaty Fishing; Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836

AGENCY: Department of the Interior.

ACTION: Interim Rule on which comment is solicited.

SUMMARY: This subpart governs off-reservation fishing in the Michigan waters of Lakes Superior, Michigan and Huron, together the St. Mary's River system connecting Lakes Superior and Huron, ceded in the Treaty of March 28, 1836; 7 Stat. 491. This rule applies to fishing by the members of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians, which possesses off-reservation fishing rights secured by that treaty. The regulations were prepared and are being promulgated pursuant to a Memorandum of Understanding with the tribes and after consultation with the Michigan Department of Natural Resources. The Secretary has determined that conservation of the fishery resource within the ceded waters will be enhanced by a single set of comprehensive regulations, and that the advent of the fall spawning seasons requires the promulgation of this rule as emergency regulations. They are promulgated pursuant to the regulatory mechanism established in Subpart A of this part. This rule is published as an interim regulation and is effective on the day after publication. Comments on this rule must be received on or before January 14, 1980.

DATES: Effective November 16, 1979; deadline for comments January 14, 1980.

ADDRESS: Send comments to Associate Solicitor for Indian Affairs, Department of the Interior, 18th and C. Sts., NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Jim Jannetta, Attorney-Advisor, Department of the Interior, Office of the Solictor, Division of Indian Affairs, 18th and C. Streets, N.W., Washington, D.C. 20240, (202) 343-8526.

SUPPLEMENTAL INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. 1457, 25 U.S.C. 2 and 9, and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of federally reserved treaty fishing rights. The Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians have off-reservation fishing rights secured by the Treaty of March 28, 1836, 7 Stat. 491, as affirmed in *People* v. *LeBlanc*, 399 Mich. 31, 248 N.W. 2d 199 (1976) and *United States* v *Michigan*, 471 F. Supp. 192 (W.D. Mich. 1979). The fishing right includes the right to take fish for commercial purposes in the Great Lakes and connecting waters ceded by the tribes in that treaty. This area includes the Michigan waters of Lake Superior east of Marquette, of Lake Michigan east of Escanada and north of the mouth of the Grand River, of Lake Huron north of Alpena, and of the entire St. Mary's River system.

This May in *United States* v. *Michigan* the court ruled that the authority of State of Michigan to regulate the exercise of the treaty fishing right has been preempted. Subsequently, the Department and the tribes entered into a Memorandum of Understanding governing the regulation of treaty fishing. Under this agreement, the tribes were to develop one joint comprehensive set of regulations governing the fishing of their members. These regulations were to be developed in consultation with the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources. The Department was to review the joint tribal regulations to see that they met conservation needs, and was to publish them as federal regulations if they did so.

The tribes developed their joint set of regulations as agreed. The Department has reviewed these regulations and has determined that they meet conservation needs, with certain adjustments which are reflected herein. Several suggestions made by the State of Michigan have been incorporated, with the acquiesence of the tribes. In addition, the Secretary has determined that a closure of the Lower St. Mary's River to net fishing is necessary for conservation. This area contains a naturally reproducing lake herring stock which is rare in the American waters of the Great Lakes and which is susceptible to net fishing. The tribes have not included a closure of the Lower St. Mary's in their regulations and have not consented to the inclusion of such a closure in these regulations. Nevertheless, the Secretary is implementing the closure under his authority to act to protect the fishery resource as set forth in 25 CFR Part 256, Subpart A.

A federal-state-tribal biological team has been at work preparing harvestable surplus estimates for various species in each state statistical district within treaty waters. In the Memorandum of Understanding, the tribes and the

Department agreed that when the harvestable surplus of a given species has been taken by all harvesters from a given area, treaty fishing may be closed for that species in that area regardless of the proportion of the harvest taken by treaty fishers. Adjustments to these regulations to provide for additional closures as the season progresses will be made as necessary on this basis.

An environmental assessment has been completed and it has been concluded that this rule is not a major federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(e) of the National Environmental Policy Act of 1969. The Department has also determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Because the fall spawning season has begun and fish stocks are now especially vulnerable to fishing pressure, it is imperative for the protection of the resource that these regulations be implemented immediately. For these reasons, the Secretary has determined hereby and for good cause finds that formal advance notice, public comment procedures and delayed effectiveness procedures of 5 U.S.C. § 553 are impracticable and contrary to the public interest. These regulations are therefore effective immediately as interim regulations which will carry through the short remainder of the current fishing season.

It is proposed that these regulations govern treaty fishing during the 1980 fishing season as well. Comments from interested persons are invited and will be considered in determining whether any changes should be made to these regulations. Interested persons wishing to participate should submit their comments including data and recommendations, to: Associate Solicitor for Indian Affairs, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. Comments received within 60 days of the publication of this notice will be considered.

The primary author of this document is: Jim Jannetta, Attorney-Advisor, Department of the Interior, Office of the Solicitor, Division of Indian Affairs, 18th and C Streets NW., Washington, D.C. 20240, (202) 343-8526.

EFFECTIVE DATE: This rule takes effect on November 16, 1979.

Dated: November 13, 1979.

Cecil D. Andrus,

Secretary.

Part 256 of Chapter 1 of title 25 CFR is hereby amended by adding the following Subpart D.

Subpart D—Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836

256.40 Purpose of this subpart.
256.41 Definition of terms.
256.42 Scope and application.
256.43 Jurisdiction and enforcement.
256.44 Identification.
256.45 Reports, inspection and sampling.
256.46 Limitations on fishing activity.
256.47 Emergency regulations.
256.48 Other laws and regulations.
256.49 Forcible assault on enforcement officer.
256.50 Term of regulations.

Authority: The provisions of Subpart D are issued under the authority of 25 U.S.C. 2, 9; 43 U.S.C. 1457; Reorganization Plan No. 3 of 1950 (64 Stat. 1262); Treaty of March 28, 1836 (7 Stat. 491); and 25 CFR 256, Subpart A.

Subpart D—Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836

§ 256.40 Purpose of this subpart.

The purpose of these regulations is to assure the conservation of the fishery resources in the Great Lakes and connecting waterway in the State of Michigan for the present and future use and enjoyment of the members of the Indian tribes regulated hereby and other persons entitled to participate in the fishery, and to prevent the deterioration of the fishery resource. These regulations were developed in fulfillment of a Memorandum of Understanding among the tribes and the Department of the Interior governing the regulation of treaty fishing activity. This subpart is promulgated pursuant to Subpart A and is subject to the provisions contained therein.

§ 256.41 Definition of terms.

(a) "Ad Hoc Technical Working Group" means the group comprised of one biologist each designated by the State of Michigan, the Department of the Interior and the tribes to assemble data and issue reports on the status of fish stocks in the waters in which the fishing activity of the tribes occurs.

(b) "Commercial fishing" means fishing activity engaged in for the purpose of sale or exchange of fish.

(c) "Enforcement officer" means:

(1) Any enforcement agent of the Bureau of Indian Affairs, Fish and Wildlife Service, and Coast Guard, and any other person authorized by the Secretary to enforce the provisions of 25 CFR 256 Subpart A or D;

(2) Any tribal enforcement officer authorized by tribal law to enforce tribal conservation regulations; and

(3) Any conservation officer of the Michigan Department of Natural Resources and any other person authorized by the laws of the State of Michigan to enforce State conservation laws and regulations.

(d) "Fishing activity" means fishing for, catching, taking, or attempting to fish for, catch or take any species of fish from treaty waters, and includes all related activities which occur in or on the water, and in the process of loading or unloading fish, nets, or related gear, in or from a boat.

(e) "Pleasure and subsistence fishing" means fishing activity conducted with hook and line, spear, or a single gill net not exceeding 200 feet in length, for personal and family use and not for sale or exchange.

(f) "Secretary" means the Secretary of the Interior.

(g) "Target Fishing" means fishing activity for the purpose of catching or taking a specific species or several specific species of fish.

(h) "Treaty" means the Treaty of March 28, 1836 (7 Stat. 491).

(i) "Tribes" means the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

§ 256.42 Scope and application.

(a) This subpart applies to the fishing activity of members of the tribes in the waters of the Great Lakes and connecting waterway located within the State of Michigan and ceded in the treaty.

(b) Each of the provisions of this subpart applies to the commercial fishing of tribal members.

(c) Each of the provisions of this subpart applies to the pleasure and subsistence fishing of tribal members except the requirements of §§ 256.44 (identification cards), 256.45(a) (catch reporting), and 256.46(c) (target fishing for lake trout). Further regulation of pleasure and subsistence fishing is reserved to the tribes.

§ 256.43 Jurisdiction and enforcement.

(a) Jurisdiction to enforce these regulations on tribal members is vested in tribal courts and the Courts of Indian Offenses of the reservations of the tribes.

(b) Enforcement officers may enforce the regulations in this subpart and further, may exercise the existing enforcement powers of the tribes under tribal law. The tribes will continue to accept and prosecute violations of tribal regulations by tribal members referred to them by the Michigan Department of

Natural Resources, other law enforcement agencies, or private parties.

(c) In accordance with the provisions of 25 CFR 256.6, violations of these regulations may be punished by a fine not to exceed $500, imprisonment of not to exceed 6 months, or both. In addition, the treaty fishing activity of the violator shall be suspended for not less than 5 days, and the court shall impound the treaty fishing identification card of the violator for the duration of the suspension.

§ 256.44 Identification.

(a) Each member of a tribe engaged in treaty commercial fishing activity shall have in his possession at all times a tribal treaty fishing identification card issued pursuant to 25 CFR 256.3.

(b) No member of a tribe shall allow a person who does not possess an identification card issued pursuant to subsection (a) hereof to aid or assist such member while engaged in any treaty fishing activity.

(c) The identification card issued pursuant to subsection (a) hereto shall be shown on demand to any enforcement officer.

(d) Each net used in a treaty fishing activity shall be clearly marked with a buoy showing the identification card number of the user.

§ 256.45 Reports, inspection and sampling.

(a) Each person to whom a tribal treaty fishing identification card has been issued shall file a report of the catch for each calendar month with such person's tribe not later than the tenth day of the month following. This requirement is satisfied if the identification card holder who is in charge of a fishing vessel files a single report listing the names and identification card numbers of all persons who worked on such vessel. The report shall be made on forms provided for that purpose by the tribes and shall indicate the kind and amount of gear, the species and amount of catch, the location of fishing activity, and such other information as the tribes may require. The report shall be submitted regardless of whether the identification card holder engaged in commercial fishing activity during the month. Catch data obtained from this reporting shall be made available by the tribes to the Michigan Department of Natural Resources, the Michigan Agency of the Bureau of Indian Affairs, and the Regional Director of the U.S. Fish and Wildlife Service.

(b) Each catch is subject to reasonable visual inspection of amount and species by an enforcement officer at the place where the catch is offloaded from the fishing vessel. The unpacking of packed fish boxes shall not be required. Each catch is subject to reasonable biological sampling as directed by a tribal or federal biologist. If such sampling requires the taking of the fish or impairs the market value thereof, the reasonable value of the loss shall be reimbursed.

(c) Notwithstanding any other provision of this subpart, assessment fishing may be permitted at any time in any location upon the written permission of a tribal or federal biologist, and under the supervision thereof. Direct assessment fishing by the U.S. Fish and Wildlife Service is not limited by these rules.

§ 256.46 Limitations on fishing activity.

(a) The following areas shall be closed to all treaty fishing activity:

(1) Michigan Fish Management Zone MH-1 in northwestern Lake Huron;

(2) Grand Traverse Bay of Lake Michigan south of 45° north latitude;

(3) Little Traverse Bay of Lake Michigan east of a line from Bayshore to the radio tower northeast of Seven Mile Point;

(4) The Lower St. Mary's River from a line from Point Aux Frenes to the international boundary south and east to Lake Huron, including all of Potagannissing Bay.

(b) The minimum stretched measure mesh size for gill nets shall be as follows:

(1) In Lake Michigan south of a line extending east and west through the Village of Good Hart, 5½ inches for target fishing for whitefish, *Provided, however,* That the minimum size shall be 4½ inches until January 1, 1980.

(2) In Lake Michigan north of the line described in subsection (1) and in Lakes Huron and Superior, 4½ inches for target fishing for whitefish.

(3) In all waters, 2½ inches for target fishing for bloater chubs.

(c) Target fishing activity for various species shall be restricted as follows:

(1) Target fishing for sport species or species listed as threatened or endangered by the Secretary pursuant to the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, is prohibited. Sport species are: Brown Trout, Brook Trout, Rainbow Trout and Atlantic Salmon. Threatened and endangered species include: Longjaw, Deepwater, Shortnose, Blackfin and Shortjaw Ciscos and Lake Sturgeon. Dead sport species incidentally taken in commercial fishing gear during target fishing for other species may be retained for personal or family use but shall not be sold or exchanged. Live sport species and all threatened and endangered species shall be returned to the water.

(2) All other fish species not identified in subsection (1) are species which may be taken by target commercial fishing.

(3) Notwithstanding the provisions of subsection (2), due to the current condition of the stocks target fishing for Lake Trout is prohibited. Dead Lake Trout incidentally taken in commercial fishing gear during target fishing for other species may be retained and sold. Live Lake Trout taken shall be returned to the water. If the catch of Lake Trout in any net lift shall exceed 20% of the total catch by weight, the individual making the lift shall not set nets in the same grid area for a period of ten days.

(d) All treaty fishing activity is prohibited in Lakes Michigan and Huron from November 1 through November 30, and in Lake Superior from October 25 through November 15, of each year.

(e) Treaty fishing activity with a net within ½ mile of the mouth of a river or stream suitable for spawning purposes is prohibited prior to June 1 and after August 31 of each year.

(f) Upon completion of the report on Lake Superior by the Ad Hoc Technical Working Group, the Secretary and the Joint Emergency Regulatory Committee shall issue such further regulations applicable to Lake Superior as are reasonably necessary for conservation purposes.

§ 256.47 Emergency regulations.

(a) There is hereby established a Joint Emergency Regulatory Committee comprised of three members of each tribe. The membership of the committee shall include the tribal chairpersons, the chairpersons of the tribal conservation committees, and one licensed commercial fisher from each tribe selected by the other two members from the respective tribes. This group shall select a chairperson from within its membership who shall retain the right to vote on all matters. The Committee, on the affirmative vote of four members thereof, may adopt emergency regulations binding on the fishers from both tribes in the following circumstances:

(1) When treaty fishing activity in any State statistical district has exceeded 50 percent of the allowable catch as determined by the Ad Hoc Technical Working Group, the Committee may limit or close the area to treaty fishing, require additional catch reporting or monitoring of catch, or take other steps, as the situation may warrant.

(2) If the State of Michigan closes any area to all non-treaty fishing activity, the Committee shall examine the reasons for such closure and may close

that area or otherwise limit tribal fishing.

(3) If credible information is received indicating that tribal fishing activity may be harvesting fish that exceed the tolerance levels for contaminants set by the Food and Drug Administration, the Committee may take action to assure that the fish are pre-tested before being marketed or may close that portion of the fishing activity which might otherwise bring contaminated fish into the market.

(4) If requested by the Secretary to act in response to any other emergency situation the Committee may promulgate appropriate regulations as required.

(b) The Area Director of the Bureau of Indian Affairs in Minneapolis, Minnesota, is authorized to make emergency changes in these regulations, including closures and restrictions or the relaxation thereof, to meet conditions not foreseen at the time these regulations were issued or when in-season adjustments or closures are necessary for conservation purposes. The tribes shall be consulted before promulgation of emergency regulations, and the Joint Emergency Regulatory Committee shall participate in developing emergency changes to the regulations where practicable. Differences over in-season regulatory adjustments shall be resolved by the tribal chairpersons and the Field Solicitor, Twin Cities, Minnesota. However, such referral shall not be cause for delay in promulgation of in-season regulatory adjustments should such adjustments be required on an emergency basis to meet conservation needs. Emergency regulations are effective upon their issuance or according to their terms and remain effective until modified or rescinded by the Area Director or terminated by their terms.

§ 256.48 Other laws and regulations.

Nothing in this subpart shall be deemed to:

(a) Authorize or accomplish any of the actions set forth in 25 CFR 256.7 (a) through (f);

(b) Deprive a tribe of the power to promulgate separate and different tribal regulations on fishery related matters where for conservation purposes there is no reason for uniformity, provided that such regulations are consistent herewith;

(c) Deprive a tribe of the power to promulgate separate and different regulations of fishing activity which are more restrictive than these joint regulations and consistent herewith;

(d) Authorize any State court to exercise jurisdiction which it does not otherwise possess.

§ 256.49 Forcible assault on enforcement officer.

No person engaged in fishing activity under this subpart shall assault, resist, oppose, impede, intimidate, or interfere with an enforcement officer engaged in enforcing this subpart.

§ 256.50 Term of regulations.

The regulations in this subpart take effect on November 16, 1979 and expire on January 1, 1981.

[FR Doc. 79-35437 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-02-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Revision of Regulations Regarding Internal Operations

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: The Commission is changing its regular monthly meeting day from the first Thursday of each month to the first Friday of each month. The reasons for the change in meeting dates are to allow more time for preparation and also to make the meeting times more convenient to relocatees and the general public.

EFFECTIVE DATE: November 15, 1979.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, 2717 N. Steves Boulevard, Bldg. A, Flagstaff, AZ 86001, Telephone No.: (602) 779-3311, Extension 1376, FTS: 261-1376.

SUPPLEMENTARY INFORMATION: Section 700.14 is revised to read as follows:

§ 700.14 Internal operations.

The internal operations of the Commission and the duties and regulations of Commission employees shall be governed by management memoranda, passed, amended, or repealed by a majority of the Commission at any regular or special meeting. The Commission shall hold a regular monthly meeting on the first Friday of each month unless said Friday falls on a legal holiday; and in that event, the meeting shall begin on the next regular workday at the main office of the Commission. Said monthly meeting may continue for as many days thereafter as is necessary to complete the regular affairs of the Commission, and may be adjourned from time to time by the Commission and reconvened at any time designated by the Commission at their regular meeting.

(Pub. L. 93-531, 88 Stat. 1712, 25 U.S.C. 640d-640d-24)

Sandra Massetto,

Chairperson, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 79-35291 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-HB-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79-157]

Drawbridge Operation Regulations; Quincy Bay, Ill.

AGENCY: Coast Guard, DOT.

ACTION: Final rule—Revocation.

SUMMARY: This amendment revokes the regulations for the Quincy Railroad Bridge Company drawbridge across Quincy Bay opposite Broadway Street, Quincy, Illinois because the drawbridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: This amendent is effective on November 15, 1979.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/TP 14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

DRAFTING INFORMATION: The principal persons involved in drafting this revocation of regulations are: Frank L Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

§ 117.60 [Revoked]

In consideration of the above, facts, part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.620.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: November 5, 1979.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 79-35303 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1350-8]

Designation of Areas for Air Quality Planning Purposes; Redesignation of Attainment Status: Humboldt County, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice revises the attainment status designation of Humboldt County, California for total suspended particulates (TSP). The revision is the result of (a) a request from the State Air Resources Board (ARB) to redesignate Humboldt County to attainment for TSP, and (b) the absence of detected violations since 1975. Humboldt County is redesignated from nonattainment (secondary) to attainment for TSP.

DATE: Effective November 15, 1979.

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief, Technical Analysis Section (A-4-3), Air Technical Branch, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 556-2002.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977, Pub. L. 95-95, added to the Clean Air Act (CAA) section 107(d), which directed each State to submit to the Administrator of the EPA a list of the National Ambient Air Quality Standards (NAAQS) attainment status of all areas within the State. The Administrator was required under section 107(d)(2) to promulgate the State lists, with any necessary modifications.

For each NAAQS, areas are classified as either (1) not attaining the standard or, for certain pollutants, projected not to maintain the standard (nonattainment areas), (2) meeting the standard (attainment areas), or (3) lacking sufficient data or information to be classified (unclassified areas). The EPA Published these lists on March 3, 1978 (43 FR 8962). At that time Humboldt County was classified nonattainment (primary) for TSP.

Under section 107(d)(5) of the CAA, as amended, a State may revise its designations of attainment status and submit them to the EPA for promulgation.

On March 19, 1979 (44 FR 16388), the EPA revised the designation of Humboldt County to nonattainment (secondary) for TSP, as recommended by the State of California, because some data were found by the ARB to be invalid. The remaining data indicated violations of the annual "guideline" to the secondary standard, but no violation of the annual primary standard.

A June 28, 1979 letter from the ARB states that Humboldt County was inadvertently omitted from a list of areas earlier recommended for redesignation to attainment for TSP because of a misunderstanding regarding the "guideline" value of 60 $\mu g/m^3$ (see 40 CFR 50.7(a)). The ARB therefore requested the redesignation of Humboldt County to attainment for TSP.

On September 11, 1979 (44 FR 52850), the EPA published a Notice of Proposed Rulemaking, proposing to redesignate Humboldt County as attainment for TSP and inviting public comments on that proposal. No comments were received.

Based upon a review of the TSP air quality data for Humboldt County, the EPA finds that the NAAQS for TSP have been attained.

As a result of this redesignation, the State of California is no longer subject to the requirements of Title I, Part D (Plan Requirements for Nonattainment Areas) of the CAA, as amended, for TSP in Humboldt County.

The EPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Sections 107(d) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7601(a)))

Dated: November 9, 1979.

Douglas M. Costle,

Administrator.

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.305 [Amended]

1. In § 81.305—California, the attainment status designation table for TSP is amended as follows:

In the California—TSP table published in the Federal Register on March 19, 1979 (44 FR 16388), the designation of Humboldt County is amended. The amended portion of the TSP table for § 81.305 reads as set forth below:

California—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * *				
Humboldt County				x
* * * * *				

[FR Doc. 79-33218 Filed 11-14-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 227

[FRL 1360-2]

Announcement of Schedule for Promulgation of Revised Final Ocean Discharge Guidelines; EPA Interim Permitting Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of schedule for promulgation of revised final ocean discharge guidelines; notice of EPA interim guidelines for National Pollutant Discharge Elimination System (NPDES) permitting of ocean dischargers.

SUMMARY: EPA has been ordered by a United States District Court to promulgate revised ocean discharge guidelines, pursuant to section 403(c) of the Clean Water Act (the Act), in accordance with a proposed schedule submitted by the Agency. Under this schedule EPA is to deliver final regulations to the Federal Register by July 30, 1980. Pending promulgation of the revised regulations, EPA writers and reviewers of NPDES permits for discharges subject to section 403(c) are to use the statutory criteria in section 403(c), in all cases, and the ocean dumping criteria in 40 CFR Part 227, wherever appropriate, as interim guidelines.

EFFECTIVE DATE: November 9, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas P. O'Farrell, Office of Water Planning and Standards (WH-551), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202-755-6867.

SUPPLEMENTARY INFORMATION: Section 403(c) of the Clean Water Act provides for EPA's promulgation of guidelines "for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans," with reference to seven statutory criteria. EPA originally promulgated section

403(c) ocean discharge guidelines on October 15, 1973 (38 FR 28610), but withdrew the guidelines on January 11, 1977 (42 FR 2462). Following that, EPA encountered substantial difficulty in developing revised section 403(c) guidelines; the Agency has not published revised guidelines.

On June 21, 1979, Pacific Legal Foundation filed suit in United States District Court for the Eastern District of California, seeking, among other things, that EPA promulgate revised section 403(c) guidelines within ninety days. *Pacific Legal Foundation* v. *Costle*, Civ. No. S-79-429-PCW. National Wildlife Federation and California Natural Resources Federation, intervenors in the lawsuit, sought, among other things, that EPA promulgate the revised guidelines "as expeditiously as possible" in accordance with a court-ordered schedule.

In response to separate motions for summary judgment filed by the plaintiff and plaintiff-intervenors, EPA submitted to the Court a proposed schedule, under which the Agency, by July 30, 1980, would deliver final ocean discharge guidelines to the Federal Register for publication. At the same time, EPA stated that in the interim, given the absence of published guidelines, Agency policy on NPDES permitting of ocean dischargers contemplates that the criteria enumerated in section 403(c) will be considered and that, where appropriate, permit writers may look for guidance to the ocean dumping criteria, 40 CFR Part 227, promulgated under the Marine Protection Research, and Sanctuaries Act of 1972, as amended. EPA's statement reflected a July 20, 1977, directive to this effect from the Deputy Assistant Administrator for Water Enforcement to the Regional Enforcement Directors and was consistent, as well, with the October 20, 1978, Decision of the General Counsel No. 72.

Following a hearing on the summary judgment motions, the Court, on October 31, 1979, ordered EPA to promulgate revised ocean discharge guidelines in accordance with the Agency's proposed schedule. The schedule provides that proposed regulations will be published in mid-February 1980.

The Court also ordered EPA to deliver to the Federal Register, by November 9, 1979, interim guidelines which conform to current Agency policy in reviewing, issuing, or denying NPDES permits for discharges to the territorial seas, the contiguous zone, or the oceans, pending repromulgation of the final ocean discharge guidelines. As discussed above, EPA has used as interim guidelines the policy enunciated in the July 20, 1977, memorandum. In accordance with the Court's order, EPA here reiterates the thrust of that memorandum and makes more explicit the Agency's policy for NPDES permitting of ocean dischargers pending promulgation of revised ocean discharge guidelines.

Until such final regulations are promulgated, it is imperative that discharges into the oceans are in compliance with applicable statutory provisions. Therefore, pending promulgation of final ocean discharge guidelines, the criteria set forth in section 403(c) of the Act are to be considered and applied in the issuance, re-issuance, or review of all NPDES permits for ocean dischargers. In addition, except where circumstances make it inappropriate to do so, the ocean dumping criteria in 40 CFR Part 227 are to be applied to the fullest extent possible before issuing, re-issuing, or reviewing any such NPDES permits.

Dated: November 8, 1979.

Swep T. Davis,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-35243 Filed 11-14-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5735]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners or property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Nebraska	Saunders	Weston, village of	310205-A	Oct. 24, 1979, emergency.	Oct. 18, 1974 and Feb. 20, 1976.
North Carolina	Anson	Peachland, town of	370285	do	Apr. 7, 1978.
New York	Columbia	Chatham, town of	361314	Oct. 26, 1979, emergency.	Jun. 10, 1977.
Do	Albany	Knox, town of	360011	do	Oct. 22, 1976.
Pennsylvania	Clarion	Beaver, township of	422362	do	Jan. 24, 1975.
Florida	Brevard	Canaveral Port Authority	120619—New	Oct. 29, 1979, emergency.	
New York	Albany	Ravena, village of	361346	do	Oct. 22, 1976.
North Dakota	Mountrail	White Earth, city of	380074	Oct. 30, 1979, emergency.	Dec. 20, 1974.
Texas	Coryell	Unincorporated areas	480768-A	Oct. 26, 1979, emergency.	Dec. 6, 1977.
Do	Taylor	Tuscola, city of	481017	Oct. 30, 1979, emergency.	Aug. 29, 1975.
Arizona	Mohave	Lake Havasu City, city of	040116	Nov. 1, 1979, emergency	
Illinois	Macon	Blue Mound, village of	170946-A	do	Nov. 3, 1978.
Indiana	Tipton	Unincorporated areas	180475	do	Mar. 16, 1979.
North Carolina	Duplin	Kenansville, town of	370399	do	Jun. 24, 1977.
Alabama	De Kalb	Fyffe, town of	010355	Nov. 2, 1979, emergency	Jul. 2, 1976.
Florida	Baker	Unincorporated areas	120419	do	Jan. 27, 1978.
Do	Orange	Windermere, town of	120381-A	do	Apr. 22, 1977.

[National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963]

Issued November 2, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-35218 Filed 11-14-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 78-374; FCC 79-665]

Regulation of Domestic Receive-Only Satellite Earth Stations

AGENCY: Federal Communications Commission.

ACTION: First Report and Order in CC Docket No. 78-374, Regulation of Receive-Only Satellite Earth Stations.

SUMMARY: The Commission adopted its First Report and Order in CC Docket No. 78-374. Therein, the Commission altered its policy requiring licenses for all receive-only facilities. Under the new policy, only those operators who wish to be protected from interference need apply for a license. In addition, the Commission waived the requirement that operators seeking a license obtain a construction permit prior to construction of receive-only facilities and lessened the amount of information required from receive-only earth station applicants.

EFFECTIVE DATE FOR POLICIES AND CONDITIONS: October 18, 1979.

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

FOR FURTHER INFORMATION CONTACT: Jane E. Mago, International and Satellite Branch, Common Carrier Bureau, (202) 632-7265.

First Report and Order

Adopted: October 18, 1979.

Released: November 7, 1979.

By the Commission: Chairman Ferris issuing a separate statement.

In the matter of regulation of domestic receive-only satellite earth stations, CC Docket No. 78-374, 44 FR 6755, February 2, 1979.

Introduction

1. This proceeding was instituted by the Commission to explore legal, technical and policy questions associated with the possible deregulation of domestic satellite receive-only earth stations.[1] Our *Notice of Inquiry* (NOI) described the history of receive-only regulation and the current licensing process which requires frequency coordination, construction permit and licensing of receive-only earth terminals. The notice set forth the benefits which accrue from regulation, as well as various criticisms of the present system. We asked that interested parties evaluate the present system and suggest alternative forms of regulatory and/or deregulatory action. In addition, commenting parties were asked to address the specific issues of optional licensing, statutory requirements of regulation, regulatory distinctions based on the type of receive-only operator, the impact of Section 605 of the Communications Act on any regulatory scheme, and the impact of the international Radio Regulations.

Summary of Decision

2. Based on the record in this proceeding, our review of the present regulatory program for receive-only earth stations, relevant statutes and Commission precedent, we conclude, as discussed below, that the public interest would be served by the following:

(1) Immediate implementation of a voluntary licensing program for receive-only earth stations;

(2) Complete deregulation of unlicensed receive-only earth stations;

(3) Initiation of a rulemaking proceeding to revise existing rules and establish new rule sections in Part 25, including, but not limited to, specific procedures for possible further deregulation and the investigation of possible total deregulation of all receive-only earth stations.

Background

3. Our investigation of the feasibility of developing domestic satellite communications began in 1966 and reached its first procedural plateau in 1970 with the adoption of the *First Report and Order in Docket 16495.*[2] Relying on our experience with the INTELSAT system we concluded that

[1] *Notice of Inquiry, Common Carrier Docket 78-374,* 44 FR 6755 (February 2, 1979), 70 FCC 2d 1460 (1979).

[2] 22 FCC 2d 68 (1970). Hereinafter cited as *First Report and Order.*

the public interest would be served by the development of a domestic satellite system. However, we drew no conclusions with regard to the specific types of systems or services which should be developed. Instead, we requested that interested entities submit proposals for system designs, noting from the outset that any system should combine technological efficiency with high quality communications service. Most importantly, however, we stated our belief that multiple entry into the domestic satellite communications market would prove of most benefit to the public interest and that optimal use of the orbital arc could be accomplished through designs which called for reasonably small intersatellite separations.

4. One of the fundamental bases for the development of our regulation of satellite facilites is the existence of interference in shared frequency bands and the effect it might have on the quality of service available to the public.[3] In our *Further Notice of Inquiry in Docket No. 16495,* we noted that potentially serious interference problems might arise between satellite earth station facilites and terrestrial systems operating in the 4 and 6 GHz bands and therefore requested public comment on the feasibility of using alternative frequency bands to avoid or ameliorate this problem.[4] Interference was also addressed in the course of our discussion of specialized common carrier services in Docket 18920.[5] There we concluded that mandatory prior coordination of terrestrial facilities would be beneficial because it would reduce the filing of petitions to deny applications for authorization of new facilities and encourage "various carriers to use the limited frequencies more effectively * * *" [6] In Docket No. 19495, we applied similar reasoning when we determined that prior coordination was an effective means of coordinating transmitting and receiving earth station frequency assignments in shared bands, and adopted flexible engineering standards toward that end.[7]

5. The *Second Report and Order in Docket No. 16495* was adopted in June 1972.[8] On the basis of the concrete applications filed in response to the adoption of the *First Report and Order* and the responsive pleadings and oral argument *en banc,* we determined that multiple entry into the domestic satellite field on a competitive basis would best serve the public interest. In addition, we stated our policy objective to have a flexible ground environment which would permit a variety of earth station ownership patterns and afford diversified access to space segments.[9] The Order recognized that we were developing policies and applying them to a nascent industry in which numerous uncertainties could only be resolved in light of operational experience. Accordingly, we adopted flexible standards designed to be interpreted and modified as experience might dictate.

6. Because we chose to adapt our domestic satellite policies as experience indicated, our regulation of receive-only terminals has been evolutionary. Domestic satellite service was initiated in late December 1973 and grew steadily until early 1977 when the growth in use became explosive. Early, receive-only facilities were very expensive and therefore installed primarily by common carriers to serve multiple users. However, as technology advanced and the equipment market developed, facilities became more affordable and practical for a wider range of users and purposes. In 1975, we authorized Florida Cablevision to construct a receive-only terminal for private use with its CATV system.[10] This was followed by a large influx of similar applications and a series of public notices which set forth procedures designed to streamline the applications process.[11]

7. This flexible, experience-oriented nature of our satellite policy led to a substantial amount of case development of specific regulatory requirements. For example, in a second Florida Cablevision case, we determined that in light of the increasing diversity of program sources, [12] receive-only station licensees would no longer be required to obtain Commission approval for the reception of specific programming.[13] We further developed our domestic satellite policy in *American Broadcasting Companies,* et. al., 62 FCC 2d 901 (1977), where we determined that the use of small antennas was consistent with our domestic satellite policy objectives if certain technical criteria were met. Some subsequent small antenna authorizations placed the risk of potential degradation of quality reception on the applicant, where the operator was willing to accept that risk.[14]

8. The current receive-only licensing process has three steps: frequency coordination, construction permit and license. Frequency coordination is an analytical process designed to resolve potential interference problems and must be performed prior to the filing of an application for construction permit and license. Construction permits and licenses are issued pursuant to the provisions of Title III of the Communications Act of 1934. Both monetary and time costs are associated with this system. Uncontested receive-only applications are generally granted within 45 days of the date public notice of the filing is given. The costs which applicants incur are associated primarily with frequency coordination and application preparation.

9. In addition to filing for initial construction permits and licenses, Title III requires that licensees file formal applications for authority to assign or transfer stations. The proposed controlling party of a receive-only station is required to make all showings required of the initial applicant, except that there is no need to re-coordinate the facility. When an operator holding a non-common carrier authorization seeks to share its facility with an unaffiliated entity, it is required to file an application for a modification of its license setting forth the sharing agreement and affirming the non-profit nature of the proposal. This requirement is patterned after existing cooperative/shared-use provisions in private terrestrial radio services and is designed to avoid conflict with the common carrier provisions of the Act.[15]

Comments of Parties

10. Approximately 60 parties responded to our Notice of Inquiry. Both the comments and the type of commentors varied widely. Commenting groups included common carriers, program originators, CATV owners, frequency coordinators, equipment suppliers, government agencies, broadcasters and communications law

[3] See, for example, fn. 10 of our *First Report and Order,* where we stated: "we think that receive-only stations must be licensed by the Commisison if they are to be protected from interference and also to assure the quality of service intended for use by the public."

[4] 25 FCC 2d 718 (1970).

[5] 29 FCC 2d 870 (1971).

[6] *Supra.* at 930.

[7] 40 FCC 2d 395 (1973).

[8] 35 FCC 2d 844 (1972).

[9] Ibid. at 855.

[10] 54 FCC 2d 881 (1975).

[11] See, 38 FCC 2d 40 (1972); Public Notice of August 8, 1975, FCC 75-932; Public Notice of August 10, 1978, Memo 6044; and Public Notice of January 9, 1979 Memo 11345.

[12] In addition to unregulated television program distributors, such as Home Box Office, we had also authorized a re-sale common carrier to distribute the broadcast signals of an Atlanta television station. See Southern Satellite Systems, 62 FCC 2d 153 (1976)

[13] 67 FCC 2d 339 (1977).

[14] Dekalb Cable TV, application File No. 859-DSE-P/L-79, WJ84 (June 7, 1979).

[15] See public notice on Cost-Sharing, 62 FCC 2d 897 (1976).

firms.[16] There was nearly universal agreement among the commentors that the basic goals which we sought and seek to achieve through receive-only regulation are valuable. The parties differ, however, on the best method to achieve these objectives. Some parties advocate more stringent regulation, some advocate maintenance of the status quo and others believe steps approaching total deregulation are desirable.

11. Those finding fault with the present system focus mainly on two problems which may be characterized generally as monetary costs and administrative delay. Solutions proposed to alleviate the cost of obtaining and operating a receive-only terminal include plans for optional licensing, reducing the amount and type of information to be filed with the Commission and lessening the burden of frequency coordination. To reduce administrative delay, the parties suggest that the Commission adopt a standardized application form, establish a single public notice period for coordination and application, waive the construction permit requirement, and institute an automatic grant system for license applications. Nearly all these proposals were opposed. The proposals and their oppositions are set forth below along with some additional comments.

A. Cost Reduction

12. Many parties addressed the topic of optional licensing of receive-only facilities. Those in favor of the proposal argue that frequency coordination is not necessary in every instance. They assert that for small antennas, particularly where narrowband emissions are to be received, the station can be relocated easily by the operator if interference does occur. Moreover, these parties argue that the frequencey coordination requirement imposes unnecessary burdens on the station owner and that the decision to coordinate or not should be left to the individual owner. Finally, the proponents assert that marketplace forces will be sufficient to protect the ultimate consumer from disruptions in service.

13. Two arguments are generally proffered to rebut optional licensing. First, several owners of terrestrial facilities focus, as we did in our early decisions,[17] on the problem of potential interference in shared bands and suggest this is sufficiently compelling to require continuation of mandatory licensing for receive-only earth stations. These parties argue that any promise to bear the risk of interference is apt to be forgotten when the likelihood that interference will occur increases. They predict that the owners of uncoordinated earth stations will (1) exert pressure on the Commission to deny terrestrial applications which have the potential of creating interference at their sites, thereby delaying service and increasing expenses, or (2) at the very least, attempt to obtain compensation for service disruptions. The second argument, also relying on the language of our earlier orders, is that the public interest will be ill-served by allowing earth station owners to take the risk of offering service to the public over uncoordinated facilities. It is reasoned that the members of the public who will rely on the service offered via these facilities could lose service at any time and may not have a satisfactory means of recourse in such an event. On the other hand, the Justice Department argues that this type of "paternalisitc" reasoning is not convincing in light of recent Supreme Court action.[18]

14. The commenting parties reached a nearly universal conclusion that there could and should be a reduction in the amount of information required from proposed licensees. Suggestions include the elimination of the need for financial and legal information and the elimination of the need to file detailed frequency coordiantion reports. The parties arguing that legal and financial information is not necessary when dealing with receive-only terminals point out that there is no waste of valuable spectrum space associated with these devices. Hence, it is urged that the rationale which requires that this type of information be filed with regard to transmitting devices does not apply to receive-only facilities. In addition to initial filings of this information, these commentors argue that the requirement that recieve-only licensees apply to transfer control of the facility or to assign the license is unnecessary. They assert that mere notification for the purpose of updating the Commissions records would be sufficient.

15. Some commentors also argued that the requirement that licensees file frequency coordination reports should be eliminated. Those advancing this argument assert that the Commission should rely upon the professional judgment of the coordinator and allow marketplace forces to account for any problems which might arise from inaccurate coordination. Others argue that the Commission should function as a check on the quality of the coordinators and as a central database for those who wish to access coordination information. Further, it is asserted that the submission of most of this information is only a small burden or the individual licensee since it is already prepared as part of the coordination process.

16. At least one party suggests that there would be a cost savings if the Commission required coordination for only a portion of the orbital arc. This, it argues, would simplify greatly the coordination process. The opponents of this notion suggest that this would prove little better than no coordination at all since it would restrict the Commission's ability to assign and adjust satellite orbital location and deny satellite operators the flexibility of selecting or changing satellites or carriers to satisfy overall requirements best.

B. Administrative Improvements

17. A number of parties suggest methods to reduce administrative delay. Probably the most significant of these might best be described as a blanket waiver of the requirement for construction permits pursuant to Section 319(d) of the Act, 47 U.S.C. 319(d). The proponents of this idea suggest that prior construction, at the risk of the proposed licensee, would enable the individual applicant to begin service immediately upon grant of operational authority even if it were necessary to move the station site, which it is argued, involves little expense. Parties opposed to this suggest that blanket waiver would eliminate the entire purpose of requiring a construction permit since the Commission would be loathe to deny the application where the party has already invested large sums of time, effort and money in the project. They also assert that the cost of relocating and/or shielding an already constructed station is not as minimal as the other parties might suggest.

18. Several parties suggest that the Commission should consider the option of establishing concurrent frequency coordination and public notice periods. This, they assert, wil reduce the lead

[16] Due to the large number of commentors and because many parties raised similar issues, the comments will not normally be identified by commenting party herein. A list of the parties is presented in Attachment 1 and the actual comments are available for inspection in the Commission's record of this proceeding.

[17] See paragraph 4 above.

[18] See Justice Department comments, p. 7. The Department cites Virginia State Board of Pharmacy v. Virginia Consumers Council, Inc., 425 U.S. 748 (1976) and Bates v. State Bar of Arizona, 433 U.S. 350 (1977) in support of its argument. In these cases, the Supreme Court rejected the argument that a state should be able to prohibit certain forms of advertising because the ultimate consumer might suffer. The Court found that prohibitions of this kind violated First Amendment protections, at least insofar as the advertisements were not untruthful or misleading.

time required for construction and operation of earth station facilities. Opposing parties urge that this would unduly complicate the coordination process. These parties assert that a single 30 day period is simply insufficent to assure that appropriate coordination is accomplished, and further, there may be instances where the coordination would not be completed within the 30 day public notice period, thus resulting in confusion and delay.

19. Additional administrative improvement suggestions include use of a standardized form, adaption of an auto-grant system for unopposed applications and extension of the renewal period for receive-only licenses from 3 to 5 year. These suggestions are designed merely to promote administrative efficiency and were unopposed. Two parties suggest elimination of the requirement that receive-only earth station licenses be modified when the owner wishes to share the station on a non-profit basis. They propose that owners should be permitted to share simply upon notification to the Commission of the sharer, the program sources to be shared and the owner's intention to share the facility on a non-common carrier basis. No oppositions to this plan were received. Another suggestion, that we increase the time allowed between completion of coordination and filing of applications with the Commission from 6 months to one year, was opposed since, it is argued, there is no justification for the change. The opponents assert that he present time limit is sufficient and a longer period of time would serve only to delay elimination of coordinated earth station sites which will never be used for actual facilities. They also note that the process of extending construction time, under current procedures, if the operator intends to pursue the venture, is certainly a minimal effort.

20. Discussions related to whether or not Section 605 of the Communications Act, 47 U.S.C. 605, requires continued regulation of receive-only earth stations figured prominantly in many of the comments received. Some parties argue that licensing is necessary for enformcement of Section 605 since the threat of revocation of the station's license is an effective deterrent to violation. These parties raise the specter of theft of signals and argue that this is a significant problem which any form of deregulation would tend to encourage. Opponents assert that the threat of revocation has little or no deterrent value and note that other means of enforcement, such as the Copyright Laws and Title III of the Omnibus Crime Control Act, are significantly more effective.

21. In summary, the proposals of the parties were directed primarily to reducing costs and administrative delays which result from the present licensing program. Many parties went further to suggest that our goals could be achieved by a simpler, Commission administered program. Some believe that notification of earth station location and programmming to be received would be sufficient. On the other hand, some of the commenting parties felt that more stringent regulation was called for. These parties believe that additional information with regard to the programming which the individual operator had permission to receive would be helpful to enforce Section 605. Finally, some commentors expressed their belief that the present system works quite well and should be maintained.

Discussion—Goals of Receive-Only Regulation

A. Spectrum Management

22. In this proceeding we are evaluating our present regulation of receive-only earth stations with a view towards changes which will result in the least regulation consistent with our domestic satellite policies. If we are to assure the orderly and intensive development of the 4 GHz band by both terrestrial and satellite services, an effective spectrum management scheme must continue to be the basic objective of our receive-only regulatory program. In addition, as recognized in *American Broadcasting Companies, supra*, the technical design of receiving earth station facilities is a vital element in achieving our regulatory objective of maximizing the use of available orbital capacity. Optimum earth station design permits small orbital spacing between satellites and also increases the flexibility of space station operators to reconfigure satellite traffic to satisfy changing service requirements.

23. All parties commenting on this point agree that the present frequency coordination process is the most effective means of insuring the orderly development of the 4 GHz band by both the terrestrial microwave and receiving earth stations where such facilities are to be engineered to a predetermined level of interference. However, many parties believe that it is not necessary to engineer receiving earth stations on an interference-free basis for specialized service applications. In particular, they assert that the relatively low cost of receive-only earth stations makes it more cost effective for the receiving earth station operator to relocate the station, or make other changes to its earth station, if unnacceptable interference actually occurs, than to undertake the costs of frequency coordination needed to engineer the facilities on an interference-free basis from the outset. Such an approch would not undermine the technical integrity of the frequency coordination process as long as it is clear that failure to undertake this process is a waiver of any claim to interference protection and that any risks to an adequate quality of service due to existing or future interference, including all costs to alleviate the situation, shall be borne exclusively by the receiving earth station operator. Under these conditions, the technical basis exists to exempt completely such uncoordinated receive-only earth station facilities from any Title III regulatory program since such facilities would be ignored in future spectrum management decisions.

B. Economic Considerations

24. The maximization of diverse services through multiple entry and competitive marketplace forces is another major regulatory objective of our domestic satellite policies. Such diversity has been particularly demonstrated by the recent rapid development of receive-only earth stations. This diversity covers the nature of services provided, earth station ownership patterns, and technical design of facilities and services. In particular, many parties believe, that greater diversity of services will be stimulated by eliminating technical constraints on receiving earth station design, even if further cost reductions are accomplished by greater risk of lower quality service and increased risk of interference. While we have been flexible in our regulation of the technical characteristics of receive-only terminals, our regulation started from the premise of assuring the high quality of service normally associated with common carrier services provided to the general public and consistency with our spectrum regulation policies. If no protection is to be afforded from interference, elimination of any need for prior Commission approval of receive-only earth station technical characteristics would not undermine our spectrum management responsibilities since the Commission would not consider the impact of spectrum management or earth station design on the nature of services provided over unregulated receiving earth stations. Thus, the maximization of diversity of services which is expected to result

from elimination of our control over the technical characteristics of some receive-only earth stations, can be accomplished without harm to our other regulatory goals.

C. Minimizing Administrative Delays

25. While it is feasible to establish a non-regulated environment for those receive-only earth stations that are not to be protected from interference, it is also desirable to minimize or eliminate administrative delays for those facilities for which interference protection is to be afforded. In particular, many of our present administrative policies are designed to protect the Commission from undue pressure resulting from pre-grant investment in expensive facilities. With the relatively low cost of receive-only earth stations, the likelihood of such pressure is significantly reduced, if not eliminated. Thus, it should be possible to establish a regulatory scheme that does not require Commission approval before construction and operation, yet retains Commission jurisdiction over spectrum regulation issues, provided such construction and operation is at the risk of the receiving earth station operator.

D. Consistency With Other Statutory Requirements

26. While it may be feasible and desirable to exempt individual receive-only earth stations from Title III regulation where no interference protection is to be afforded, certain other regulatory requirements remain. Certain comments in this proceeding suggested that the existing domestic satellites be re-designated as broadcasting satellites. This is not feasible because these satellites operate in the 4 GHz band which is allocated to the Fixed-Satellite Service in both the international and domestic tables of frequency allocations. Thus, transmissions in this service must be between specified fixed points, even though there is no limit in the number of such receiving points. Therefore, the prohibitions of Section 605 and Article 17 of the international Radio Regulations on the unauthorized reception and use of non-broadcasting radio transmissions are applicable. To permit the use of domestic satellites for transmissions intended for reception by the general public, i.e. as broadcasting satellites, would have wide-ranging domestic and international repercussions and is clearly beyond the scope of this proceeding.

Optional Licensing

27. Many of the commenting parties strongly urge the Commission to implement an optional licensing program for receive-only earth stations. The principal advantage of such a program would be that the expense and administrative delay associated with regulation may be avoided in those situations where the interference protection afforded by coordination and licensing is not desired or needed. In addition, such a plan would allow marketplace forces to function freely in an unregulated arena where basic choices such as the technical design of the system or whether or not to coordinate would be left to the individual operator. In such an environment, customer needs and wants likely will dictate these choices since it is unlikely that ultimate system users will tolerate an interference ridden or unstable system. Moreover, an optional licensing program would enable those who need and/or wish to have protection to obtain an enforceable right to a particular level of interference free reception through the prior coordination process.

28. There are, of course, disadvantages associated with this plan as well. First and foremost, there would be no assurances that an unlicensed facility would be able to maintain the level of interference-free reception which it initially enjoys. It must be emphasized here that if this proposal is to work, we cannot and would not tolerate Petitions to Deny terrestrial facilities applications or other forms of complaint or relief filed by unlicensed facility operators on the basis of experienced or anticipated interference. We also note that there may be significant additional costs associated with modifications necessary to accommodate interference problems at a later date, which would have to be borne by the unlicensed operator. Moreover, as we stated at paragraph 52 of *American Broadcasting Companies*, supra., there is a disadvantage associated with unlicensed receive-only facilities in that the Commission's processes would not be available for the protection of the ultimate users. We find, however, in light of our experience with domestic satellite facilities, that this disadvantage is not as significant as we once believed since, in general, we expect receive-only operators to be responsive to their customers needs, particularly in a competitive marketplace. We believe that consumer interests are best served by direct remedies. In this regard we note that the only remedies which will be removed by our decision herein, are the options to file a petition to deny the earth station's application for renewal of its license or file a request for revocation of the license. For the most part, the ultimate consumer in this situation is a cable television subscriber to whom other remedies are available and will remain available. For example, the subscriber may seek relief directly from the cable operator, the local franchising authority or even the program distributer.

29. Two additional disadvantages of optional licensing, related to enforcement of Section 605, have been advanced by some parties. These parties argue first that the option of revoking an operator's license must be maintained as a means of enforcement of Section 605 and second, if licensing is made optional, that the Commission must, at the very least, maintain a central list of all station locations and programming. We reject both of these arguments. We note first that Section 605, 47 U.S.C. 605, as amended, which in relevant part prohibits the unauthorized interception and disclosure of radio communications, is applicable to domestic U.S. satellite transmissions except those that may be designated "broadcast for the use of the general public." [19] It is well recognized that the purpose of Section 605 is to "protect the integrity of the telecommunications network." *Nardone v. United States*, 302 U.S. 379, 382 (1937). Domestic satellites are a part of the modern telecommunications network and, as discussed above, all existing satellites have been designated as "fixed" not broadcasting satellites. Signals transmitted over existing domestic satellites are radio communications intended for a specific audience, not for the general public. Hence we conclude that the protections of section 605 remain applicable to existing domestic satellite communications.[20] We believe, as a matter of experience, that licensing is not an effective means of enforcing Section 605 because revocation proceedings are time consuming and require a significant investment of Commission resources. Historically, the Commission has employed revocation

[19] This interpretation is generally conceded by the parties. See, e.g. Department of Justice comments, p. 6; Associated Press comments, p. 13.

[20] See also, KMLA v. 20th Century Cigarette Vendors, 264 F. Supp. 35 (D.C. Cal. 1967) and Home Box Office, Inc. v. Pay TV of Greater New York, Inc. 467 F. Supp. 525 (E.D.N.Y. 1979). Another recent case, Orth-O-Vision, Inc. v. Home Box Office, 474 F. Supp. 672 (S.D.N.Y. 1979) appears to reach a contrary result with regard to the significance of the intended audience as a determinant of the applicability of Section 605. There the court stated that there is very little to distinguish MDS transmissions from pay TV. (Section 605 is not applicable to pay TV). That case does not affect our decision here since the language is clearly dicta, is not of decisional significance and is limited to the facts before the court at this time.

only in the more extreme circumstances. Moreover, there is not evidence to suggest that the threat of revocation in itself is a significant deterrent. We agree with the Justice Department's contention that other more effective enforcement mechanisms are available. Civil remedies may accrue from violations of Section 605 [21] and Federal Copyright Laws are applicable to much of the material carried via domestic satellite. 17 U.S.C. 501 et. al. (1976). In addition, some provisions of the 1968 Omnibus Crime Control Act make the mere interception of protected communications a federal crime, 18 U.S.C. 2511 *et. seq.* (1976) and may afford a special civil right of action. Furthermore, our other administrative remedies include imposition of forfeiture or issuance of a cease and desist order. Moreover, we recognize that as an alternative to legal enforcement of Section 605, programming parties have the option of scrambling the signal transmitted and thus making unauthorized reception and use much more difficult.

30. Upon review of the simple notification plan proposed by some parties, we believe that notification per se serves no useful regulatory purpose. It would appear that any party with standing to pursue the available remedies should have access to the necessary information through other means, such as their own records or the carrier's records. Thus we find that there is no substantial public interest in establishing a Title III regulatory program solely to enforce Section 605. We wish to emphasize, however, that we are concerned about illegal interception of common carrier transmissions. However, we do not believe that our objectives of minimizing the regulatory burden in this area should be held hostage to those individuals who may be inclined to commit illegal acts. We will address Section 605 in a proceeding on communications privacy which the staff is preparing.

Conclusions

31. Consequently, based on our evaluation of the record before us in this proceeding and on our experience with the current regulatory scheme, we conclude that the public interest will be served by immediate implementation of voluntary licensing for receive-only earth stations. We note first that this decision is legally correct. The Communications Act of 1934 does not require licensing of receive-only earth stations. The Act states that a license is "that instrument of authorization required by this Act or the rules and regulations of the Commission made pursuant to this Act, for the use or operation of apparatus for transmission of energy, or communications or signals by radio * * *" 47 U.S.C. 153(cc), while "transmission of energy by radio" is defined to include "both such transmission and all instrumentalities, facilities, and services incidental to such transmission." 47 U.S.C. 153(d). Similarly, Section 301, defines the Commission's authority over radio as intended "to maintain the control of the United States over all channels of interstate and foreign radio transmission." 47 U.S.C. 301. Section 301 further states that "no person shall use or operate any apparatus for the transmission of energy or communications or signals by radio * * * except under and in accordance with this Act." By definition, receive-only earth stations do not transmit. While it might be argued that receiving facilities are incidental to radio transmission, the full extension of that argument would be unreasonable because it would require that all television and radio receivers be licensed as well as receive-only earth stations. We therefore conclude that licensing of receive-only earth stations is not mandated by the Act.[22] However, we continue to believe that the power to regulate receive-only earth stations is ancillary to our other regulatory responsibilities to maximize effective use of satellite communications.[23] It has been our policy to exercise our administrative discretion under the spectrum regulation provisions of Title III. As discussed above, we announced our decision to exercise this discretionary power over receive-only stations in our First Report and Order so that protection from interference might be available; such stations do not transmit radio signals and therefore cannot cause interference to other users of the radio spectrum. We believe that the continued availability of protection from possible interference will be in the public interest. However, that protection need not be mandatory since we conclude that licensing is not necessary to achieve our general regulatory objectives, and benefits are expected from eliminating Title III regulation of those facilities for which no interference protection is to be afforded.

32. It is well settled, as a matter of law, that an administrative agency changing a previously held policy "must supply a reasoned analysis indicated that prior policies and standards are being deliberately changed, not casually ignored." [24] We believe that such a showing has been made herein. We also find that this decision is consistent with requirments of procedural due process since the parties were specifically requested to address these policy issues by our Notice of Inquiry and in fact did so.

33. It is not intended that this decision affect responsibilities imposed upon earth station operators by any other federal or state law. In particular, we remind all receive-only operators that the procedures and standards developed by the Federal Aviation Administration with respect to proposed antenna structures are still applicable regardless of any decision made here.[25] In addition, optional licensing does not apply to INTELSAT facilities since additional regulatory responsibilities are imposed by the 1962 Communications Satellite Act on receiving facilities.

34. As a practical matter, we find that non/mandatory licensing of receive-only stations is an advantageous solution to the concerns raised by the parties in the course of this inquiry. The technical concerns which prompted us to adopt the present mandatory licensing scheme, such as control over orbital spacings and establishment of an orderly protection program, will still be met through optional licensing. It has been proven technically feasible for small antennas, less than 4.5 meters, requiring little physical construction, to receive signals of reasonable quality from operational domestic satellites. While use of antennas smaller than 4.5 meters may be diesirable for some users, we will only provide protection for such facilities upon a submission of a technical showing that meets those same performance criteria established for the 4.5 metrer antenna.[26] This in no way diminishes our control over satellite spacing since we will not alter present orbital spacing or inter-satellite interference criteria to accommodate those earth stations. Accordingly, for the

[21] *ibid.*

[22] All parties commenting on point agree with our conclusion. See, e.g. Associated Press comments, pp. 5–6; Justice Department, p. 2.

[23] The Commission's powers have been interpreted broadly, to include those matters reasonably related to our regulatory purview. United States v. Southwestern Cable Co., 392 U.S. 157 (1968).

[24] See Greater Boston Televison Corporation b. F.C.C., 444 F 2d 841, 852 (D.C. Cir. 1970). See also, Section 553 (b)(3)(A) of the Administrative Procedure Act, 5 U.S.C. 553 (b)(3)(A), which specifically exempts general statements of policy from the notice requirements generally imposed in Rulemaking proceedings.

[25] See, FAA Rules and Regulations, Part 77, Subpart 13, Objects Affecting Navigable Air Space. Licensed operators are, of course, subject to FCC Rules and Regulations, Part 17, Construction, Marking and Lighting of Antenna Structures.

[26] See American Broadcasting Companies, *supra*.

reasons stated above, we find that the public interest will be served by immediate implementation of a policy of non-mandatory licensing for receive-only earth sations. This policy change does not affect our rules set forth in Part 25. Changes in those rules will be made through a rulemaking to be issued in the near future.

35. For the purpose of clarification we empasize that this action applies solely to domestic satellite receive-only earth stations where licensing has been required in the past, and does not include INTELSAT or INMARSAT facilities. We are required by Section 301 of the Communications Act to license transmitting facilities and we propose no changes whatsoever with regard to procedures for regulating those facilities.[27]

36. A few specific matters should also be addressed here. First, those stations which have already been licensed and those who choose to seek licenses in the future will be subject to our policies and procedures developed with regard to Title III licenses. However, we find that certain criteria, specifically those related to the financial and legal qualification of the applicant, are not necessary where receive-only facilities are requested. We also find that the public interest will be served if actions taken with regard to receiving facilities are made primarily on the basis of technical characteristics.

37. We agree with the commentors that financial and character information is not relevant to the processing and consideration of receive-only facilities. These criteria were developed for transmitting facilities to insure effective spectrum use in the public interest. Receive-only facilities do not present those same concerns since they do not create interference or significantly reduce spectrum availability in general. Moreover, consideration of these factors is not mandated by the Act,[28] and does not have any independent value to achievement of our goals for receive-only regulation. These goals may be achieved primarily by consideration of the technical parameters of the proposed facility. Finally, we find that reduction of the amount of information associated with receive-only applications will serve the public interest in efficient administrative procedure since it will reduce cost, lessen the administrative burden and reduce service delays. Therefore, receive-only applications should no longer contain Form 430, the applicants articles of incorporation or balance sheets.[29]

38. Several commentors objected to the concept of optional licensing because unlicensed operators might misinterpret their procedural posture. We wish to make it very clear that *no* interference protection is afforded to unlicensed facilities. An initially uncoordinated facility may later coordinate and qualify for protection on the basis of the existing and planned terrestial interference environment at the time the coordination process is begun. However, protection from interference due to existing or planned terrestial systems will not be afforded after the fact. Election not to coordinate is a waiver of any right of objection and acceptance of any existing or future interference. In addition, we specify that signals from non-US domestic satellites may not be received over any domestic receiving terminal unless specifically authorized. Present receive-only licensees shall retain full protection unless otherwise requested.[30] Current applications on file shall be processed in due course unless otherwise requested by the applicant. Upon expiration of the current licenses, receive-only earth station operators may file applications for renewal or not, as desired. However, if the license is not renewed, the station shall acquire the status of an unlicensed facility.

39. To further lessen any administrative burden on the applicant, we believe that earth station licenses should be issued for terms of five years instead of three. Since developmental licenses are not eligible for protection, we anticipate that in most circumstances operators will choose not to seek a developmental receive-only license, and we will not require that such application be filed. We will no longer require modifications of license for shared use provided that sharing is done on a non-profit basis in accordance with the standards set forth in our Rules pertaining to CARS service, Section 78.11 as well as any specific restrictions contained in the station license other than general condition which requires license modification for cost-sharing with unaffiliated entities.[31]

40. The second action urged upon us by the parties to this proceeding is to seek ways to eliminate administrative delays in the licensing process. We recognize that inherent delays exist in the licensing process. However, we agree with those parties who contend that some relief may be provided. Therefore, we believe that even where receive-only facilities are to be licensed, there is no practical need, under the new policies we are adopting, for the construction permit stage and its inherent delays. Thus we will waive that requirement under Section 319(d) of the Act for all receive-only facilities.[32] The arguments set forth by the parties are summarized above and will not be repeated here except to note that this approach will enable station operators to commence protected operation immediately upon grant of a license provided that they are willing to risk the cost of making any changes required if the submitted coordination is faulty in some way. This solution will permit operators to set firm construction dates and reduce the chance of service delays, however, as indicated above, we will not be influenced by any construction prior to licensing since failure to complete coordination means protection is not available and the station is placed in the category of secondary use. This action is clearly consistent with the public interest and within the scope of our authority under the Act.[33]

41. Accordingly, we hereby grant an immediate waiver of the requirements of a construction permit for all domestic satellite receive-only earth stations pursuant to Section 319(d) of the Communications Act.

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[27] Of corollary concern are our treaty obligations under the INTELSAT Agrement recognized in our *First Report and Order* where we explicitly discussed our obligation to insure technical compatiblility between our domestic satellites and INTELSAT satellites. We are also bound to consider pursuant to Article XIV (d) of the INTELSAT Agreement potential adverse economic harm to the INTELSAT system when domestic satellites are used for international services. This matter is presently before us in another proceeding. Thus, any deregulation of receive-only earth stations does not imply permission to receive service from non-U.S. domestic satellites or for Domsat carriers to provide service to non-U.S. points. Such permission can be provided only after the discharge of our treaty obligations to INTELSAT. Therefore, until such permission is granted, any reception of non-U.S. signals is unauthorized and subject ot the sanctions of Section 605.

[28] Section 308 requires only that we examine "such facts as the Commission by regulation may prescribe * * *."

[29] A specific statement concerning the content and format of future applications will be presented in a public notice which we will release in the near future.

[30] Licensees shall remain subject to all currently imposed conditions until further order of the Commission including, but not limited to, responses to coordination requests.

[31] Applications presently on file which meet these standards will be granted in due course and future licenses will contain a specific cost-sharing condition instead of conditions 2100, 2101, 2102 or 2103.

[32] By instituting the optional licensing procedure we are in effect permitting any receive-only station to operate without protection immediately upon completion of construction.

[33] See discussion UA-Columbia Cablevision, Inc., et al., 55 FCC 2d 656 (1975).

Implementation

42. In the course of this inquiry, we have discerned that even less restrictive regulatory tools might be employed to accomplish our objectives with regard to receive-only earth stations. Among other things, we believe that further deregulatory action which may include a registration program designed to insure orderly development of the 4 GHz band, may be appropriate.[34] This could lead to complete marketplace regulation and elimination of the federal role in solely receiving operations. Such a move, or course is not without risk. However, we believe that these matters should be addressed in a further proceeeding which we will initiate in the near future.

Order

43. Accordingly, it is ordered that pursuant to the authority contained in Sections 4(i) and 4(j) of the Communications Act of 1934, the policies and conditions set forth herein, are adopted, effective October 18, 1979.

Federal Communications Commission.[35]

William J. Tricarico,

Secretary.

[CC Docket No. 78-374]

Attachment No. 1

Wometco Communications, Inc. (2)
GTE Service Corporation, GTE Satellite Corporation and Affiliated Companies
American Telephone and Telegraph Company
Spectrum Analysis and Frequency Engineering (SAFE)
Microband Corporation of America
MCI Telecommunications Corporation
Mutual Broadcasting System, Inc.
Comsearch, Inc.
American Satellite Corporation
Scientific-Atlanta, Inc.
United Press International, Inc.
Community Antenna Television Association
Robert B. Cooper Jr., Editor-in-Chief, CATJ Community Antenna Television Journal
Teleprompter Corporation
Cole, Zylstra & Raywid
Eastern Microwave, Inc.
American Television and Communications Corporation
The Commissioner of Baseball
Storer Broadcasting Company
Viacom International Inc.
Midwestern Relay Company
Compucon, Inc.
Comsat General Corporation
Home Box Office, Inc.
The National Cable Television Association, Inc.
Global Cable TV
Fred Hopengarten, Attorney at Law
Telecable Corporation
National Basketball Association
National Hockey League
RCA Alaska Communications, Inc.
National Broadcasting Company
Motion Picture Association
RCA American Communications, Inc.
National Association of Broadcasters
The Public Service Satellite Consortium
Satellite Telecommunications SEC., Communications Div., Electronic Industries Assoc.
National Telecommunications and Information Administration
Corporation for Public Broadcasting, Public Broadcasting Service, National Public Radio
Visions, Ltd
California Microwave, Inc.
Robert Wold Company, Inc., and Satellink, Inc.
Commodity News Services, Inc.
American Newspaper Publishers Association
Forward Communications Corporation (and subsidiaries)
Guarany Broadcasting Corporation
John H. Phipps Broadcasting Stations, Inc.
Plains Television Corporation
Southern Television Corporation
Summit Radio Corporation
WKRG-TV, Inc.
American Broadcasting Companies, Inc.
Associated Press
The United States Department of Justice
Daniel T. Kropt (TV cameraman)
Western Union Telegraph Company
CBN Satellite Services—CBN Cable/Satellite Division
Colony Communications, Inc.
Connorsville Cable TV
Cox Cable Communications, Inc.
Midcontinent Cable Systems Co.
New Channels Corporation
Tri County Cable Television Inc.
Dow Jones & Co. (Wall Street Journal)
Communications Satellite Corporation
Tandy Corporation
Meredity Corporation
Southern Satellite Systems, Inc.
Satellite Communications Systems, Inc.

October 18, 1979.

Seprate Statement of Chairman Charles D. Ferris

In Re: Deregulation of Receive-Only Domestic Earth Stations.

The FCC today has authorized a program to eliminate mandatory licensing for receive-only satellite earth stations and reduce regulatory burdens on those who choose to continue to follow the licensing route. This action continues our recent efforts to promote more efficient use of FCC resources, eliminate unnecessary paperwork, simplify application procedures, encourage rapid and wide dissemination of technological innovation, and do away with redundant governmental regulation where the marketplace itself operates in the public interest.

Communications satellites already offer the public tremendous opportunities for receiving diversified programing. They have been used to distribute the broadcasts of the Public Broadcasting Service and National Public Radio, and the Spanish International Network. Other new networks have been formed to distribute a variety of sports, entertainment and religious programing to cable systems.

The future promises even more varied uses. The major newswire services may be moving to satellite distribution, and other data as well as programing services will be offered. The future also promises rapid proliferation in the number of earth stations as they become less expensive to manufacuture.

Receive-only earth stations cause no interference whatsoever. Thus the goal of regulating could only be to avoid subjecting them to interference from others. But for the majority of earth stations, no interference is ever experienced. It is often more costly to undertake FCC licensing and frequency coordination than to relocate an occasional earth station if the need arises.

As the number of stations in a network increases, this tradeoff is more attractive. Frequency coordination, an essential prerequisite to licensing, may cost as much as $3,000 per station. With the hundreds or thousands of stations necessary, for example, to distribute a national newswire system to the nation's newspapers and broadcast stations, it might make better economic sense to move those few which receive interference than to pay hundreds of thousands of dollars for the frequency coordination of all of these stations.

Many services, such as cable television systems and other television distributors may continue to apply for licenses. In any case, the station operator should be allowed to make the choice for itself. Even as to the voluntary licensing option, we terminate today the requirement of a construction permit and eliminate all non-technical submissions (such as the financial and character qualifications of the operator) from the licensing application.

The benefits of deregulation here are clear. First, we eliminate what could have become in the future a massive administrative burden on the FCC. This enables the agency to more efficiently allocate its future personnel and financial resources future to those areas where governmental intervention remains necessary for the public interest. We also eliminate paperwork costs and time restraints completely for those choosing to operate unlicensed, and we reduce it substantially for those who continue to seek frequency protection.

This lowers the economic and procedural barriers inhibiting

[34] We do not, of course, anticipate affording protection to entities who have not successfully completed frequency coordination.

[35] See attached Separate Statement of Chairman Ferris.

unrestricted competitive entry into the satellite field. And it removes the government from one more area where the marketplace can make its own choices.

[FR Doc. 79-35180 Filed 11-14-79; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 31

[Docket No. 21230; FCC 79-678]

Uniform System of Accounts for Class A and Class B Telephone Companies; Order for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: This order on reconsideration amends the Uniform System of Accounts for Class A and Class B Telephone Companies to clarify the Commission's intent in Docket 21230, FCC 2d (1978), relative to the accounting and waiver requirements for Property Held for Future Use.

DATE: Effective January 1, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert Hood, Compliance and Litigation Task Force, Common Carrier Bureau, (202) 632-4888.

In the matter of Amendment of Part 31, Uniform System of Accounts for Class A and B Telephone Companies, Docket No. 21230.[1]

Order on Reconsideration

Adopted: October 25, 1979.

Released: November 6, 1979.

By the Commission: Commissioner Jones not participating.

1. The Final Decision in Docket 21230 was adopted on May 4, 1978 and released on May 11, 1978.[1a] The purpose of this decision was to make certain changes in the accounting rules for Class A and Class B telephone companies (Part 31) so that these rules would be consistent with our earlier decision in Docket 19129.

2. Petitions for Reconsideration of our decision in Docket 21230 were filed by the American Telephone and Telegraph Company (AT&T) on June 12, 1978 and the Public Service Commission of the State of New York (New York) on June 16, 1978. On June 22, 1978 the Federal Executive Agencies (Department of Defense and General Services Administration) filed an Opposition to the Petition for Reconsideration filed by AT&T. On July 5, 1978 AT&T filed its Reply to Federal Executive Agencies' Opposition.

3. AT&T takes issue with the accounting prescribed for Account 100.3 "Property Held for Future Telephone Use." First, AT&T contends that the Docket 21230 accounting change is too restrictive. To support its position, AT&T pointed out that for many years, property eligible for inclusion in Account 100.3 was that property "owned and held for imminent use in telephone service under a definite plan for such use." (Commission Rules § 31.100:3). It also pointed out that the Commission had previously considered a two-year rule but found that it "is too inflexible as a test for applying the imminent use principle * * *" (*Private Line cases*, 34 FCC 217, 220 (1963)). AT&T contends that while the Commission was very careful in Docket 19129 (para. 159), not to adopt an inflexible position which would preclude investors from receiving compensation for funds used in acquiring prudent account 100.3 type assets, the Rules adopted and appearing in the May 11, 1978 Order (Docket 21230) "seem to contain the inflexibility criticized by the Commission in both the Private Line cases and Docket 19129." (AT&T Petition for Reconsideration, para. 5).

4. The question here is whether the revisions to Section 31.100:3 of the Uniform System of Accounts ordered in Docket 21230, exceeded or were otherwise inconsistent with the requirements of Docket 19129 at paras. 159-161. In these paragraphs we instituted the "two year" maximum as the standard for "imminent use," because of abuses apparent on the record and not because the potential for such abuses existed. We found that beginning in calendar 1977, all plant in Account 100.3 which had been there for more than a 2-year period could not reasonably be defined as being under a definite plan for imminent use and should be removed to Account 103 (Miscellaneous Physical Property), unless or until a specific waiver had been granted. We did not intend in Docket 21230 to restrict AT&T or any other telephone company to requests for waivers only to extend the period property may remain in Account 100.3. The waiver provision is intended to apply to any specific property item for which it can be shown that inclusion in Account 100.3 is in the public interest. Decisions on waiver requests will be made on an individual case-by-case basis. In order to more clearly indicate our intent, we shall make appropriate language changes to § 31.100:3. Under the revised language, the costs of property not initially included in Account 100.3 may be included therein without waiver at such time as the property meets the Section 31.100:3 criteria for inclusion. If such property subsequently has to be removed to Account 103 under our rules, any transfer back to Account 100.3 will have to be through the waiver process. This language change as well as the other changes discussed in paragraphs 5 and 6 following, and set forth in the Appendix, do not change the ratemaking treatment given Account 100.3 in Docket 19129.

5. Another problem raised by A.T. & T. is the provision in § 31.100:3 that property included in Account 100.3 must be "owned and held for no longer than two years under a definite plan for use in telephone service." A.T. & T. maintains that this is contrary to the Commission's intent and ignores transfers of property to be used for construction purposes (Account 100.2). We agree that clarification is needed on this point. We stated in Docket 19129 (at para. 159) that

> * * * we shall presently disallow all property that has remained in this account for more than two years and shall require that such plant be placed in Miscellaneous Physical Property (Account 103) until such time as it is placed in service (Account 100.1) *or used for construction purposes (Account 100.2)*. (Emphasis added.)

Consistent with the intent expressed in Docket 19129, we will revise our definition in § 31.100:3 to take into consideration the transfer of property into the construction accounts.

6. A.T. & T. also questions the Commission's requirement in § 31.100:3 that a request for waiver include an indication of the "precise additional time required for the property to be held in Account 100.3 * * *" as opposed to the language in Docket 19129 (para. 159) requiring A.T. & T. to "* * * specify in the waiver request the additional time required for the property to be held in this account." We did not intend to change the meaning of Docket 19129 in this regard; however, it is to be expected that as precise an estimate of the additional time as possible should be furnished. We will modify the language in § 31.100:3 accordingly.

7. The Public Service Commission of the State of New York seeks reconsideration of our decision to modify § 31.100:2 of the Uniform System of Accounts (USOA) by limiting the accrual of IDC to property taking more than one year to complete. In Docket 19129 we drew a dichotomy between short term plant under construction (i.e. plant taking one year or less to

[1] See 43 FR 21330, May 17, 1978.

[1a] Published in Federal Register on May 17, 1978 (43 FR 21330).

complete) and long term construction projects which would take more than one year to complete. Investment related to short term projects was to be included in rate base immediately, but no interest during construction was to be accrued. Long term projects would be permitted to continue to accrue IDC but the investment related thereto would enter the rate base only when the project was placed in service. In Docket 21230 we sought to modify our accounting rules to incorporate the conclusions reached in Docket 19129.

8. New York does not deny that § 31.100:2 of our USOA, as now modified, faithfully reflects our intent in Docket 19129. Nevertheless, New York argues that the separate treatment of short term plant under construction now mandated by § 31.100:2 should be reversed because of its "pervasive" impact upon state rate regulation. New York contends that the change ordered in Docket 21230, while purportedly governing only accounting treatment of plant under construction, "may well, as a practical matter, influence, if not control, rate making with respect to the investment involved." Specifically, New York claims that our decision will require carriers subject to our jurisdiction to keep extensive separate records to provide the information needed for state regulation; that keeping such separate books will be duplicative and expensive; and that investors will be misled because the books kept in accordance with this Commission's USOA will be controlling for financial purposes and will show different results from the books kept in conformity with New York's regulatory policies. (New York Petition at pp. 4–6).

9. As our Final Order in Docket 21230 makes clear, we have in no way attempted to influence, or interfere with, the rate making prerogatives of the New York PSC or any other state commission. The states remain free to establish intrastate rates on whatever lawful basis they may choose. The fact that separate accounting information will have to be retained to accomplish this and the fact that the gathering and retention of such information may involve additional cost does not, in our view, involve any significant interference with state control over intrastate rates.

10. In any case, the keeping of separate records here is largely unavoidable. The accounting treatment of plant under construction varies from state to state and, although the majority of states do not allow any plant under construction within rate base, there are significant exceptions. For example, the following states have allowed utilities subject to their jurisdiction to include plant under construction within rate base, with or without provision for interest during construction: South Carolina (*Re General Telephone Company of the Southeast*, 1 PUR 4th, 499 (1973)); Tennessee (*Re South Central Bell Telephone Company*, 22 PUR 4th, 290 (1978)); Colorado (*Re The Mountain States Telephone and Telegraph Company*, 11 PUR 4th, 1 (1975)); Illinois (*Re Illinois Bell Telephone Company*, 13 PUR 4th, 482 (1976)); Florida (*Re Southern Bell Telephone and Telegraph Company*, 12 PUR 4th, 252 (1975)); Georgia (*Re Southern Bell Telephone and Telegraph Company*, 8 PUR 4th, 188 (1974)); Delaware (*Re The Diamond State Telephone Company*, 8 PUR 4th, 420 (1975)); and Connecticut (*Re The Southern New England Telephone Company*, 9 PUR 4th, 301 (1975)).

Thus, even if such a course were otherwise desirable, there was no way for this Commission to adopt a rule which would follow the accounting treatment of plant under construction in every single state. Of necessity, any decision adopted by us would have required some states to keep separate records to reflect their individual solutions to the problem of handling funds devoted to the construction of plant not yet in service.

11. As for the problem of "financial reporting", there is nothing to prevent New York from insisting that a carrier subject to its jurisdiction provide an alternate or supplementary presentation showing the impact of State ratemaking policy upon the carrier's financial posture. While New York may not insist upon a format which would supersede or in any way obscure the presentation of accounts prescribed by this Commission, it retains ample power to insure that a carrier within its jurisdiction provide a full and accurate picture (for example, by the use of footnotes or supplemental presentations) of its financial affairs to investors and other concerned parties. See, *Appalachian Power Co.* v. *FPC*, 328 F. 2d 237, 249 (4th Cir., 1964) and cases there cited.

12. Any problem of financial reporting would appear to be substantially alleviated here by the agreement of New York Telephone—the largest carrier in New York State—to "keep records to satisfy the requirements of both jurisdictions." [2] New York Telephone has further promised that "[t]he data required by the New York Commission will be the basis for financial reports, as well as reporting to the New York Commission."

13. New York states that its "only objection" to this arrangement is the "unnecessary additional cost." New York does not believe that such additional cost should be recovered through New York intrastate rates. We cannot accept this position. In our view, the need to keep separate accounts or memoranda must be considered a logical consequence of the bifurcated Federal-State regulatory scheme. Where, as is the case here, no uniformity exists among the different jurisdictions, such duplication should be borne by interstate or intrastate rate payers in the same way that all other costs are borne; that is, in accordance with the provisions of the FCC NARUC Jurisdictional Separations Manual.

14. New York further urges that this Commission consider two additional options which it claims "would reflect the rate policies of both jurisdictions where they diverge." These two options, as set forth by New York in its petition, are:

(1) "Development of an IDC rate for each telephone company to reflect the mix between its less-than one-year plant subject to IDC under State regulation and the plan which is eligible for immedicate rate base treatment under FCC regulation; or

(2) Allocation to the telephone plant under construction expected to take less than one year to complete between that subject to federal jurisdiction with the full IDC rate applied to the proportion of that plant which would receive IDC under State regulation."

15. Frankly, we are unable to understand precisely what New York has in mind here or what the impact of either option would be. For example, it is unclear whether the records to be retained pursuant to the options suggested by New York would enable appropriate allocations for plant under construction to be made pursuant to the procedures specified in the FCC NARUC Separations Manual. It is also unclear whether these options would actually result in a reduction in the record keeping burden for the carriers subject to both interstate and intrastate jurisdictions or whether a substantial savings could be accomplished thereby.

16. The answers to these questions and a full understanding necessary to properly consider New York's options cannot be obtained within the confines of this proceeding. New York itself points out that "neither option could be implemented on the existing record" and

[2] Letter from New York State PSC to Chief, Common Carrier Bureau, dated January 12, 1979. At this time, the only other New York State telephone company subject to this Commission's reporting requirements is the Continental Telephone Company of Upstate New York, Inc.

recommends that a conference be convened at which the development of an accounting rule of the type specified in the two options could be discussed and refined. (New York Petition at p. 8.) Given the fact that a Final Decision has already been issued in Docket 21230 and given the lack of information concerning New York's "options," we believe it would be more suitable for New York (if it remains interested in implementing either option) to file a petition for a rulemaking fully describing both options proposed, their impact, and how these options could be applied consistent with the existing separations procedures.[3] After receiving this additional information we will be better able to evaluate the course proposed by New York.[4]

17. Finally, New York challenges our decision in Docket 19129 on the merits. New York states that it "does not believe that the public interest is served by adopting the ratemaking policy (in Docket 19129) which is the sole underlying basis for the proposed rule." Our reasons for the one year cutoff for interest during construction were carefully explained within Docket 19129 (See, 64 FCC 2d 1, 58–60 (1977)), a proceeding which was terminated by our order issued on February 24, 1978 (67 FCC 2d 1429, 1440, n. 12). Even if we were to reopen Docket 19129 at this late date—a suggestion which seems hardly appropriate at this time—we would adhere to our reasoning and our decision therein.

18. Accordingly, *it is ordered,* that the Petitions for Reconsideration of AT&T and the Public Service Commission of the State of New York, and the Federal Executive Agencies' Opposition to the Petition for Reconsideration of AT&T are hereby denied except as indicated above.

19. *It is further ordered,* that under authority contained in Sections 4(i), 4(j) and 220 of the Communications Act of 1934, as amended; Part 31, Uniform System of Accounts for Class A and B Telephone Companies, of the Commission rules, is amended as set forth in the attached appendix below effective January 1, 1979.

20. *It is further ordered,* that this Proceeding is terminated.

(Secs. 4, 220, 48 Stat., as amended, 1066, 1078; (47 U.S.C. 154, 220))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 31. Uniform System of Accounts for Class A and Class B Telephone Companies, of title 47 CFR is amended as follows:

In § 31.100:3 paragraph (a) is revised to read as follows:

§ 31.100:3 Property held for future telephone use.

(a) This account shall include the original cost of property other than station apparatus, owned and held for no longer than two years under a definite plan for use. If at the end of two years, the property is not in use, i.e., transferable to account 100.1, "Telephone plant in service," or account 100.2, "Telephone plant under construction," the original cost of property shall be transferred to account 103, "Miscellaneous physical property." Should a carrier desire to include property in this account for a period longer than two years, it shall request direction or approval of this Commission according to the circumstances surrounding that property. The request should include the property item in question, demonstrate that the waiver is in the public interest, and indicate, as precisely as possible, the time required for the property to be held in this account. The original cost of property not initially includible in this account may be included herein without waiver, at such time as the property meets the criteria for inclusion. If such property subsequently has to be transferred to account 103 under the provisions of this section, any transfer back to this account shall be through the waiver process.

* * * * *

[FR Doc. 79-35179 Filed 11-14-79; 8:45 am]
BILLING CODE 6712-01-M

[3] We do not know whether New York continues to be interested in pursuing the options mentioned in its Petition given its understanding with the New York Telephone Company as reflected in its letter to the Chief of the Commom Carrier Bureau dated January 12, 1979.

[4] We must also decline New York's suggestion that we establish a rule that whichever agency, either Federal or State, has primary rate jurisdictions over the telephone company in question will establish the accounting for telephone plant under construction. Under the Communications Act this Commission has jurisdiction over the interstate operations of all telephone companies including those which provide interstate service within various States. The Commission may not lawfully surrender its regulatory responsibilities in connection with such interstate operations.

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47 CFR Parts 73 and 74

Reregulation and Rules Oversight of Radio and TV Broadcasting—Editorial Revisions

AGENCY: Federal Commmunications Commission.

ACTION: Order.

SUMMARY: Order, by Chief, Broadcast Bureau, to make editorial amendments in broadcast rules to conform Code of Federal Regulations with the Government Printing Office Editions of FCC rules where minor printing and layout differences appear, to revise certain rule titles to describe more accurately the rule subject, to delete temporary "notes" containing expired dated instructions, to correct typographical errors and rule section cross references, and to redesignate the section numbers of certain rules.

EFFECTIVE DATE: November 16, 1979.

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

FOR FURTHER INFORMATION CONTACT: John Reiser, Philip Cross, Steve Crane, Broadcast Bureau, (202) 632-9600.

SUPPLEMENTARY INFORMATION:

Order

Adopted: November 1, 1979.

Released: November 7, 1979.

In the matter of reregulation and rules Oversight of Radio and TV Broadcasting—Editorial Revisions.

1. This *Order* accomplishes certain editorial corrections and revisions in the rules for stations in the broadcast and broadcast auxiliary services, and are necessary for the following reasons:

A. To conform section numbers given as cross references to the current rule sections.

B. To correct typographical printing errors which have appeared both in the rules as printed by the Government Printing Office and Title 47 of the Code of Federal Regulations.

C. To remove minor differences in printing or layout style between the rules as printed in the Code of Federal Regulations and as published by the Government Printing Office.

D. To change section headnotes (rule titles) to describe more accurately the subject matter of the rule.

E. To delete temporary "notes" containing dated or obsolete instructions which have expired.

The editorial revisions being made do not change the substantive texts, purpose, or application of the rules, impose any additional burdens, or remove any provision relied upon by licensees or the public.

2. We conclude that adoption of the editorial amendments shown in the attached Appendix below will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C.

553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

3. Therefore, it is ordered, That pursuant to Sections 4(i), 303(r), and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, Part 73 of the Commission's rules and regulations is amended as set forth in the attached Appendix, effective November 16, 1979.

4. For further information concerning this Order, contact John Reiser, Philip Cross or Steve Crane, Broadcast Bureau, (202) 632-9660.

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

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

PART 73—RADIO BROADCAST SERVICES

1. In § 73.40, the headnote is amended and the note following paragraph (a)(9) is deleted in its entirety.

§ 73.40 Transmission system requirements.

* * * * *

2. In § 73.50, the headnote is amended to read as follows:

§ 73.53 Requirements for type approval of AM modulation monitors.

* * * * *

3. In § 73.53, paragraph (a)(2) is corrected to read as follows:

§ 73.53 Requirements for type approval of antenna monitors.

(a) * * *

(2) Type approval of a monitor is granted subject to the limitations and requirements described in Subpart J of Part 2 of the FCC rules.

* * * * *

4. In § 73.67, paragraph (c)(1) is amended to read as follows:

§ 73.67 Remote control operation.

* * * * *

(c) * * *

(1) The tone shall have a frequency no higher than 30 hertz.

* * * * *

5. Section 73.122 is amended to read as follows:

§ 73.122 Lotteries.

See § 73.1211.

6. Section 73.124 is amended to read as follows:

§ 73.124 is amended to read as follows:

See § 73.1205.

7. Section 73.126 is amended to read as follows:

§ 73.126 Broadcast of telephone conversations.

See § 73.1206.

8. In § 73.207, the headnote is amended to read as follows:

§ 73.207 Minimum distance separations between stations.

* * * * *

§ 73.241 [Redesignated as § 73.231]

9. Section 73.241 is redesignated as § 73.231.

§ 73.231 Special rules relating to contracts providing for reservation of time upon sale of a station.

* * * * *

§ 73.299 [Redesignated as § 73.288]

10. Section 73.299 is redesignated as § 73.288 and corrected to read as follows:

§ 73.288 Fraudulent billing practices.

See § 73.1205.

§ 73.300 [Redesignated as § 73.291]

11. Section 73.300 is redesignated as § 73.291.

§ 73.291 Personal attacks, political editorials.

* * * * *

12. Section 73.292 is amended to read as follows:

§ 73.292 Lotteries.

See 73.1211.

13. Section 73.296 is corrected to read as follows:

§ 73.296 Broadcast of telephone conversations.

See § 73.1206.

§ 73.301 [Redesignated as § 73.299]

14. Section 73.301 is redesignated at § 73.299.

§ 73.299 Equal employment opportunities.

See § 73.2080.

§ 73.313 [Amended]

15. In paragraph (d)(1) of § 73.313, the section number "73.210(a)" in the sentence following the table is corrected to read "73.310(a)".

16. In § 73.317, the headnote is amended to read as follows:

§ 73.317 Transmission system requirements.

* * * * *

§ 73.332 [Amended]

17. § 73.332, the Note following paragraph (d)(6) is deleted in its entirety.

§ 73.503 [Amended]

18. In paragraph (d) of § 73.503, the rule section number "73.289" is corrected to read "73.1212".

19. § 73.507, the headnote is amended to read as follows:

§ 73.507 Minimum distance separations between stations.

* * * * *

§ 73.574 [Redesignated as § 73.576]

20. Section 73.574 is redesignated as § 73.576.

§ 73.576 Extension Meters.

* * * * *

§ 73.572 [Redesignated as § 73.574]

21. Section 73.572 is redesignated as § 73.574.

§ 73.574 Remote control authorizations.

* * * * *

§ 73.573 [Redesignated as § 73.575]

22. Section 73.573 is redesignated as § 73.575.

§ 73.575 Remote control operation.

* * * * *

§ 73.561 [Amended]

23. § 73.561, the Note following paragraph (b)(1) is repositioned to follow paragraph (d).

24. Section 73.598 is redesigned as § 73.591 as follows:

§ 73.591 Personal attacks.

* * * * *

§ 73.597 [Redesignated as § 73.598]

25. Section 73.597 is redesigned as § 73.598 as follows:

§ 73.598 Operation during emergency.

* * * * *

§ 73.596 [Redesignated as § 73.597]

26. Section 73.596 is redesignated as § 73.597 as follows:

§ 73.597 Stereophonic broadcasting.

* * * * *

§ 73.592 [Redesignated as § 73.596]

27. Section 73.592 is redesignated as § 73.596 as follows:

§ 73.596 Broadcast of telephone conversations.

* * * * *

28. New cross reference rule and § 73.592 is added to read as follows:

§ 73.592 Lotteries.

See § 73.1211.

29. In § 73.610, the headnote is amended as follows:

§ 73.610 Minimum distance separations between stations.

* * * * *

30. Section 73.633 is amended to read as follows:

§ 73.633 Fraudulent billing practices.

See § 73.1205.

31. In § 73.641, the headnote is amended to read as follows:

§ 73.641 Subscription TV definitions.

* * * * *

32. In § 73.642, the headnote is amended to read as follows:

§ 73.642 Subscription TV licensing policies.

* * * * *

33. In § 73.643, the headnote is amended to read as follows:

§ 73.643 Subscription TV operating requirements.

* * * * *

34. In § 73.644, the headnote is amended to read as follows:

§ 73.644 Subscription TV transmission systems.

* * * * *

35. Section 73.656 is amended to read as follows:

§ 73.656 Lotteries.

See § 73.1211.

36. Section 73.664 is ameded to read as follows:

§ 73.664 Broadcast of telephone conversations.

See § 73.1206.

§ 73.676 [Amended]

37. In § 73.676, the note following paragraph (f)(5) is deleted in its entirety.

38. In § 73.687, the headnote is amended to read as follows:

§ 73.687 Transmission system requirements.

* * * * *

39. In § 73.751, the headnote is amended to read as follows:

§ 73.751 Operating power.

* * * * *

40. In § 73.753, the headnote is amended to read as follows:

§ 73.753 Antenna systems.

* * * * *

41. In § 73.756, the headnote is amended to read as follows:

§ 73.756 Transmission system requirements.

* * * * *

42. In § 73.759, the headnote is amended to read as follows:

§ 73.759 Modification of transmission systems.

* * * * *

43. In § 73.765, the headnote is amended to read as follows:

§ 73.765 Determining operating power.

* * * * *

44. Section 73.790, including headnote, is amended to read as follows:

§ 73.790 Rebroadcasts.

See § 73.1207.

§ 73.3580 [Amended]

45. In the last sentence of paragraph (g) in § 73.3580, the reference to Section number "73.3671" is corrected to read number "73.3571".

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

46. In § 74.21, the headnote is amended to read as follows:

§ 74.21 Broadcasting emergency information.

* * * * *

§ 74.402 [Amended]

47. In § 74.402, the Note following paragraph (e) is deleted in its entirety.

§ 74.462 [Amended]

48. In § 74.462, the Note following paragraph (e) is deleted in its entirety.

§ 74.464 [Amended]

49. In § 74.464, the Note at the end of the text is deleted in its entirety.

[FR Doc. 79-35178 Filed 11-14-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Parts 7 and 601

Public Availability of Information

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this document is to revise the regulations dealing with the document inspection facility of the Urban Mass Transportation Administration, the kinds of records which are available for public inspection and copying, and the procedures by which members of the public may make requests for identifiable records. These revisions reflect changes in location of the facility and the description of the types and sources of information available.

EFFECTIVE DATE: November 15, 1979.

FOR FURTHER INFORMATION CONTACT: Linda L. Watkins, (202) 426-1936.

SUPPLEMENTARY INFORMATION: Since this is a matter dealing with agency practice and procedure, under 5 U.S.C. 553, notice and comment are not required, and the rules may be made effective less than 30 days after publication.

The Department of Transportation Order for Improving Government Regulations (44 FR 11034) does not apply to this rulemaking.

In addition to revising the UMTA regulations governing public availability of information, this document also revises Appendix G to the Department of Transportation regulations governing public availability of information. This Appendix deals with UMTA. The authority to amend this Appendix is delegated to the UMTA Administrator by 49 CFR 7.1(d).

Accordingly, Title 49 of the Code of Federal Regulations is amended by:

1. Revising Appendix G to Part 7 to read as follows:

PART 7—PUBLIC AVAILABILITY OF INFORMATION

* * * * *

Appendix G—Urban Mass Transportation Administration

1. *General.* This appendix describes the document inspection facility of the Urban Mass Transportation Administration, the kinds of records which are available for public inspection and copying at that facility, and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facility.* The document inspection facility of the Urban Mass Transportation Administration is maintained in Room 9330 at the headquarters of the Department of Transportation Building (Nassif Building), 400 Seventh Street, S.W., Washington D.C. 20590. This facility is open to the public from 8:30 a.m. to 5:00 p.m.

3. *Records available through document inspection facility.* a. An index to, and copies of, the internal and external directives of the Urban Mass Transportation Administration. The records and the index may be inspected, at the facility, without charge. Copies of records may be obtained upon payment of the fee prescribed in Subpart I of this part.

b. Any proposed or final regulation issued by the Urban Mass Transportation Administration, and any background information for these regulations.

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, must submit the request in writing to the Director of Public Affairs, Urban Mass Transportation Administration, Room 9330 of

the Department of Transportation building (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590. Each request must be accompanied by the appropriate fee prescribed in Subpart I of this part.

5. *Reconsideration of determinations not to disclose records.* Any person to whom a record is not made available within the time limits set out in Subpart C of this part, and any person who has been notified that a record that person has requested cannot be disclosed, may apply, in writing, to the Administrator, Urban Mass Transportation Administration, Room 9324 of the Department of Transportation Building (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590, for reconsideration of the request. The decision of the Administrator is administratively final.

* * * * *

2. Revising Subpart C of Part 601 to read as follows:

PART 601—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Subpart C—Public Availability of Information

§ 601.20 Sources of information.

(a) The Urban Mass Transportation Administration has published a series of internal and external directives which contain the history, organization, policy, procedures, criteria, guidelines, interpretations and general regulations formulated and adopted by UNTA as guidance for grant recipients, and the general public. All directives are listed in UMTA Notice N 0000.14 "Directives Checklist."

(b) Single copies of the checklist or any directive may be obtained without charge upon written request either to the Director, Office of Public Affairs, Urban Mass Transportation Administration, Room 9330, 400 Seventh Street, SW., Washington, D.C. 20590, or any Urban Mass Transportation Administration regional office listed in § 601.2.

(c) The Urban Mass Transportation Administration maintains, under the supervision of the Director of Public Affairs, a document inspection facility at the headquarters of the Department of Transportation Building (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590, through which the following UMTA documents may be obtained:

(1) An index to, and copies of, the internal and external directives of the Urban Mass Transportation Administration.

(2) Any proposed or final regulation issued by the Urban Mass Transportation Administration, and any background information for these regulations.

(d) Any person desiring to inspect any of these records, or obtain a copy thereof, must submit a request in writing, specifying the record to be inspected or copied to the Director, Office of Public Affairs, Urban Mass Transportation Administration, Room 9330, 400 Seventh Street, SW., Washington, D.C. 20590, accompanied by the appropriate fee for copies prescribed in 49 CFR Part 7, Subpart I.

(5 U.S.C. 552; 49 U.S.C. 1657; 49 CFR 7.1(d)).

Dated: November 7, 1979.

Lillian C. Liburdi,

Acting Deputy Administrator.

[FR Doc. 79-35264 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-57-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79-01; Notice 5]

Federal Motor Vehicle Safety Standards; New Pneumatic Tires for Passenger Cars; Correction

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Correction.

SUMMARY: In the Federal Register of September 4, 1979 (44 FR 51603), this agency published a notice amending Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars,* by adding seven new tire size designations to Table I of Appendix A of the standard. Some typographical errors appear in those tables, and this notice corrects those errors.

FOR FURTHER INFORMATION CONTACT: John Diehl, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1714).

SUPPLEMENTARY INFORMATION: In a notice published at 44 FR 51603, September 4, 1979, seven new tire size designations were added to Table I of Appendix A of Federal Motor Vehicle Safety Standard No. 109. Typographical errors appeared in Tables I-LL and I-UU. Those tables should read as set forth below.

(Secs. 103, 119, 201 and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421 and 1422); Delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on November 7, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

Table I-LL.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for 'T' Series 60 psi Tires*

Tire size [1] designation	60 psi / 2,260 pounds	Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
T145/80D16		4	30.33	5.71

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

Table I-UU.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for 'P/75' Series ISO Type Tires for DL Millimetric Rims*

Tire size [3] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa) [1]							Test rim width (mm)	Minimum size factor (mm)	Section [3] width (mm)
	120	140	160	180	200	220	240			
P195/75R370	465	500	535	565	595	625	655	135	841	194

[1] The designated cold inflation pressures may be increased to a maximum of 300 kPa to meet special vehicle performance requirements with no increase in load.

[2] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R".

[3] Actual section width and overall width shall not exceed the specified section width by more than the amount specified in § 4.2.2.2.

[FR Doc. 79-35086 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. Order No. 1404-A]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co.

Decided: November 7, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1404-A.

SUMMARY: Service Order No. 1404 authorized the MILW to operate over tracks of the RI in Washington, Iowa, due to track embargo east of Columbus Junction, in order to serve shippers located adjacent to these tracks. Since the embargo was lifted and no further emergency exists, Service Order No. 1404 is vacated effective 11:59 p.m., November 7, 1979.

FOR FURTHER INFORMATION CONTACT: A J. Kenneth Carter, [202] 275-7840.

Decided: November 7, 1979.

Upon further consideration of Service Order No. 1404 (44 FR 62287), and good cause appearing therefore:

It is ordered, § 1033.1404 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Company,* Service Order No. 1404 is vacated effective 11:59 p.m., November 7, 1979.

(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. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-35199 Filed 11-14-79; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 44, No. 222
Thursday, November 15, 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

Office of the Secretary

7 CFR Part 3100

Environmental Effects Abroad

AGENCY: Office of Environmental Quality (OEQ), United States Department of Agriculture (USDA).

ACTION: Proposed rule.

SUMMARY: This action proposes to incorporate a provision in USDA procedures for compliance with the National Environmental Policy Act (NEPA) to ensure USDA agency compliance with Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (January 4, 1979).

DATE: Comments due January 14, 1980.

ADDRESS: Comments should be sent to: Barry R. Flamm, Director, Office of Environmental Quality, USDA, Washington, D.C. 20250, phone (202) 447-3965.

FOR FURTHER INFORMATION CONTACT: Dr. Rado J. Kinzhuber, Chairman, Ad Hoc Working Group, Office of the Secretary, USDA, Washington, D.C. 20250, phone (202) 447-5685.

SUPPLEMENTARY INFORMATION: On January 4, 1979, President Carter signed Executive Order 12114, entitled Environmental Effects Abroad of Major Federal Actions. It is the intent of this proposed rule to set forth a general procedural directive to assist the individual agencies of USDA in complying with the mandates of the Executive Order, NEPA, the Council on Environmental Quality and Department of State. Each USDA agency is responsible for preparing more specific procedures, if necessary, in light of this broad directive. Those agencies whose programs and activities do not come within the types of actions covered by Executive Order 12114 should consult with OEQ regarding the need for developing specific implementation procedures.

Comments on this proposed rule are invited. To be considered in the preparation of a final rule, comments must be received by the date set forth above.

It is therefore proposed to amend 7 CFR Part 3100 as set forth below:

1. By adding to the table of contents for Subpart B—National Environmental Policy Act, a new section heading:

* * * * *

3100.36 Environmental effects abroad.

2. By revising the citation of authority to read as follows:

Authority: National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 et seq.; E.O. 11514, 34 FR 4247, as amended by E.O. 11991, 42 FR 26927; E.O. 12114, 44 FR 1957; 5 U.S.C. 301; 40 CFR 1507.3

3. By adding a new § 3100.36 to read as follows:

§ 3100.36 Environmental effects abroad.

In conjunction with the policies and requirements set forth in this subpart, all USDA agencies are required to comply with E.O. 12114, Environmental Effects Abroad of Major Federal Actions, to the extent that their programs and activities come within the scope of the E.O. Agencies shall consult with OEQ as to whether their programs or activities require preparation of separate agency procedures, environmental assessments or impact statements regarding environmental effects abroad. Such environmental documents shall be prepared in accordance with the E.O. which specifies the activities for which environmental documents shall be prepared and the types of documents and review procedures required. When an agency anticipates that its action may cause significant impact abroad it shall consult with OEQ and Department of State and CEQ.

This proposal has been reviewed under the USDA criteria established to implement E.O. 12044, Improving Government Regulations. A determination has been made that this action should not be classified "significant" under those criteria. A final Impact Statement has been prepared and is available from the Office of Environmental Quality, USDA, Room 412-A.

Dated: November 6, 1979.

Barry R. Flamm,

Director, Office of Environmental Quality.

[FR Doc. 79-35198 Filed 11-14-79; 8:45 am]
BILLING CODE 3410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 79-ASW-50]

Proposed Alteration of Transition Area; Hope, Ark.

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Hope, Ark. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Hope Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) locate on the airport.

DATES: Comments must be received on or before December 17, 1979.

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

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

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

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR)

activity. Alteration of the transition area at Hope, Ark., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 17, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

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

The Proposed Amendment

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

Hope, Ark.

* * * and within 3 miles each side of the 355° bearing from the NDB (latitude 33°43'06"N., longitude 90°26"N.) extending from the 8-mile radius area to 8.5 miles north of the NDB.

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

Issued in Fort Worth Texas, November 1, 1979.

G. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 79-35010 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-28]

Transition Area, Oskaloosa, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Oskaloosa, Iowa, to provide additional airspace for aircraft executing a new instrument approach procedure to the Oskaloosa, Iowa Municipal Airport which is based on a Nondirectional Radio Beacon (NDB) a navigational aid being installed on the airport by the City of Oskaloosa, Iowa.

DATES: Comments must be received on or before December 23, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

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

FOR FURTHER INFORMATION CONTACT: 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:

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 duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before December 23, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Oskaloosa, Iowa. To enhance airport usage, an additional instrument approach procedure is being developed for the Oskaloosa, Iowa Municipal Airport utilizing an NDB being installed on the airport by the City of Oskaloosa, Iowa. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Oskaloosa, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to ensure

segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by altering the following transition area:

Oskaloosa, Iowa

That airspace extending upward from 700 feet above the surface within a nine (9) mile radius of the Oskaloosa Municipal Airport (latitude 41°13'36" N, longitude 92°29'30" W) excluding the portion that overlies the Ottumwa, 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. 11.65 of the Federal Aviation Regulations (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 requiremnts 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 November 5, 1979.

Paul J. Baker,

Director, Central Region.

[FR Doc. 79-35173 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-33]

Transition Area—Bassett, Nebr.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Bassett, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Rock County Airport, Bassett, Nebraska, utilizing the Rock County Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before December 23, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch,; Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

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

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64196, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before December 23, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which described the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Bassett, Nebraska. To enhance airport usage, a new instrument approach procedure is being developed for the Rock County Airport, Bassett, Nebraska, utilizing the Rock County NDB as a navigational aid. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Bassett, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Bassett, Nebr.

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Rock County Airport, Bassett, Nebraska (latitude 42° 34' 26" N, longitude 99° 34' 21" W); within 2.5 miles each side of the 129° bearing from the Rock County NDB extending from the 7 mile radius area to 7 miles southeast 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)); sec. 11.65 of the Federal Aviation Regulations (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.

Issued in Kansas City, Missouri, on November 5, 1979.

Paul J. Baker,

Director, Central Region.

[FR Doc. 79-35174 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 79-GL-23]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to slightly increase the time of designation of the Jefferson Proving Ground, Ind., Restricted Area R-3403A to permit additional testing of munitions that require photographic coverage for evaluation. The U.S. Army requested the additional time which it believes is necessary to accomplish its mission.

DATES: Comments must be received on or before December 17, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 79-GL-23, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

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

SUPPLEMENTARY INFORMATION:

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, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before December 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would change the time of designation of R-3403A from "Daily, 0800 to 2300 local time." to "Daily, 0630 to 2400 local time." An increase in projects requiring maximum utilization of daylight for testing programs requiring photographic coverage, added to the present testing programs, require additional time.

The Department of Army will serve as the lead agency for the purposes of compliance with the National Environmental Policy Act (NEPA) for this airspace proposal. Comments on environmental aspects relating to the proposed restricted area change should be directed to: U.S. Army, Jefferson Proving Ground, Madison, Ind. 47250, Attention: Mr. Gerald B. Matthews.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.34 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 691) as follows:

Under R-3403A Jefferson Proving Ground, Ind., in time of designation, "Daily 0800 to 2300 local time." is deleted and "Daily 0630 to 2400 local time." is substituted therefor.

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

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. 79-35172 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 433

Amendment to Trade Regulation Rule Concerning Preservation of Consumers' Claims and Defenses

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: On September 21, 1979, the Federal Trade Commission approved in substance the amendment to the trade regulation rule concerning Preservation of Consumers' Claims and Defenses that it proposed on November 14, 1975. The Commission also decided to make certain changes in the text of the amendment. The record of the amendment proceeding will be opened for 60 days for comments on the drafting of certain language changes the Commission made. Comments on other issues will not be considered. Following the close of the comment period the Commission will promulgate the amendment and set an effective date.

DATES: Comments on the drafting of the language changes will be accepted through January 14, 1980.

ADDRESSES: Send comments to Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580. Submissions should be labeled "Holder Amendment Comment."

FOR FURTHER INFORMATION CONTACT: David H. Williams, Sarah Jane Hughes, or Martin B. White, Federal Trade Commission, Washington, D.C. (202) 724-1100.

SUPPLEMENTARY INFORMATION:

Text of Amendment Voted by the Commission

Accordingly, it is proposed to amend Chapter I of 16 CFR by revising Part 433 to read as follows:

PART 433—PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Sec.
433.1 Definitions.
433.2 Preservation of consumers' claims and defenses, unfair or deceptive acts or practices.
433.3 Knowledge or implied knowledge requirement.

Authority: 38 Stat. 717, as amended; 15 U.S.C. 41 et seq.

§ 433.1 Definitions.

(a) *Person.* An individual, corporation, or any other business organization.

(b) *Consumer.* A natural person who seeks or acquires goods or services for personal, family, or household use.

(c) *Creditor.* A person who, in the ordinary course of business, lends purchase money or finances the sale of goods or services to consumers on a deferred payment basis; *Provided,* such person is not acting, for the purposes of a particular transaction, in the capacity of a credit card issuer.

(d) *Purchase Money Loan:* A cash advance which is received by a consumer in return for a "Finance Charge" within the meaning of the Truth in Lending Act and Regulation Z, which is applied in whole or substantial part to a purchase of goods or services from a seller who is affiliated with the creditor by common control or business arrangement.

(e) *Financing a sale.* Extending credit to a consumer in connection with a "Credit Sale" within the meaning of the Truth in Lending Act and Regulation Z.

(f) *Business Arrangement.* Any tacit, oral, or written agreement or understanding, formal or informal, between a creditor and a seller in connection with the sale of goods or services or the financing thereof, including cooperative activity between a creditor and a seller in referring consumers to purchase goods or services or to obtain financing. The term shall not include arrangements, such as inventory financing, maintenance of ordinary checking accounts or joint action engaged in merely to perfect a security interest, which are not directed at the financing of consumer purchases.

(g) *Common Control.* A relationship between creditor and seller where (1) the two are owned by a holding company, or by substantially the same individuals, (2) one is a subsidiary of the other, or (3) the two are functionally part of the same business entity.

(h) *Credit card issuer.* A person who extends to cardholders the right to use a credit card in connection with purchases of goods or services.

(i) *Consumer credit contract.* Any instrument which evidences or embodies a debt arising from a "Purchase Money Loan" transaction or a "financed sale" as defined in paragraphs (d) and (e).

(j) *Seller.* A person who, in the ordinary course of business, sells or leases goods or services to consumers.

Note.—The Commission intends to attach the text of the definitions of "Credit Sale" and "Finance Charge" from § 226.2(t) and (w) of Federal Reserve Board Regulation Z, which are referenced in § 433.1(d) and (e), as an appendix to the rule.

§ 433.2 Preservation of consumers' claims and defenses, unfair or deceptive acts or practices.

(a) In connection with any Purchase Money Loan (as that term is defined in § 433.1) or any sale or lease of goods or services, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of Section 5 of that Act, for a seller or a creditor, directly or indirectly, to take or receive a consumer credit contract which fails to contain the following provision in at least ten point, bold face type:

This credit contract finances a purchase. All legal rights which the buyer has against the seller arising out of this transaction, including all claims and defenses, are also valid against any holder of this contract. The right to recover money from the holder under this provision is limited to the amount paid by the buyer under this contract.

A claim is a legally valid reason for suing the seller. A defense is a legally valid reason for not paying the seller. A holder is anyone trying to collect for the purchase.

(b) In connection with any sale or lease of goods or services to consumers, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of Section 5 of that Act for a seller, directly or indirectly, to accept, as full or partical payment for such sale or lease, the proceeds of any purchase money loan (as purchase money loan is defined herein), unless any consumer credit contract made in connection with such purchase money loan contains the following provision in at least ten point, bold face, type:

This credit contract finances a purchase. All legal rights which the buyer has against the seller arising out of this transaction, including all claims and defenses, are also valid against any holder of this contract. The right to recover money from the holder under this provision is limited to the amount paid by the buyer under this contract.

A claim is a legally valid reason for suing the seller. A defense is a legally valid reason for not paying the seller. A holder is anyone trying to collect for the purchase.

(c) In connection with any transaction in which a consumer credit contract is required by law to be written in Spanish, for purposes of subsections (a) and (b), the following provision shall be substituted for the provision specified in subsections (a) and (b):

Este contrato de credito financia una compra. Todos los derechos legales que el comprador pueda tener contra el vendedor que resulten de esta transaccion, incluyendo todas las reclamaciones y defensas, son validos en contra de cualquier tenedor de este contrato. El derecho del comprador a recobrar dinero de el tenedor del contrato bajo esta disposicion esta limitado a la cantidad pagada por tal comprado bajo el contrato.

Una reclamacion es una razon legalmente valida para demandar a un vendedor. Una defense es una razon legalmente valida para no pagarle al vendedor. Un tenedor es cualquiera que trata de cobrar por la compra.

(d) If a consumer indicates that all or a substantial portion of the proceeds of a loan will be used to purchase goods or services from a specific seller, and the creditor and that seller are affiliated by common control or business arrangement, then the following may be added to the provision required by paragraphs (a) and (b):

This paragraph is applicable only if the proceeds of this loan are used primarily to purchase goods or services from [*insert seller's name*] or any other affiliated seller.

§ 433.3 Knowledge or implied knowledge requirement.

The acts and practices defined by § 433.2 to be unfair or deceptive within the meaning of section 5 of the Federal Trade Commission Act are not violations of this rule unless they are engaged in with actual knowledge or knowledge fairly implied on the basis of objective circumstances that they are prohibited by 16 CFR Part 433.

Subjects on Which the Commission Is Soliciting Comment

The record is open for comment on the drafting of the changes in the amendment which are listed below. The Commission is interested in comment on the extent to which the language chosen is suited to achieving the Commission's intentions as set forth below. Suggestions for improvements in drafting that do not alter the intended meaning will also be considered. The record is not being reopened for comment on other issues.

1. Definition of "Purchase Money Loan." The amendment as proposed would not have aterted the definitions in the original rule. Section 433.1(d) of the original rule defined "Purchase Money Loan" as:

"A cash advance which is received by a consumer in return for a 'Finance Charge' within the meaning of the Truth in Lending Act and Regulation Z, which is applied, in whole or substantial part, to a purchase of goods or services from a seller who (1) refers consumers to the creditor or (2) is affiliated with the creditor by common control, contract, or business arrangement."

Section 433.1(f) and (g) further defined "Contract" as:

"Any oral or written agreement, formal or informal, between a creditor and a seller, which contemplates or provides for cooperative or concerted activity in

connection with the sale of goods or services to consumers or the financing thereof."

and "Business Arrangement" as:

"Any understanding, procedure, course of dealing, or arrangement, formal or informal, between a creditor and a seller, in connection with the sale of goods or services to consumers or the financing thereof."

The amendment voted by the Commission on September 21, 1979, defines "Purchase Money Loan" as:

"Consumer credit where the proceeds are applied in whole or substantial part to a purchase of goods or services from a seller who is affiliated with the creditor by common control or business arrangement."

The term "Contract" is dropped from the definition of "Purchase Money Loan" and is therefore not defined. The definition of "Business Arrangement" is changed to:

"Any tacit, oral, or written agreement or understanding, formal or informal, between a creditor and a seller in connection with the sale of goods or services or the financing thereof, including cooperative activity between a creditor and a seller in referring consumers to purchase goods or services or to obtain financing. The term shall not include arrangements, such as inventory financing, maintenance of ordinary checking accounts or joint action engaged in merely to perfect a security interest, which are not directed at the financing of consumer purchases."

The new definitions of "purchase money loan" and "business arrangement" are based on language suggested by the staff of the Federal Reserve Board during the amendment proceeding. They are not intended to alter the meaning of the existing definition of "purchase money loan;" rather it is intended to make clear that the text of the rule is consistent with the Commission's interpretation of the definition contained in the Statement of Enforcement Policy issued by the Commission on August 16, 1976 (41 FR 34594). In particular, the revised definitions are intended to clarify that referrals between a seller and a lender only create a "purchase money loan" relationship where the referrals go beyond the mere providing of information—in other words, where there is some arrangement or understanding, express or implied, between seller and creditor. One form of such an arrangement or understanding is cooperative activity between sellers and lenders in referring customers for the purpose of purchasing goods or services or obtaining financing.

2. Modification of "Notice" required to be included in credit contracts. The amendment as proposed required inclusion in cedit contracts covered by the rule of the following language in ten point bold face type:

NOTICE

ALL HOLDER OF THIS CONSUMER CREDIT CONTRACT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS OR SERVICES OBTAINED PURSUANT HERETO OR WITH THE PROCEEDS HEREOF, RECOVERY HEREUNDER BY THE DEBTOR SHALL NOT EXCEED AMOUNTS PAID BY THE DEBTOR HEREUNDER.

The text voted by the Commission is as follows:

This credit contract finances a purchase. All legal rights which the buyer has against the seller arising out of this transaction, including all claims and defenses, are also valid against any holder of this contract. The right to recover money from the holder under this provision is limited to the amount paid by the buyer under this contact.

A claim is a legally valid reason for suing the seller. A defense is a legally valid reason for not paying the seller. A holder is anyone trying to collect for the purchase.

The heading "Notice" is deleted to clarify that the language is not informational but must be included in contracts as a legally binding provision. The remaining changes are intended to make the provision more understandable by consumers without changing its legal significance in any way and without unreasonably increasing its length.

3. Spanish language contract provision. The amendment adopted by the Commission adds to the amendment as proposed a § 433.2(c) as follows:

(c) In connection with any transaction in which a consumer credit contract is required by law to be written in Spanish, for purposes of subsections (a) and (b), the following provision shall be substituted for the provision specified in subsections (a) and (b):

Este contrato de credito financia una compra. Todos los derechos legales que el comprado pueda tener contra el vendedor que resulten de esta transaccion, incluyendo todas las reclamaciones y defensas, son validos en contra de cualquier tenedor de este contrato. El derecho del comprado a recobrar dinero de el tenedor del contrato bajo esta disposicion esta limitado a la cantidad pagada por tal comprador bajo el contrato.

Una reclamacion es una razon legalmente valida para demandar a un vendedor. Una defense es una razon legalmente valida para no pagarle al vendedor. Un tenedor es cualquiera que trata de cobrar por la compra.

This provision is intended to enhance the ability of Spanish speaking consumers to understand the rights granted by the rule.

4. Designation of seller. The amendment voted by the Commission adds to the amendment as proposed a § 433.2(d) as follows:

(d) If a consumer indicates that all or a substantial portion of the proceeds of a loan will be used to purchase goods or services from a specific seller, and the creditor and that seller are affiliated by common control or business arrangement, then the following may be added to the provision required by subsections (a) and (b):

This paragraph is applicable only if the proceeds of this loan are used primarily to purchase goods or services from [*insert seller's name*] or any other affiliated seller.

This provision is based, with some modification, on language suggested by the Federal Reserve Board staff. It is intended to deal with a situation in which a consumer tells a lender that he will spend loan proceeds at an affiliated seller but then spends the proceeds at a different, non-affiliated seller. The provision is intented to allow a lender who includes the required language preserving claims and defenses in the loan contract based on the consumer's representations to avoid liability for claims and defenses generated by non-affiliated sellers. Lender liability for claims and defenses is created only if the loan proceeds are spent at the seller indicated by the borrower or at another "affiliated" seller. It is intended that lenders only be permitted to use the additional language authorized by § 433.2(d) if the name of a specific seller is given to them and written in the designated place. This is to ensure that the consumer does not have to prove the existence of an "affiliation" to assert claims and defenses, so long as the consumer spends loan proceeds where he says he will.

5. Knowledge or implied knowledge requirement. The amendment voted by the Commission adds to the rule § 433.3 as follows:

§ 433.3 Knowledge or implied knowledge requirement.

The acts and practices defined by Section 433.2 to be unfair or deceptive within the meaning of Section 5 of the Federal Trade Commission Act are not violations of this rule unless they are engaged in with actual knowledge or knowledge fairly implied on the basis of objective circumstances that they are prohibited by 16 CFR Part 433.

This language is intended to make it clear that a creditor or seller who is genuinely unable to indentify a transaction as being covered by the rule will not be in violation of the rule if he fails to include the provision required by the rule in credit contracts. The language of § 433.3 is taken from Section 5(m)(1)(A) of the FTC Act which sets forth the requirement for obtaining civil penalties for violations of FTC rules.

6. In the interest of clarity, the Commission believes that the phrase "arising out of this transaction" should be incorporated into the required contract provision. It should be noted that the addition of this phrase causes no substantive change to the rule as it has always been the Commission's intention that claims and defenses unrelated to the underlying transaction were outside the scope of the rule. The Staff's Guidelines, which were published on May 4, 1976, evidence the Commission's intent in this regard. The Guidelines state:

> The Rule does apply to all claims or defenses connected with the transaction, whether in tort or contract. When, under State law, a consumer would defeat a seller's right to further payments or allow the consumer to recover affirmatively this claim is preserved against the holder. This is, of course, subject to the limitation of recovery under this Rule to the amount paid in.
>
> It is also possible for a consumer to have a claim or defense against a seller because of a separate transaction. The provision required by the Rule would not allow him to assert such a claim or defense against the holder. The holder's obligations are limited to those arising from the transaction which he finances.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-35288 Filed 11-14-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6145, 34-16326, 35-21284, IC-10932; File No. S7-804]

Bank Holding Companies and Banks—Requirements for Form and Content of Financial Statements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is requesting comment on amendments to its requirements for form and content of financial statements of bank holding companies and banks. The proposed amendments are a reduction in the schedule reporting details of receivables from nonofficer directors and a revision in the reporting of certificates of deposit and other time deposits in amounts of $100,000 or more in domestic bank offices and in foreign activities.

DATE: Comments should be submitted on or before December 31, 1979.

ADDRESS: Comments should refer to File S7-804 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Bloch, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 205 (202-272-2130).

SUPPLEMENTARY INFORMATION: In September 1978 the Commission adopted a comprehensive revision of its requirements as to form and content of financial statements for bank holding companies and banks known as Article 9 of Regulations S-X.[1] Subsequently occasion has arisen to consider revision of certain provisions of these requirements.

Disclosure of Loans to Nonofficer Directors

Since the adoption of the revision of Article 9 last year the Commission has been requested to reconsider the requirement of Schedule I of Rule 9-05 which is concerned with reporting amounts due from certain persons including directors, officers and principal holders of equity securities and certain of their associates. The schedule calls for detailed disclosure of indebtedness exceeding the lesser of $500,000 or 2½% of stockholders' equity which is owed by directors, executive officers and principal holders of equity securities (and their associates) of the registrant bank holding company and its principal subsidiaries.[2] Required information includes name of debtor, details of terms and balances at beginning and end of the period and amounts of increases and decreases during the period.

We have been requested to reconsider that part of the schedule which calls for disclosure of the names of nonofficer directors and their associates. Approximately 60 letters from registrants and a banking industry association have been received on this matter. Some letters assert that the disclosure involves a loss of privacy and, in small communities, may cause a reluctance on the part of some well-qualified businessmen to serve as directors of local banks.

The Financial Institutions Regulatory and Interest Rate Control Act of 1978[3] which was enacted subsequent to the adoption of the revision of Article 9 contains provisions limiting the terms under which banks can make loans to executive officers, directors and certain stockholders. Under the Act a loan or extension of credit to a director or to a company controlled by a director or to a related political or campaign committee which when aggregated with other related loans would exceed $25,000 must be approved in advance by a majority of the board of directors excluding the interested person. In addition, any loan or extension of credit to a director or related company or committee is required to be made on substantially the same terms as those prevailing at the same time for comparable transactions with others and shall not involve more than normal risk of repayment or present other unfavorable features. Under the Act a bank may not pay an overdraft on the account of a director at the bank. The Act also does not require reporting of amounts due from directors, although it has a requirement for reporting the names and aggregate amount due from executive officers and certain stockholders.

Where a company is engaged in a commercial or industrial activity, loans to insiders cannot be considered as being in the ordinary course of business but rather have a special nature and origin and should be disclosed. In the case of a bank or bank holding company where lending is the principal business activity, a distinction can be drawn between loans to executive officers and principal holders of securities on one hand and nonofficer directors on the other. A distinction can be drawn also between loans made on terms which can be said to be in the ordinary course of business and those not made on such terms.

Ultimately information concerning loans to nonofficer directors made in the ordinary course of business must be assessed from the viewpoint of its value to an investor or potential investor. Such loans are not negative in nature and in fact may be advantageous to a bank. To the extent that they are made in the ordinary course of business, there appears to be little value to an investor in having this information—earnings presumably will not be penalized—the loans are properly collateralized—there is no unusual risk of collection.

After reconsideration of this requirement and in view of related provisions of the Financial Institutions Regulatory Act of 1978, the Commission

[1] Release Nos. 33-5973, 34-15135, 35-20699, IC-10389, As 254 (43 Fr 41022; September 14, 1978)

[2] For the purpose of this disclosure the term "principal subsidiaries" is defined to include the subsidiary with the greatest amount of depositors of all consolidated bank subsidiaries and any other consolidated subsidiary in which deposits exceed fifteen percent of consolidated deposits. See footnote 1 to paragraph 9-02-5(e) of Article 9.

[3] Pub. L. 95-630, approved November 10, 1978.

has determined to request comments whether detailed disclosure of loans to nonofficer directors made in the ordinary course of business continues to be useful in evaluating the financial condition and future prospects of bank holding companies and banks. Therefore, it is proposed to amend the requirement for Schedule I (17 CFR 210.9-05) to provide for aggregate reporting of amounts receivable from nonofficer directors made in the ordinary course of business.[4]

Revision of Reporting of Large Certificates of Deposit and Time Deposits

The requirement of § 210.9-02-11(e) is for note disclosure of time certificates of deposit in denominations of $100,000 or more. It is proposed to change the disclosure under § 210.9-02-11(e) to time certificates of deposit and other time deposits in amounts of $100,000 or more in domestic bank offices and to add a note requirement to § 210.9-04(f) for comparable disclosure concerning such items included in deposits under the foreign activities category.

The change in disclosure of large CD's and time deposits in domestic bank offices conforms to requirements of the call reports of the banking regulatory agencies. The proposed disclosure of such items included in foreign activities results from the observed increase in deposits of banks operating outside the United States. In a number of cases the amount of time deposits in foreign offices is a large percentage of total deposits and the increase in such deposits during the period 1974-1978 appears to be substantial in both absolute and relative terms.

Text of Proposed Amendments

The Commission hereby proposes to amend 17 CFR Part 210 (Regulation S-X) as follows:

1. In § 210.9-02, paragraph 11(e) is revised to read as follows:

§ 210.9-02 Balance sheets.

* * * * *

11. * * *

(e) State separately in a note the amount of time certificates of deposit in denominations of $100,000 or more in domestic bank offices and the amount of other time deposits in amounts of $100,000 or more in domestic bank offices.

* * * * *

2. The following sentence is added at the end of § 210.9-04(f):

§ 210.9-04 Foreign activities.

* * * * *

(f) * * *

State also in a note the amount of time certificates of deposit in denominations of $100,000 or more and the amount of other time deposits in amounts of $100,000 or more.

* * * * *

3. In § 210.9-05, the last sentence of the paragraph under Schedule I is deleted and replaced with the following:

§ 210.9-05 What schedules are to be filed.

* * * * *

Schedule I. * * * It shall not be necessary to disclose amounts related to installment loans as defined in § 210.9-02-5(c)(3) made in the ordinary course of business. Notwithstanding the foregoing and the requirement of Column A of § 210.12-03, indebtedness incurred in the ordinary course of business by all directors (and related persons specified above) who are neither executive officers nor principal holders of equity securities may be stated in the aggregate in Columns B, C, D and E of § 210.12-03. The number of directors for whom indebtedness is stated in the aggregate shall be stated in Column A. For the purpose of this schedule, loans or indebtedness made or incurred in the ordinary course of business shall be those which (i) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features.

* * * * *

These amendments are being proposed pursuant to authority in sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78*l*, 78m, 78*o*(d), 78w) of the Securities and Exchange Act of 1934; Sections 5(b), 14 and 20(a) (15 U.S.C. 79e, 79n, 79t) of the Public Utility Holding Company Act of 1935; and Sections 8, 30, 31(c) and 38(a) (15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a)) of the Investment Company Act of 1940.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these amendments on competition and is not aware of any burden that they would impose.

Letters received since November 1, 1978 and included in public file S7-732 which comment on the disclosure requirements of Schedule I will be considered as comments on the proposal in this release.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 6, 1979.

[FR Doc. 79-35289 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[4] The proposed amendment would not affect the requirement of Schedule I for reporting of loans to executive officers and principal holders of equity securities whether or not they were made on terms available in the ordinary course of business, nor would it exempt loans to directors made on terms other than those available in the ordinary course of business.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 115

[R-79-740]

Recognition of State and Local Fair Housing Laws of Delaware and South Dakota; Transmittal of Proposed Rule To Congress

AGENCY: Department of Housing and Urban Development.

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

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

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

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

24 CFR Part 115—Recognition of Substantially Equivalent Laws—Delaware and South Dakota

This proposed rule would revise 24 CFR Part 115 to grant recognition of the State and local fair housing laws of the States of Delaware and South Dakota as providing rights and remedies which are substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968.

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

Issued at Washington, D.C., November 8, 1979.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-35233 Filed 11-14-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Parts 203, 204

[Docket No. R-79-738]

Change in Notification to HUD of Terminations by Mortgagees and Lenders; Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development.

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

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

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

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

24 CFR Parts 203 and 204—Change in Notification to HUD of Terminations by Mortgagees and Lenders

This proposed rule would amend 24 CFR Parts 203 and 204 to require the mortgagee or lender to notify HUD of terminations within fifteen (15) calendar days, instead of 30 calendar days, from the occurrence of one of the approved methods of termination.

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

Issued at Washington, D.C., November 7, 1979.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-35181 Filed 11-14-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 571

[R-79-741]

Community Development Block Grants For Indian Tribes and Alaska Natives; Transmittal of Interim Rule to Congress

AGENCY: Department of Housing and Urban Development.

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

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

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410, Telephone No. (202) 755-6207.

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

24 CFR Part 571—Community Development; Block Grants for Indian Tribes and Alaska Natives

This interim rule would revise 24 CFR 571.101, governing allocation of funds to HUD Regional and Field Offices for the Communtiy Development Block Grant Program for Indian Tribes and Alaska Natives. The new funding allocation formula will decrease the weight given to past funding success while increasing the weight given to tribal population. HUD believes that this change would provide a more equitable distribution of funds than the present allocation formula.

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

Issued at Washington, D.C. November 8, 1979.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-35232 Filed 11-14-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 883

[Docket No. R-79-737]

Section 8 Housing Assistance Payments Program—State Housing Agencies

AGENCY: Department of Housing and Urban Development.

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

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

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

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

24 CFR Part 883—Section 8 Housing Assistance Payments Program—State Housing Agencies

This interim rule would amend 24 CFR Part 883 to: (1) Make the regulation easier to understand and use; (2) clarify recurring questions, reduce and level out Field Office workload and assure coordination of this program with other Section 8 regulations and with HUD mortgage insurance programs; and (3) add rent, cost and amenities limitations and requirements for cost justification of rents in certain cases in order to control and reduce the costs of the program.

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

Issued at Washington, D.C. November 8, 1979.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-35182 Filed 11-14-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-107-8]

Income Tax; Application of Conventions Under Class Life Asset Depreciation Range System

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations relating to the application of conventions under the Class Life Asset Depreciation Range System (CLADR System). The amendments affect certain persons who use the CLADR System for the year in which they begin doing business.

DATES: Written comments and requests for a public hearing must be delivered or mailed by January 14, 1980. The amendments are proposed to be effective for property placed in service after November 14, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-107-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Benedetta A. Kissel of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-4454, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 167 of the Internal Revenue Code of 1954. These amendments are to be issued under the authority contained in sections 167(m) (85 Stat. 508, 26 U.S.C. 167(m)) and 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Under the existing regulations, the CLADR conventions apply to determine when eligible property will be deemed placed in service during the time frame of a taxable year. The proposed amendments provide that a taxable year, for purposes of applying the conventions, will not include any period before the taxpayer begins engaging in a trade or business or holding property for the production of income.

Comments and Requests for a Public Hearing

Before adopting these proposed amendments, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed amendments is Benedetta A. Kissel of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the amendments, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph (c)(2)(iv) of § 1.167(a)-11 is amended by revising everything after the third sentence to read as set forth below.

§ 1.167(a)-11 Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970.

* * * * *

(c) *Manner of determining allowance.* * * *

(2) *Conventions applied to additions and retirements.* * * *

(iv) *Rules of application.* * * * For purposes of this subparagraph, for property placed in service after November 14, 1979, the taxable year does not include any period before the person begins engaging in a trade or business or holding depreciable property for the production of income. In the case of a taxable year of other than 12 full calendar months, the first half of such taxable year shall be deemed to expire at the close of the last day of a calendar month which is the closest such last day to the middle of such taxable year and the second half of such taxable year shall be deemed to begin the day after the expiration of the first half of such taxable year. If a taxable year consists of a period which includes only 1 calendar month, the first half of the taxable year shall be deemed to expire on the first day which is nearest to the midpoint of the month, and the second half of the taxable year shall begin the day after the expiration of the first half of the month. For example, assume that a calendar year corporate taxpayer comes into existence (within the meaning of § 1.6012-2(a)(2)) on July 1, 1980, and begins business September 1, 1981. For purposes of applying the conventions under this section, the 1981 taxable year is treated as consisting of 4 months. The first half of the taxable year ends on October 31, 1981, and the second half begins on November 1, 1981.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-35212 Filed 11-14-79; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 31

[LR-264-76]

Withholding of Tax on Certain Payments of Gambling Winnings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the withholding of tax on certain payments of gambling winnings. Changes in the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Reduction and Simplification Act of 1977. These proposed regulations affect both payers and recipients of certain gambling winnings.

DATES: Written comments and requests for a public hearing must be delivered or mailed by January 14, 1980. The proposed regulations generally apply to payments of gambling winnings made after January 2, 1977, except that in the case of winnings from a parimutuel pool with respect to horse races, dog races, or jai alai, the proposed regulations apply only to payments made after April 30, 1977.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T (LR-264-76)).

FOR FURTHER INFORMATION CONTACT: John P. MacMaster of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW.,

Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3294.

SUPPLEMENTARY INFORMATION:

Background

This document contains a proposed amendment to the Employment Tax Regulations (26 CFR Part 31) under section 3402 of the Internal Revenue Code of 1954. The amendment is proposed to conform the regulations to section 1207(d) of the Tax Reform Act of 1976 (90 Stat. 1705) and section 405 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 156). The proposed amendment when adopted will supersede § 34.3402-1 of the Temporary Employment Tax Regulations under the Tax Reform Act of 1976 (T.D. 7483). Accordingly, 26 CFR Part 34 will be deleted upon adoption of the proposed amendment.

In General

Section 3402(q) of the Code requires that, under certain conditions, every person making payment of certain gambling winnings deduct and withhold 20 percent of the payment. For purposes of determining whether the winnings are subject to withholding under the proposed regulations, winnings are divided into three categories based on the type of wagering transaction: winnings from State-conducted lotteries, winnings from other lotteries, sweepstakes, or wagering pools, and winnings from other kinds of wagering transactions. Winnings from bingo and keno games and slot machine plays are not subject to withholding under this provision.

Winnings from State-conducted lotteries are generally subject to withholding under this provision if the proceeds from the wager exceed $5,000.

Winnings from wagering transactions other than State-conducted lotteries are generally subject to withholding under this provision if the proceeds from the wager exceed $1,000. However, for certain kinds of wagering transactions, for example, wagers in a parimutuel pool with respect to horse races, dog races, or jai alai, withholding is required only if an additional condition is satisfied—that the proceeds from the wager are at least 300 times as large as the amount wagered.

The proposed amendment provides rules to be used in determining the proceeds from the wager. The amount of proceeds is generally the amount of money received less the amount of the wager. Winnings which are not in the form of money are to be taken into account at their fair market value. In addition, installment or other payments expected to be made over a period of time with respect to a wager are aggregated. Thus, for example, if installments of lottery winnings in the aggregate exceed $1,000 ($5,000 for winnings from State-conducted lotteries) then each payment of proceeds from the wager is subject to withholding.

The proposed amendment further provides that the payer of winnings must deduct and withhold the appropriate amount of tax at the time the payment is actually or constructively made. Generally, this will be at the time the winnings are first made available to the winner, even though he or she does not present the winning ticket for payment until a later date. However, the requirement that the payer of the winnings remit the tax and report the winnings is suspended until the winner's identity is known to the payer. Hence, if the winner never collects the winnings there is no obligation to remit the tax or report the winnings.

Statements of Recipient and Payer

Persons receiving payments of winnings subject to withholding must furnish the payer a statement made under the penalties of perjury indicating the person's identity and the identity of each person entitled to any portion of the winnings. The payer must file a return on Form W-2G for each person entitled to a portion of the winnings containing the name, address, and social security number of the person and the amount of entitled winnings.

Drafting Information

The principal author of this regulation was John P. MacMaster of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Proposed Amendments to the Regulations

The proposed amendment to 26 CFR Part 31 is as follows:

The following new section is added immediately following § 31.3402 (p)-1:

§ 31.3402 (q)-1 Extension of withholding to certain gambling winnings.

(a)(1) *General rule.* Every person, including the Government of the United States, a State, or a political subdivision thereof, or any instrumentality of any of the foregoing making any payment of "winnings subject to withholding" (defined in paragraph (b) of this section) shall deduct and withhold a tax in an amount equal to 20 percent of the payment. The tax shall be deducted and withheld upon payment of the winnings by the person making such payment ("payer"). See paragraph (c)(5)(ii) of this section for a special rule relating to the time for making deposits of withheld amounts and filing the return with respect to those amounts. Any person receiving a payment of winnings subject to withholding must furnish the payer a statement as required in paragraph (e) of this section. Payers of winnings subject to withholding must file a return as required in paragraph (f) of this section. With respect to reporting requirements for certain payments of gambling winnings not subject to withholding, see section 6041 and the regulations thereunder.

(2) *Exceptions.* The tax imposed under section 3402(q)(1) and this section shall not apply (i) with respect to a payment of winnings which is made to a nonresident alien individual or foreign corporation under the circumstances described in paragraph (c)(4) of this section or (ii) with respect to a payment of winnings from a slot machine play, or a keno or bingo game.

(b) *Winnings subject to withholding.* Winnings subject to withholding means any payment from—

(1) A wager placed in a State-conducted lottery (defined in paragraph (c)(2) of this section) but only if the proceeds from the wager exceed $5,000;

(2) A wager placed in a sweepstakes, wagering pool, or lottery other than a State-conducted lottery but only if the proceeds from the wager exceed $1,000; or

(3) Any other wagering transaction (as defined in paragraph (c)(3) of this section) but only if the proceeds from the wager (i) exceed $1,000 and (ii) are at least 300 times as large as the amount of the wager.

If proceeds from the wager qualify as winnings subject to withholding, then the total proceeds from the wager, and not merely amounts in excess of $1,000 (or $5,000 in the case of winnings from a State-conducted lottery), are subject to withholding.

(c) *Definitions; special rules*—(1) *Rules for determining amount of proceeds from a wager.* (i) The amount of "proceeds from a wager" is the amount paid after January 2, 1977, with respect to the wager, less the amount of the wager. However, for any wagering transaction in a parimutuel pool with respect to horse races, dog races, or jai alai, only amounts paid after April 30, 1977, are taken into account.

(ii) Amounts paid with respect to identical wagers are treated as paid with respect to a single wager, for purposes of calculating proceeds from a

wager. For example, amounts paid on two bets placed on the same horse to win a particular race are treated as paid with respect to the same wager. However, in the case of two bets on the same horse, one to win and one to "place", the wagers are not identical. Amounts paid on two tickets purchased in a lottery are not aggregated, because the designation of each ticket as a winning ticket would not be based on the occurrence of the same event, *e.g.*, the drawing of a particular number.

(iii) In determining the amount paid with respect to a wager, proceeds which are not money shall be taken into account at their fair market value.

(iv) Periodic payments, including installment payments or payments which are to be made periodically for the life of a person, are aggregated for purposes of determining the proceeds from a wager. The aggregate amount of periodic payments to be made for a person's life shall be based on that person's life expectancy. See §§ 1.72-5 and 1.72-9 for rules used in computing the expected return on annuities. For purposes of determining the amount subject to withholding, the first periodic payment shall be reduced by the amount of the wager.

(2) *Wager placed in a State-conducted lottery.* The term "wager placed in a State-conducted lottery" means a wager placed in a lottery conducted by an agency of a State acting under authority of State law provided that the wager is placed with the State agency conducting such lottery or with its authorized employees or agents. This term includes wagers placed in State-conducted lotteries in which the amount of winnings is determined by a parimutuel system.

(3) *Other wagering transaction.* The term "other wagering transaction" means any wagering transaction other than one in a lottery, sweepstakes, or wagering pool. This term includes a wagering transaction in a parimutuel pool with respect to horse races, dog races, or jai alai.

(4) *Certain payments to nonresident aliens or foreign corporations.* A payment of winnings subject to withholding made to a nonresident alien individual or a foreign corporation is not subject to the tax imposed by section 3402 (q) and this section if such payment is subject to withholding of tax under section 1441 (a) (relating to withholding on nonresident aliens) or 1442 (a) (relating to withholding on foreign corporations) and the payer complies with the requirements of those sections. For purposes of this section, a payment is treated as being subject to tax under section 1441 (a) or 1442 (a) notwithstanding that the rate of such tax is reduced (even to zero) as may be provided by an applicable treaty with another country. However, a reduced or zero rate of withholding of tax shall not be applied by the payer in lieu of the rate imposed by sections 1441 and 1442 unless the person receiving the winnings has completed, signed, and furnished the payer Form 1001 as required by § 1.1441-6. See sections 1441 and 1442 and the regulations thereunder for rules regarding the withholding of tax on nonresident aliens and foreign corporations.

(5) *Gambling winnings treated as payments by employer to employee.* (i) Except as provided in subdivision (ii), for purposes of sections 3403 and 3404 and the regulations thereunder and for purposes of so much of subtitle F (except section 7205) and the regulations thereunder as relate to chapter 24, payments to any person of winnings subject to withholding under this section shall be treated as if they are wages paid by an employer to an employee.

(ii) Solely for purposes of applying the deposit rules under 6302 (c) and the return requirement of section 6011, the withholding from winnings shall be deemed to have been made no earlier than at the time the winner's identity is known to the payer. Thus, for example, winnings from a State-conducted lottery are subject to withholding when actually or constructively paid, whichever is earlier; however, the time for depositing the withheld taxes and filing a return with respect thereto shall be determined by reference to the date on which the winner's identity is known to the State, if such date is later than the date on which the winnings are actively or constructively paid. If a payer's obligation to pay winnings terminates other than by payment, all liabilities and requirements resulting from the requirement that the payer deduct and withhold with respect to such winnings shall also terminate.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A purchases a lottery ticket for $1 in the state W lottery from an authorized agent of State W. On February 1, 1977, the drawing is held and A wins $5,001. Since the proceeds of the wager ($5001—$1) are not greater than $5,000, State W is not required to withhold or deduct any amount from A's winnings.

Example (2). Assume the same facts as in example (1) except that A purchases two $1 tickets and that A wins $5,002 when one of the tickets is drawn. State W must deduct and withhold tax at a rate of 20% from $5,001 ($5,002 less the $1 wager), or $1,000.20.

Example (3). B makes two $2 bets in a parimutuel pool for a horse race. Each bet is on the same horse to win a particular race. B wins a total of $1,300 on those bets. The proceeds of the identical wagers ($1,300—$4=$1,296) exceed $1,000 and are at least 300 times as great as the amount wagered ($4×300=$1,200). Therefore, the payer is required to deduct and withhold tax from B's winnings.

Example (4). C purchases a lottery ticket for $1. On June 1, 1979, the lottery drawing is held and C wins the grand prize of $50,000, payable $500 monthly. The payer must deduct and withhold tax at the rate of 20% from each payment of winnings. Therefore, $99.80 must be withheld from the first monthly payment to B (($500—$1)×20%=$99.80) and $100 ($500×20%) must be withheld from each monthly payment thereafter.

Example (5). Assume the same facts as in example (4), except that C wins an automobile rather than the grand prize. The fair market value of the automobile on the date on which it is made available to C is $10,001. The payer must deduct and withhold a tax of $2,000 (($10,001—$1)×20%). This may be accomplished, for example, if C pays $2,000 to the payer. Alternatively, if the payer, as part of the prize, pays all taxes required to be deducted and withheld, the payer must deduct and withhold tax not only on the fair market value of the automobile less the wager, but also on the taxes it pays that are required to be deducted and withheld. This results in a pyramiding of taxes requiring the use of an algebraic formula. Under this formula, the payer must deduct and withhold a tax of 25 percent of the fair market value of the automobile less the wager ($2,500) and, in addition, the payer must indicate on Form W-2G the amount of such winnings as $12,501 ($10,001+25%($10,001—$1)).

Example (6). D purchases a ticket for $1 in the State Y lottery from an authorized agent of State Y. On January 1, 1976, a drawing is held and D wins $100 a month for the rest of D's life. It is actuarially determined that, on January 3, 1977, D's life expectancy is 5 years. Based on that determination, the proceeds from the wager paid to D on or after January 3, 1977, will exceed $5,000. Therefore, State Y must deduct and withhold $20 from each monthly payment made on or after January 3, 1977. (None of such payments is reduced by the amount of the wager because the amount of the wager was offset by the first payment of winnings which was made before January 3, 1977)).

Example (7). Assume the same facts as in example (6) except that State Y purchases in its own name, as owner, an annuity of $100 a month for D's life from E Corporation, in order to fund its own obligation to make the payments. Although State Y remains liable for the withholding of tax, E Corporation as paying agent for State Y, making payments directly to D, should deduct and withhold from each monthly payment in the manner described in example (6).

Example (8). E purchases a sweepstakes ticket for $1 in a sweepstakes conducted by W. E purchases the ticket on behalf of himself and on behalf of F and G, who have contributed equal amounts toward the purchase of the ticket and who have agreed to share equally in any prizes won. The ticket

which E purchases wins $1,002. Since the proceeds of the wager ($1,002−$1) are greater than $1,000 W is required to withhold and deduct 20 percent of such proceeds.

Example (9). On February 1, 1977, a drawing is held in the State X lottery in which a winning ticket is selected. The person holding the winning ticket is entitled to proceeds of $100,000 payable either as a lump sum upon demand or $10,000 a year for 10 years. Under State law, the winning ticket must be presented to an authorized agent of State X before February 1, 1978. Until the ticket is presented, State X does not know the identity of the winner. On December 1, 1977, H, the winner, presents the winning ticket to an authorized agent of the State X lottery. The winnings are constructively paid to H on February 1, 1977. Since H, has the option of receiving the entire proceeds upon demand, State X is required to deduct and withhold $20,000 ($100,000×20%) from the proceeds of H's winnings on February 1, 1977; but for purposes of determining the time at which the deposit and inclusion on Form 941 of these taxes is to be made, the withholding shall be deemed to have been made on December 1, 1977.

Example (10). J purchases a subscription to N magazine, at the regular subscription price. All new subscribers are automatically eligible for a special drawing. The drawing is held and J wins $50,000. Since J has not paid any more than the regular subscription price, J has not placed a wager or entered a wagering transaction. Therefore, N is not required to deduct and withhold from J's winnings.

(e) *Statement by recipient.* Each person who is to receive a payment of winnings subject to withholding shall furnish the payer a statement on Form W-2G (or, if one or more persons other than the recipient is entitled to a portion of the winnings, on Form 5754) made under the penalties of perjury containing—

(1) When Form W-2G is required to be furnished pursuant to this paragraph (e), the name, address, and taxpayer identification number of the winner accompanied by a declaration that no other person is entitled to any portion of the winnings.

(2) When a Form 5754 is required to be furnished, the name, address, and taxpayer identification number of the recipient and of each person entitled to any portion of such payment.

(f) *Return of payer*—(1) *In general.* Every person making any payment of winnings subject to withholding shall file a return on Form W-2G with the Internal Revenue Service Center serving the district in which is located the principal place of business of the person making the return on or before February 28 of the calendar year following the calendar year in which the payment of winnings is made. For payments to more than one winner, a separate Form W-2G, which need not be signed by the winner, shall be filed with respect to each such winner. Each Form W-2G shall contain the following—

(i) Name, address, and employer identification number of the payer;

(ii) Name, address, and social security account number of the winner;

(iii) Date, amount of the payment, and amount withheld;

(iv) Type of wagering transaction; and

(v) Except with respect to winnings from a wager placed in a State-conducted lottery, a specific description of two types of identification, *e.g.*, driver's license number and issuing State, social security account number or voter registration number and jurisdiction, furnished to the payer for verification of the recipient's name, address, and social security account number.

(2) *Transmittal form.* Persons making payments of winnings subject to withholding shall use Form W-3G to transmit Forms W-2G to the Internal Revenue Service Centers.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-35211 Filed 11-14-79; 8:45 am]

BILLING CODE 4830-01-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1900

Public Access to Documents and Records and Declassification Requests

AGENCY: Central Intelligence Agency.

ACTION: Proposed rule.

SUMMARY: The United States District Court for the district of Columbia on September 27, 1979 ordered the Central Intelligence Agency to publish applicable rules and regulations relating to the Agency's Reading Room and access thereto.

The regulations will establish procedures for the general public to access and review records which have been approved for release in response to freedom of information requests.

DATES: All written comments received by the Central Intelligence Agency will be considered before final notice is promulgated in the Federal Register. These must be received by January 7, 1980.

ADDRESS: Interested persons are invited to participate in this rulemaking by submitting such written data, views, or comments as they may desire to: Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505.

FOR FURTHER INFORMATION CONTACT: Mr. George W. Owens, Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505; phone: (703) 351-7486.

SUPPLEMENTARY INFORMATION: Pursuant to the order of the Court, The Central Intelligence Agency hereby publishes Rules and Regulations for compliance by the general public to access and review records which have been approved for release to the general public in response to Freedom of Information Act requests. This proposed Central Intelligence Agency Rule and Regulation is entered at Title 32 Code of Federal Regulations, Part 1900, paragraph (c) of § 1900.49, Notification and payment: furnishing records. The Court on September 27, 1979 ordered the Agency to comply on or before November 30, 1979. Agency Rules and Regulations previously promulgated can be found in the Federal Register at Vol. 40, No. 34, pp. 7294-7298, February 19, 1975; Vol. 40, No. 113, pg. 24897, June 11, 1975; Vol. 42, No. 92, pg. 24049, May 12, 1977; and, Vol. 43, No. 109, pg. 24527, June 6, 1978.

In consideration of the foregoing, the Central Intelligence Agency proposes amendment to 32 CFR part 1900 by adding a new paragraph (c) to § 1900.49 to read as follows:

§ 1900.49 Notification and payment: furnishing records.

* * * * *

(c) As an alternative to Freedom of Information Act requesters receiving records from the Agency by mail, a requester may arrange to inspect the records at a CIA Reading Room designated by the Information and Privacy Coordinator for that purpose, and select whatever records the requester wishes to purchase at the cost set forth in § 1900.25. Access to the Reading Room will be granted only after the fees that accumulated from the search to produce the requested records have been paid. Upon receipt of a written statement from the requester exercising this option, the Coordinator will advise the requester of the location of the Reading Room and provide directions thereto. Unless otherwise designated, the Reading Room location will be in the metropolitan Washington, D.C., area. Records that will be made available for inspection will be delivered to the Reading Room within seven days after the Agency has completed the processing of a request and assembled and prepared the records for release, or, if already available for inspection, within seven days after receipt of a written request. The Coordinator and the requester will

mutually agree to a date satisfactory to both parties, including an inspection date more than seven days hence if the requester so desires. On the days the Reading Room is open, it will be available to requesters from 9:30 a.m. to 3:30 p.m.

This amendment is proposed under the authority of Section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 12065 (3 CFR 190), the Freedom of Information Act, as amended (5 U.S.C. 552), and the Federal Records Management Amendments of 1976 (Sec. 4, Pub. L. 94-575, 90 Stat. 2723).

Clifford D. May, Jr.,

Acting Deputy Director for Administration.

[FR Doc. 79-35121 Filed 11-14-79; 8:45 am]

BILLING CODE 6310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1359-8]

Approval and Promulgation of Implementation Plans; Kentucky: Proposed 1979 Plan Revisions

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Proposed rule.

SUMMARY: EPA today proposes approval action on the State Implementation Plan (SIP) revisions which the Kentucky Department of Natural Resources and Environmental Protection submitted pursuant to requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas. EPA has found the nonattainment revisions to be approvable with the exception of certain portions. EPA intends to disapprove and conditionally approve the latter upon correction of the deficiences noted. Correction of these deficiencies will not require extensive time or resources from the Commonwealth, and EPA expects no difficulties in receiving the necessary corrections by June 1, 1980. If the deficiencies are not corrected by June 1, 1980, EPA will then disapprove the applicable portions of the revisions except for the inspection and maintenance legislation (see Ozone, Jefferson County (Louisville) discussion). The portions of the SIP which are proposed to be disapproved are, in effect, to be removed from the SIP. As a result those portions of the plan will become approvable and Sections 176 and 110(a)(2)(I) will not apply. The public is invited to submit written comments on these proposed actions.

DATES: To be considered, comments must be submitted on or before December 17, 1979. A thirty-day comment period is being used to enable publication of final action on the SIP revision as soon as possible after July 1, 1979, because a Notice of Availability was published more than 30 days ago and because the SIP submission and the issues involved are not so complex as to warrant a longer comment period.

ADDRESSES: Written coments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308

Kentucky Division of Air Pollution Control, West Frankfort Office Complex, U.S. 127 South, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Barry Gilbert of EPA Region IV's Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30308. Telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTAL INFORMATION:

Background

In the March 3, 1978 Federal Register (FR 8962 at 8996) and the September 11, 1978 Federal Register (43 FR 40412 at 40425) a number of areas within the Commonwealth of Kentucky were designated as not attaining certain national ambient air quality standards (NAAQS). The areas listed below are considered nonattainment for the primary and secondary standards for total suspended particulate matter (TSP) except Marshall County which is designated nonattainment for the secondary NAAQS only:

A. Bell County
B. Boyd County
C. That portion of Bullitt Co. in Shepherdsville
D. That portion of Campbell Co. in Newport
E. That portion of Daviess Co. in Owensboro
F. That portion of Henderson Co. in Henderson
G. Jefferson County
H. That portion of Lawrence Co. in Louisa
I. McCraken County
J. Marshall County
K. That portion of Madision Co. in Richmond
L. Muhlenberg County
M. That portion of Perry Co. in Hazard
N. That portion of Pike Co. in Pikeville
O. That portion of Whitley Co. in Corbin

The areas designated nonattainment for the primary (P) and secondary (S) standards of sulfur dioxide (SO_2) are:

A. Boyd County (P)
B. That portion of Daviess Co. in Owensboro (P&S)
C. That portion of Henderson Co. in Henderson (P)
D. Jefferson County (P&S)
E. McCracken County (P)
F. Muhlenberg County (P&S)
G. Webster County (P&S)

Greenup County was designated nonattainment for the primary and secondary sulfur dioxide NAAQS because EI duPont de Nemours and Co. sulfuric acid plant was not in compliance. On August 31, 1978, the source was certified to be in compliance. The Commonwealth of Kentucky requested that the area be redesignated attainment and on April 2, 1979, (44 FR 19213) EPA proposed the redesignation. Final rulemaking was published in the July 18, 1979, Federal Register (44 FR 41782) redesinating the area attainment.

The area designated nonattainment (primary and secondary standards are the same) for carbon monoxide (CO) is:

A. Jefferson County

The areas designated nonattainment (primary and secondary standards are the same) for photochemical oxidants (ozone) are:

A. Northern Kentucky (Cincinnati Area)—Boone, Kenton, and Campbell Counties
B. Daviess County
C. Fayette County
D. Henderson County
E. Jefferson County
F. McCracken County
G. Boyd County

EPA on June 27, 1979 (44 FR 37515), proposed to redesignate Daviess and McCracken Counties attainment. Revisions for these areas were submitted for EPA approval on March 9, 1979 and are being addressed in separate Federal Register notices.

The Kentucky revisions have been reviewed by EPA in light of the Clean Air Act, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the Federal Register on April 4, 1979, (44 FR 20372) and need not be repeated in detail here. Supplements to the April 4 notice were published on July 2, 1979 (44 FR 38583) and August 28, 1979, (44 FR 50371); these involve, among other things, conditional approval.

EPA proposes to conditionally approve the plan where there are minor deficiencies and the Commonwealth provides assurance that it will submit

corrections by specified deadlines. This notice solicits comment on what items should be conditionally approved, and on the deadlines specified.

A conditional approval will mean that the restrictions on new major source construction will not apply unless the Commonwealth fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

The 1978 edition of 40 CFR Part 52 lists in the subpart for each State the applicable deadlines for attaining ambient standards (attainment dates) required by section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by section 172 (a) of the Act, the new deadlines will be added to the attainment date charts. Subsequent editions of the *Code of the Federal Regulations* will list applicable attainment dates for plans under both sections 110(a)(2)(A) and 172(a). The earlier attainment dates under section 110(a)(2)(A) will be listed because sources remain obligated to comply with the plan requirements and deadlines established prior to the 1977 Amendments, as well as the new section 172 plan requirements.

Congress established new deadlines under section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. If these new deadlines were permitted to supersede the deadlines established prior to the 1977 Amendments, sources that failed to comply with pre-1977 plan requirements by the earlier deadlines would improperly receive more time to comply with those requirements. Congress, however, intended that the new deadlines apply only to new, additional control requirements and not to earlier requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. I would be a perversion of clear congressional intent to construct Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxations of emission limits were not generally authorized or intended under Part D.

(123 Cong. Rec. H 11958, daily ed. November 1, 1979)

To implement fully, Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. Such variances would impermissibly relax existing requirements beyond the applicable section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, EPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even though a section 172 plan revision with a later attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations, the pre-existing requirements and deadlines may be revised if a state makes a case-by-case demonstration that a relaxation or revocation is necessary. In addition, an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment (See General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979)).

General Discussion

Section 172(b) of the Clean Air Act (CAA) contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents and adequacies of the Kentucky submittals.

> 172(b)(1) [SIP provision shall] be adopted by the State [or promulgated by the Administrator under Section 110(c)] after reasonable notice and public hearing;

Public hearings were held throughout the Commonwealth on the adopted material following 30 days public notice. Public hearings were conducted January 9, 10, and 17, April 16, and June 7, 1979. These SIP provisions were adopted by the Commonwealth on June 6 and 29, 1979, and by the Jefferson County Board on June 18, 1979.

> 172(b)(2) [SIP provision shall] provide for the implementation of all reasonably available control measures as expeditiously as practicable;

For discussion of reasonably available control measures including Reasonable Available Control Technology (RACT) see the discussion after 172(b)(3) below.

> 172(b)(3) [SIP provision shall] require, in the interim, reasonable further progress (as defined in section 171(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology;

The plan provides for reasonable further progress (RFP) towards attaining and maintaining the NAAQS. RFP for sulfur dioxide nonattainment areas includes reductions in emissions to attain the primary and secondary NAAQS on or before December 31, 1982, except for Jefferson County, which has an attainment date of January 1, 1985 (see discussion of Sulfur Dioxide-Jefferson County included below). RFP for ozone nonattainment areas requires reductions from stationary and mobile sources in order to attain the primary NAAQS on or before December 31, 1982, in all areas except Louisville and Northern Kentucky. The Commonwealth has requested an extension to the end of 1987 for meeting the ozone and carbon monoxide NAAQS in Louisville (Jefferson Co.) and the ozone NAAQS in Northern Kentucky (Boone, Kenton and Campbell Counties). Therefore, a mandatory inspection and maintenance (I/M) program for motor vehicles, other transportation control measures, and a new source review program consistent with Section 172(b)(11) must be implemented. As a requirement for the extension to 1987, the SIP must include:

A. An adequate inspection and maintenance program for motor vehicles; this must include the following:

(1) Certification of adequate legal authority to implement and enforce a mandatory I/M program.

(2) Commitments from the proper agency(s) to the implementation and enforcement of the I/M program.

(3) An adequate implementation schedule.

(4) Commitments from the proper agency(s) to obtaining at least a 25% emissions reduction from light-duty vehicles for hydrocarbons and/or carbon monoxide by December 31, 1987. The requirement for the 25% reduction would apply only to the pollutant(s) for which the extension is requested (Ref. also CAA, Section 172(b)(11)(B)).

B. A program for selecting a package of transportation control measures (and any other necessary measures) to attain the emission reductions target ascribed in the SIP. The package should include an adopted schedule for expeditious implementation of currently planned reasonable transportation control measures, and schedules for analysis and adoption of additional transportation control (and other necessary) measures (Ref. CAA Section

110(a)(3)(D), Section 172(b) (2), (7), (10), and (11)(C)).

C. A commitment to establish, expand, or improve public transportation needs as expeditiously as practicable, including a commitment to use necessary federal grants and State and local funds (Ref. CAA, Section 110(a)(3)(D), and Section 172(b)(2)).

Reasonable further progress for particulate nonattainment areas includes reductions in emissions to attain the primary and secondary NAAQS on or before December 31, 1982, and December 31, 1987, respectively, except for Marshall County, which will attain the secondary NAAQS on or before December 31, 1982.

A control strategy was not submitted for the attainment of the secondary NAAQS in Owensboro (Daviess Co.), Henderson (Henderson Co.), and Jefferson and Boyd Counties. It is proposed to provide an eighteen (18) month extension for the developing and submittal of a control strategy to attain the secondary NAAQS in these areas. Graphs and calculations accompany each explanation of progress toward attainment for each nonattainment area.

The control strategy demonstrates that the TSP nonattainment problem is being caused by non-traditional sources. The statute requires that all traditional sources must be subject to regulations which require RACT. The Commonwealth contends that existing regulations on point source emissions represent RACT. EPA agrees but feels it is necessary to review these permits to determine if the regulations are being applied properly. EPA will review permit conditions on sources significantly affecting nonattainment areas before making a final determination that RACT is in place where needed. Permit conditions are necessary since it is difficult to develop regulations for each type of fugitive emission source within each plant. Additional controls necessary for attaining the NAAQS are confined to fugitive dust from such non-traditional sources as paved and unpaved roads. The Kentucky Department of Natural Resources and Environmental Protection (DNREP) has committed to a comprehensive program to investigate fugitive dust emissions from non-traditional sources and alternative control measures and to develop and implement an effective control program by July 1, 1982, and to provide for attainment by December 31, 1982. Following completion of the fugitive dust study, the Commonwealth will submit a SIP revision to EPA which will include adopted control measures, commitments to implement them and amendments to the control strategy to reflect such measures.

Each nonattainment area is discussed below by pollutant.

Sulfur Dioxide

Boyd County

The entire county is presently designated nonattainment for the primary sulfur dioxide NAAQS. Recent ambient monitoring indicates the area is also not attaining the secondary NAAQS. Pursuant to the Commonwealth's request, EPA on June 27, 1979 (44 FR 37515), proposed to modify the geographic area to include as nonattainment only the area around the Ashland Oil Plant (Boyd County south of UTM Northing Line 4251 km). The control stratey demonstrates that the short term and annual emission limitations recently adopted for Class VA counties will attain the primary and secondary NAAQS. An ambient and meteorological monitoring study was conducted to evaluate the diffusion model's validity in the complex terrain around the Ashland Oil facility. The contractor's report for the study is the basis of the control strategy demonstration. EPA considers the analysis performed by the contractor to represent a sufficient control strategy demonstration. A major portion of the emission reductions will come from Ashland Oil while the remainder will come from other major sources in southern Boyd County. All sources subject to more stringent or new emission limits shall demonstrate compliance as expeditiously as practicable but in no case later than December 31, 1982.

It is proposed to conditionally approve this portion of the SIP because of the deficiencies listed below:

1. Regulation 401 KAR 61:015, Existing Indirect Heat Exchangers, states in Section 5(4), Standard for Sulfur Dioxide, "In counties classified as VA with respect to sulfur dioxide, for sources having total heat input greater than fifteen hundred million BTU per hour (1500 MMBTU/hr.) as determined by Section 3(1) of this regulation, no owner or operator shall allow the annual average sulfur dioxide emission rate from all existing and new affected facilities combined at the source to exceed 0.60 pounds per million BTU." This regulation (applicable to Ashland Oil) is unenforceable because there is no method specified for continually determining compliance with this annual average emission limit. The usual method of determining compliance by stack test may not be practical since there are over 50 affected emission sources at Ashland Oil and since it is an annual, not a short-term, limit. Therefore, the method of determining the compliance status of the oil/gas fired units must be clearly specified and should address the frequency of oil sample collections and analyses, the locations of sample collection points, the analytical techniques which are acceptable, the acceptable method for monitoring fuel consumption, and the reporting frequency.

The regulation implies that compliance determination will be made on the basis of a single annual averaging period. If the time averaging basis is consecutive blocks of 365 day periods, there is no way of knowing whether the plant is continually in compliance with this annual average limit. A moving 365 day averaging period which is recalculated each day would enable the plant to demonstrate on a daily basis its compliance status in regard to this annual limit.

2. A legally enforceable compliance schedule with increments of progress must be a part of the SIP (See General Sulfur Dioxide Conclusions).

3. Continuous ambient monitoring should be conducted in the vicinity of the plant because of a history of air quality violations and the lack of reliable modeling techniques for this area.

City of Owensboro

This nonattainment area is located within Daviess County and is designated nonattainment for the primary and secondary sulfur dioxide NAAQS. The control strategy demonstrates through modeling that the existing emission limitations will assure attainment of the NAAQS. The nonattainment designation is based upon the noncompliance of Owensboro Municipal Utility Elmer Smith power plant. The source was following Federal Administrative Order #AO-77-235(a) and the Plant demonstrated compliance with the applicable SO_2 emission limit on March 1, 1978. Since compliance has been attained, there is no need for a revision to the emission limitation; however, other nonattainment requirements apply.

City of Henderson

This nonattainment area is located within Henderson County and is designated nonattainment for the primary NAAQS for sulfur dioxide. Measured violations due to noncompliance of Henderson Municipal Power and Light were previously recorded. Since the plant came into compliance during 1977, the ambient monitor has measured acceptable levels.

No revision to the control strategy was necessary. The Commonwealth has requested this area be redesignated attainment and EPA is preparing a Federal Register proposal notice.

Jefferson County

The Louisville area is nonattainment for the primary and secondary sulfur dioxide NAAQS. Ambient monitoring has shown and diffusion modeling predicts violations of the NAAQS due to emissions from power plants and to a lesser degree from area sources. The control strategy demonstration shows that when all sources are in compliance with the present emission limits the NAAQS will be attained.

The three power plants owned by Louisville Gas and Electric Company in Jefferson County are subject to Federal Administrative/Agreed Orders 75-138(a), issued on November 5, 1975, and 76-21(a) issued on February 26, 1976, which specify final compliance for all units prior to December 31, 1982, except for Paddy's Run Unit 5 and Cane Run Units 1, 2, and 3 which must achieve final compliance by July 1, 1983, and January 1, 1985, respectively.

Although the Clean Air Act Amendments of 1977 specifies December 31, 1982, as the date for attainment of the primary NAAQS, Section 113(d)(12) specifically states that such orders as these issued to Louisville Gas and Electric shall remain in effect. Since attainment in Jefferson County requires compliance with these orders by Louisville Gas and Electric, attainment will not be achieved until January 1, 1985. Given the clear Congressional intent to have these orders remain in effect, EPA believes it is appropriate to extend the attainment dates until 1985.

McCracken County

This area is designated nonattainment for the primary sulfur dioxide NAAQS. The control strategy demonstrates that the Shawnee TVA power plant caused the recorded ambient violations. The NAAQS will be attained when the source comes into compliance with the existing emission limitation which the control strategy shows to be adequate. The Shawnee TVA power plant compliance schedule specifies final compliance by October 1, 1981, and should be removed since the existing SO_2 emission limit is not being made more stringent in this SIP revision. It is proposed to disapprove the SO_2 plan for McCracken County due to this deficiency which is further discussed in the General Sulfur Dioxide Conclusions.

Muhlenberg County

This area is designated nonattainment for the primary and secondary sulfur dioxide NAAQS due to non-compliance of two power plants. The control strategy demonstrates by diffusion modeling that the proposed more stringent emission limits for the power plants are adequate to assure attainment of the NAAQS. TVA's Paradise power plant is scheduled to achieve compliance by September 1, 1982. Kentucky Utilities' Green River power plant is also subject to an established compliance schedule achieving final compliance on March 1, 1980.

Webster County

This area is designated nonattainment for the primary and secondary sulfur dioxide NAAQS. The control strategy demonstrates through modeling that the existing emission limitations (which were not revised) are adequate. The area was designated nonattainment because the Big Rivers Electric Corporation-Reid Station power plant was out of compliance. The source is following Federal Administrative/Agreed Orders AO 77-251(a) and 77-252(a) and AO 77-1580-003 and 77-4020-0001 which specify final compliance by January 1, 1980. This compliance schedule was not submitted as part of the plan, but is enforceable by EPA. In addition, it cannot be submitted as part of the SIP since the source is not subject to a more strict emission limit.

General Sulfur Dioxide Conclusions

It is proposed to disapprove a portion of the plan for all SO_2 nonattainment areas due to the following deficiency. Regulation 401 KAR 61:015, Existing Indirect Heat Exchanges, at paragraph (2)(d) of Section 8, Compliance Timetable, requires sources in nonattainment areas to demonstrate compliance * * * "as expeditiously as practicable but in no case later than December 31, 1982". However, only sources which are subject to a more stringent emission limit due to this SIP revision may be allowed time to attain compliance. Section 8(2)(d), as now written allows sources which are not subject to more strict emission limits, time to achieve compliance. EPA proposes to disapprove this portion of the plan as it relates to compliance schedules for sources in the latter category. This disapproval, in effect, removes that unapprovable portion of Section 8(2)(d) from the SIP, thereby enabling the affected part of the SIP to be approved. As a result, Section 176 and 110(a)(2)(I) of the CAA will not apply. The Commonwealth may remove this deficiency by modifying Section 8(2)(d) such that it applies only to sources subject to more strict emission limits.

EPA proposes to conditionally approve the portion of the SIP relating to regulation 401 KAR 61:015, Section 8(2)(d), as it applies to any SO_2 source in a nonattainment area which is subject to a more stringent emission limit, since there are no increments of progress in the compliance schedule. The Commonwealth may correct the deficiency by modifying the regulation so that sources subject to more strict emission limits have compliance schedules which include increments of progress.

In addition to the deficiency just described, EPA's proposed conditional approval of the plan for Boyd County is due to the deficiency discussed under SO_2 Boyd County.

Section 8(2)(a) allows the TVA Shawnee power plant until October 1, 1981, to achieve compliance. The source was previously required to be in compliance by July 1, 1977, with the emission limits in the presently approved SIP. Since the source is not subject to more strict emission limits, a portion of the plan for attaining the SO_2 NAAQS in McCracken County is proposed to be disapproved. This disapproval, in effect, removes Section 8(2)(a) from the SIP, thereby enabling the affecting part of the SIP to be approved. As a result, Sections 176 and 110(a)(2)(I) of the CAA will not apply. The Commonwealth may remove this deficiency by removing Section 8(2)(a) from the regulations.

It is proposed to approve the compliance schedules for Paradise and Green River power plants in Muhlenberg County as contained in this regulation.

Total Suspended Particulates

Bell County

The entire county is designated nonattainment for the primary and secondary particulate NAAQS. Coal processing and re-entrained road dust account for the majority of the particulate emissions. After several coal tipples achieve compliance, air quality will be improved. The remaining needed reduction will be obtained by the control of non-traditional sources. The plan provides for attainment of the primary NAAQS on or before December 31, 1982, and the secondary NAAQS by December 31, 1987.

Boyd County

This area is designated nonattainment for the primary and secondary

particulate NAAQS. The control strategy demonstrates that industrial fugitive sources, and paved and unpaved roads contribute to the violations of the NAAQS. The control of non-traditional sources such as re-entrained dust and traditional sources of industrial process fugitive particulate emissions (see discussion under TSP Conclusions) are necessary to reduce particulate emissions. The plan provides for attainment of the primary NAAQS on or before December 31, 1982. It is proposed to approve an 18 month extension for submission of a plan to attain the secondary NAAQS.

City of Shepherdsville (Bullitt County) and City of Newport (Campbell County)

These areas are designated nonattainment for the primary and secondary particulate NAAQS. The control strategies demonstrate that paved and unpaved roads contribute to the violations of the NAAQS. The control of non-traditional sources such as re-entrained dust is necessary to reduce particulate emissions. The plan provides for attainment of the primary NAAQS on or before December 31, 1982, and the secondary NAAQS by December 31, 1987.

City of Owensboro (Daviess County) and City of Henderson (Henderson County)

These areas are designated nonattainment for the primary and secondary particulate NAAQS. The control strategies demonstrate that paved and unpaved roads, and construction activity contribute to the violations of the NAAQS. The control of these non-traditional sources is necessary to reduce particulate emissions. The plan assumes similar required SIP reductions from Vanderburgh County, Indiana, and provides for attainment of the primary NAAQS on or before December 31, 1982. It is proposed to approve an 18 month extension for submission of a plan to attain the secondary NAAQS.

Jefferson County

This area is designated nonattainment for the primary and secondary particulate NAAQS. The control strategy demonstrates that control of paved and unpaved roads, construction activity and non-traditional sources such as re-entrained dust is necessary to reduce particulate emissions. The plan assumes that similar required SIP reductions will be achieved in Clark and Floyd Counties, Indiana (the plan for these areas has not yet been submitted), and provides for attainment of the primary NAAQS on or before December 31, 1982. It is proposed to approve an 18 month extension for submission of a plan to attain the secondary NAAQS.

McCracken County

This area is designated nonattainment for the primary and secondary particulate NAAQS. The control strategy demonstrates that minerals from agricultural activities and paved and unpaved roads contribute tot he violations of the NAAQS. The control of non-traditional sources such as re-entrained dust associated with paved and unpaved roads and agricultural activities is necessary to reduce particulate emissions. The plan provides for attainment of the primary NAAQS on or before December 31, 1982, and secondary NAAQS by December 31, 1987.

City of Richmond

This area is located within Madison County and is designated nonattainment for the primary and secondary particulate NAAQS. The control strategy demonstrates that minerals from paved and unpaved roads, tilling activities and partially combusted coal contribute to the violations of the NAAQS. The plan calls for control on non-traditional sources such as re-entrained dust associated with paved and unpaved roads to reduce particulate emissions. The plan provides for attainment of the primary NAAQS on or before December 31, 1982, and the secondary NAAQS by December 31, 1987.

Marshall County

This area is designated nonattainment for the secondary particulate NAAQS. The control strategy demonstrates that a major point source, SKW Alloys (previously Airco Alloys), is responsible for the violations of the NAAQS. This source is out of compliance with the approved SIP which contains a mass emission limit in the process weight regulations and a visible emission limit. Regulation 401 KAR 61:070, Existing Ferro Alloy Production Facilities, was submitted in this revision to replace the process weight regulation for this source. There are visible emission limits in 401 KAR 61:070, but no mass emission limits. The plan provides for SKW Alloys to attain compliance and the secondary NAAQS to be attained on or before December 31, 1982.

Muhlenberg County and City of Louisa (Lawrence County)

These areas are designated nonattainment for the primary and secondary particulate NAAQS. The control strategies demonstrate that minerals from paved and unpaved roads, agricultural activities, coal fragments from stockpiles, strip mining and transporting of coal contribute to the violations of the NAAQS. The plan calls for control of non-traditional sources such as re-entrained dust associated with paved and unpaved roads to reduce particulate emissions. The plan provides for attainment of the primary NAAQS on or before December 31, 1982, and the secondary NAAQS by December 31, 1987.

City of Hazard (Perry County), City of Pikeville (Pike County) and City of Corbin (Whitley County)

These areas are designated nonattainment for the primary and secondary particulate NAAQS. The control strategies demonstrate that minerals from unpaved roads; coal fragments from tipples, stockpiles and transporting of coal; and partially combusted coal from home heating contribute to the violations of the NAAQS. The plan calls for the control of non-traditional sources such as re-entrained dust associated with strip mining activities to reduce particulate emissions. The plan provides for attainment of the primary NAAQS on or before December 31, 1982, and the secondary NAAQS by December 31, 1987.

TSP Conclusions

EPA's review of the Kentucky revisions revealed a number of deficiencies related to attainment of the particulate NAAQS. The deficiencies include:

1. Regulation 401 KAR 61:075, Steel Plants and Foundries Using Electric Arc Furnaces, in Section 3(1)(c) 1 and 2; and Regulation 401 KAR 61:080, Steel Plants Using Existing Basic Oxygen Process Furnaces, in Sections 2(8) and 5(1)(e) relate to visible emission limits and must be modified so as to allow opacity determinations to be shorter than six (6) minutes for a non-continuous or intermittent process which discharge emissions for a shorter period of time. EPA has compared these regulations with Federal consent orders on U.S. Steel Corporation, Fairfield Works in Fairfield, Alabama and U.S. Steel plants in Western Pennsylvania, which orders represent RACT. The conclusion was that these regulations do not represent RACT. Reference Method 9 is specified as the test method for these regulations. The Federal Register of November 12, 1974, (page 39873) states, "EPA recognizes that certain types of opacity violations that are intermittent in nature require a different approach in applying the opacity standards than this revision

to Method 9". Opacity observations should taken at fifteen (15) second intervals and each momentary observation that is recorded should be deemed to represent the opacity of emissions for that fifteen (15) second period. Violations of the opacity standard shall be deemed to have occurred when accumulations of momentary observations in excess of twenty (20) percent equal or exceed three (3) minutes in any one hour (i.e, twelve or more such observations) or when one (1) such observation exceeds sixty (60) percent (i.e., one such observation in any one hour).

2. Regulation 401 KAR 61:080, Steel Plants Using Existing Basic Oxygen Furnaces; Section 3(1) (a) and (b) limits emissions to 0.048 gr/dscf and opacity to less than forty (40) percent, respectively. EPA has compared these regulations with Federal consent orders on U.S. Steel Corporation, Fairfield Works in Fairfield, Alabama and U.S. Steel plants in Western Pennsylvania, which orders represent RACT. The conclusion was that these regulations do not represent RACT. The plant (Armco) to which this regulation will apply can achieve a particulate emission limit of at least 0.030 gr/dscf for gases which exit from a control device. The gas should be tested during the primary oxygen blow. The opacity should be limited to twenty (20) percent from any control device. The opacity from charging, tapping, slagging, turn down and any escape from the primary hood should also be limited to twenty (20) percent for all basic oxygen furnace (BOF) vessels in any BCF shop. An exemption for the BOF shop of three (3) minutes in any one hour could be allowed with a restriction that no such exemption should ever have an opacity which exceeds sixty percent (i.e., one momentary observation in any one hour).

3. Regulation 401 KAR 63:010, Fugitive Emissions, is a general regulation in that it does not require specific controls on sources. Therefore, the degree of control is not as definite or as enforceable as mass or visible emission limitations. The Commonwealth must submit, for inclusion in the SIP, permit conditions on all sources subject to this regulation which significantly affect nonattainment areas. In addition, Section 4(3) exempts temporary blasting or construction operations. The construction operations exemption must be removed. This exemption is not included in the presently approved SIP and represents a weakening of the regulation. It is proposed to conditionally approve those portions of the SIP which relate to the following particulate nonattainment areas:

(a) Boyd, Campbell, Jefferson and Daviess Counties due to deficiency number one (1).

(b) Boyd and Jefferson Counties due to deficiency number two (2).

(c) All particulate nonattainment areas due to deficiency number three (3).

It is proposed to disapprove a portion of the plan for all TSP nonattainment areas due to the following deficiency. Regulation 401 KAR 61:015, Existing Indirect Heat Exchangers, at paragraph (2)(d) of Section 8, Compliance Timetable, requires sources in nonattainment areas to demonstrate compliance * * * "as expeditiously as practicable but in no case later than December 31, 1982". Only sources which are subject to a more stringent emission limit due to this SIP revision may be allowed time to attain compliance. Section 8(2)(d) is deficient since it allows sources, which are not subject to more strict emission limits, time to achieve compliance. This dissapproval in effect, removes the unapprovable portion of Section 8(2)(d) from the SIP, thereby enabling the affected part of SIP to be approved. As a result, Section 176 and 110(a)(2)(I) of the CAA will not apply. The Commonwealth may remove this deficiency by modifying Section 8(2)(d) so that it does not apply to TSP sources.

Ozone

Jefferson County (Louisville)

The Commonwealth has calculated that a 39% reduction in hydrocarbon emissions is needed to meet the ozone standard and that the standard cannot be met by the end of 1982. The Commonwealth has requested and EPA is proposing to approve an extension to 1987 to attain the ozone NAAQS. The requirements for this extension are stated in the General Discussion section of this notice.

The Commonwealth has submitted in the SIP an opinion from the Attorney General of the Commonwealth regarding its legal authority to implement and enforce I/M and the ability under Kentucky law of local governments to adopt authority to implement and enforce I/M. Since efforts to adopt legal authority to implement and enforce a mandatory I/M program at the local level have not been successful, the Commonwealth has assumed the responsibility for implementing the program. In the SIP, the Commonwealth committed to implementing an I/M program by including a schedule of future actions which would lead to implementation of the program by December 31, 1982 and a commitment to use the I/M program to obtain the emission reductions necessary to attain and maintain the ambient standards by 1987. This commitment satisfies the requirement for a commitment to a 25% reduction in hydrocarbon and carbon monoxide exhaust emissions by 1987. However, upon review of the SIP, it was found that the I/M legal authority does not exist. Therefore, to assure themselves and EPA of adequate legal authority, legislative action by the Kentucky Legislature will be required. In response to the deficiency, the Governor of Kentucky on June 29, 1979, committed the Commonwealth to attempting to pass enabling legislation in the regular 1980 General Assembly session. Because the deadline for certification of adequate legal authority was July 1, 1979 for the SIP to be conditionally approved, an extension of the deadline is necessary. In order for the Governor's request to be granted, it must be demonstrated that the legislature had inadequate opportunity to consider the needed legal authority. In a letter dated November 2, 1979, the Secretary of the Kentucky Department of Natural Resources and Environmental Protection reaffirmed the Governor's request for an extension and indicated that the legislative session of 1980 will be the first session at which the Kentucky Legislature can consider legislative action.

It should be noted that the last time that the General Assembly met in regular session was in January-March, 1978. At that time, the Agriculture and Natural Resources Committee tabled enabling I/M legislation, because it was not known at that time if any areas in the Commonwealth would require an I/M program. The Secretary in his letter stated that Kentucky meets only every other year so that the next opportunity for legislative consideration is 1980. While there was a special session called by the Lieutenant Governor for January 8-February 14, 1979, to consider budgetary action, the Secretary pointed out that no legislative action was considered.

Therefore, EPA believes that there has been inadequate opportunity for the Kentucky legislature to consider necessary legal authority for I/M, and proposes to grant an extension for certification of adequate legal authority to June 30, 1980. EPA also proposes to conditionally approve the I/M portion of the SIP, conditioned on the certification of adequate legal authority by June 30, 1980. Should new legal authority change the characteristics of the program in the

SIP, the SIP should be revised accordingly.

If the Commonwealth does not certify adequate I/M legal authority, the SIP will be disapproved and the Commonwealth will be liable to sanctions contained in the Clean Air Act.

EPA reviewed the transportation control plan according to the requirements listed in the CAA and found that the submittal adequately addresses all of those issues except for the following:

1. In Appendix F (Kentuckiana Regional Planning and Development Agency p. 74–78) certain transportation control measures (TCM's) are identified as "adopted but not yet implemented". These projects, must include dates for initial and final construction and any pertinent interm dates, along with commitments from the appropriate agencies to implement and enforce each measure where appropriate.

2. The appropriate agency(s) must examine the air quality benefits from all projects in the long-term as well as short-term to insure a project will continue to have air quality benefits throughout its lifetime. EPA will accept for inclusion into the SIP only those measures meeting this criteria. EPA also requires that the projected emission reductions must be verified through the annual reporting requirements related to the determination of reasonable further progress.

3. Section 108(f) requires EPA to publish and make available information documents on transportation control measures that are reasonably available for implementation in order to reduce emissions from transportation sources. EPA considers all Section 108 (f) measures to be reasonably available. However, if through analysis some measures are found to be infeasible, EPA will allow these measures to be withdrawn. The submittal does not contain the schedule for analysis of packages of *all* the 108(f) measures with a commitment to implement expeditiously the measures that are found feasible for implementation.

Boone, Kenton, and Campbell Counties (Northern Kentucky)

The Commonwealth has calculated that a 49% reduction in volatile organic componed (VOC) emissions is needed to meet the ozone standard and this will not occur by the end of 1982. The Commonwealth has requested and EPA is proposing an extension to 1987 to attain the ozone NAAQS. The requirements for this extension are stated in the Genefal Dicussion section of this notice. The comments relating to the mandatory I/M program for Jefferson County also apply to these counties. EPA's review of the Northern Kentucky area's transportation control plan has revealed the following deficiencies:

1. In Table 7–4 of Appendix G (Ohio-Kentucky-Indiana Report), certain transportation control measures are identified for implementation during 1980–1983. EPA requirements concerning measures contained in a transportation control plan include the following:

a. A commitment must be made from the responsible agency(s) to the enforcement of measures where appropriate.

b. The appropriate agency(s) must examine the air quality benefits from all projects in the long-term as well as short-term to insure a project will continue to have air quality benefits throughout its lifetime. EPA will accept for inclusion into the SIP only those measures meeting this criteria. EPA also requires that the projected emissions reductions must be verified through the annual reporting requirements related to the determination of reasonable further progress.

2. The SIP (Appendix G) did not contain a commitment to justify the decision not to implement Section 108 alternative measures if found infeasible. OKI has replied to an EPA comment stating that this decision will be justified by the studies. EPA finds this commitment to be sufficient provided that the studies are based upon the procedures and criteria for analysis of alternatives as stated in the *EPA/DOT Transportation Air Quality Planning Guidelines.*

3. In Appendix G certain TOM's are listed for implementation through the FY 1979 Transit Operating Subsidy and other funding sources. These projects must include dates for initial and final construction and any pertinent interim dates (where appropriate) along with commitments from the appropriate agencies to implement and enforce each measure where appropriate. These requirements have not been met.

Table 7–5 of Appendix G listed completion dates for the study of the Section 108 measures going beyond the June 30, 1980 deadline. OKI has corrected this through the Section 175 grant application which includes a schedule for the analysis to be done by June 30, 1980.

Boyd, Fayette, and Henderson Counties

These ozone nonattainment areas are all classified as non-urban, with metropolitan areas having less than 200,000 population. A demonstration of attainment is not required for non-urban areas. The SIP includes a VOC inventory and regulations that require control of major stationary VOC sources for which Control Techniques Guidelines have been published. Additional reductions in emissions will be obtained through the Federal Motor Vehicle Control Program.

Daviess and McCracken Counties

These two counties were designated nonattainment due to the more stringent (0.08 ppm) NAAQS in effect at the time of designation. Ambient monitoring data for ozone indicates these areas have not experienced violations of the new (0.12 ppm) NAAQS. The Commonwealth has requested that these areas be redesignated attainment. EPA proposed to redesignate these areas attainment on June 27, 1979 (44 FR 37515).

General Ozone Conclusions

Several counties in Kentucky were designated nonattainment for ozone. As discussed under Ozone Control Strategy in the general preamble of April 4, 1979 (44 FR 41255), EPA requires only that RACT requirements for VOC sources covered by Control Techniques Guidelines (CTGs) be adopted. The Commonwealth of Kentucky has responded and has adopted all the CTGs (applicable Statewide except in attainment areas) which EPA had issued by January, 1978, and committed to adopt additional RACT categories as they are developed by EPA. Categories of sources controlled by presently adopted regulations with compliance schedules include:

(1) Surface coating including, (a) coil coating, (b) paper coating, (c) fabric and vinyl coating and (d) can coating; (2) metal furniture coating; (3) large appliance surface coating; (4) petroleum liquid storage; (5) bulk gasoline plants; (6) bulk gasoline terminals; (7) gasoline dispensing facility (Stage I); (8) solvent metal cleaning; (9) cutback asphalt; (10) automobile and light duty truck manufacturing; (11) magnet wire coating; and (12) petroleum refinery sources.

The CTGs provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the Commonwealth regulations are not supported by the information in the CTGs, and the Commonwealth must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs. EPA's

review of the Kentucky revisions revealed a number of deficiencies related to attainment of the ozone NAAQS in addition to those related to transportation control measures.

Regulations 401 KAR 59:095 and 61:045 apply to new and existing oil-effluent water separators. Sources which handle petroleum products with a Reid vapor pressure less than 0.5 PSIA are exempt from the regulations. This exemption must be removed or justified.

The Commonwealth may show that the stated exemptions have no more than a five (5) percent detrimental impact on expected emission reductions from full RACT control of oil-effluent water separators in refineries. The Commonwealth also has the option of providing that it would not be economically justifiable to control sources of the size that would be exempted under the regulation.

It is proposed to conditionally approve the following nonattainment areas because of deficiencies in the ozone portion of the plan:

1. Jefferson County (Louisville) is deficient due to inadequacies in certain TCM's (see Ozone-Jefferson Co.) and VOC regulations which are listed above.

2. Boone, Kenton and Campbell Counties (Northern Ky.) are deficient due to inadequacies in certain TCM's (see Ozone Boone, Kenton, and Campbell Counties).

3. Boyd County is deficient due to inadequacies in the VOC regulations listed above.

In the remaining nonattainment counties there are no sources to which the VOC regulations listed above apply.

Carbon Monoxide

Jefferson County (Louisville)

The Commonwealth has calculated through use of Linear Rollback that attainment of the carbon monoxide (CO) standard is not possible by the end of 1982. Therefore, an extension to December 31, 1987, is necessary to attain the NAAQS. The transportation control plan to achieve and maintain the CO standard has been incorporated with the ozone control plan. Therefore, EPA's comments on the CO plan for Louisville are the same as in the above section, but exclusive of the comments of the VOC regulations (see Ozone-Jefferson Co.). It is proposed to conditionally approve this portion of the plan.

172(b)(4) [SIP provisions shall] include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the Administrator) of each such pollutant for each such area which is revised and resubmitted as frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a);

Appropriate emissions inventories for TSP, SO_2, ozone (the inventory is for hydrocarbons which react with sunlight to form ozone), and CO have been submitted. Future reporting requirements for updating inventories annually are included. EPA proposes to approve this portion of the plan.

172(b)(5) [SIP provision shall] expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

Identification and quantification of emissions from major new or modified sources have been provided through an accommodative SIP. The mechanism for tracking these reductions and allowing growth in nonattainment areas is provided in the Kentucky Air Pollution Control Regulations. EPA proposes to approve this portion of the plan.

172(b)(6) [SIP provisions shall] require permits for the construction and operation of new or modified stationary sources in accordance with Section 173 (relating to permit requirement);

The Commonwealth requires permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 (Kentucky Regulation 401 KAR 50:035 and 401 KAR 51). EPA proposes to approve this portion of the plan.

172(b)(7) [SIP provisions shall] identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

The Commonwealth has identified and committed adequate financial and manpower resources necessary to carry out the provisions of this SIP revision. In Chapter XI-Resources, the Commonwealth projected the amount of manpower and funding which will be expanded to carry out the requirements of the SIP. EPA proposes to approve this portion of the plan.

172(b)(8) [SIP provisions shall] contain emission limitations, schedules of compliance and other such measures as may be necessary to meet the requirements of this section;

This revision package contains the necessary emission limitations and schedules of compliance for stationary sources of TSP, SO_2, VOC, and CO sources where appropriate. These provisions have been incorporated into newly adopted air pollution control regulations. The Commonwealth submitted Appendix I, *Air Pollution Control Regulations*, (June 6, 1979) of the Commonwealth of Kentucky, Department of Natural Resources and Environmental Protection, as necessary emission limits to attain the NAAQS in all areas of Kentucky. (Additional control strategies will be submitted for non-traditional sources at a later date through a SIP revision). The Commonwealth submitted Appendix N, *Air Pollution Control District of Jefferson County Regulations* (as amended June 13, 1979), to also be effective in Jefferson County with certain exceptions.

Certain regulations of Appendix N were not included in the official submittal, however. These are as follows:

1. Regulation 3.04, Ambient Air Quality Standards; Section 1, Primary Standards, (d)(i), Photochemical Oxidants; Section 2, Secondary Standards, (d) Photochemicals Oxidants; and (h), Hydrogen Sulfide.

2. Regulation 4, Emergency Episodes.

3. Regulation, Existing Affected Facilities, 04, Control of Objectionable Odors in the Ambient Air.

4. Regulation 6, Existing Affected Facilities, 05, Control of Fugitive Particulate Emissions; Section 2, Standard of Fugitive Particulate Matter, (c), concerning an opacity limit, and Section 3 through Section 11, concerning unpaved roads and unpaved parking areas, earth moving activities, etc.

5. Regulation 6, Existing Affected Facilities, 17, Standard of Performance for Existing Automobile and Light Duty Truck Surface Coating Activities.

6. Regulation 6, Existing Affected Facilities, 22, Standard of Performance for Existing Volatile Organic Materials Loading Facilities.

7. Regulation 7, New Affected Facilities, 03, Control of Objectionable Odors in the Ambient Air.

8. Regulation 7, New Affected Facilities, 04, Control of Fugitive Particulate Emissions; Section 2, Standard for Particulate Matter, (c), concerning unpaved roads and unpaved parking areas, earth moving activities, etc.

9. Regulation 7, New Affected Facilities, 22, Standards of Performance for New Volatile Organic Materials Loading Facilities.

Appendix N to the SIP also states, "Those portions of the regulations which are legally adopted by the Air Pollution Control District of Jefferson County [APCDJC] and which are at least as stringent as the State regulations applicable to Jefferson County, are made a part of this State Implementation Plan as Appendix N. If the Kentucky

Department for Natural Resources and Environmental Protection determines that provisions of the local regulations are not as stringent as State regulations the Department for the Natural Resources and Environmental Protection will enforce the State regulations (Appendix I) applicable to Jefferson County which would, by law, preempt the local regulations in such situations. Moreover, if the APCDJC fails to implement any provisions of the SIP applicable to Jefferson County the DNREP will enforce the State regulations applicable to Jefferson County". The following APCDJC regulations were determined by the Commonwealth to be less stringent than DNREP regulations (Appendix I) and are also not submitted as part of the SIP:

1. Regulation 2, Permit Requirements, 02, Registration and Minor Source Exemption; Section 2, Exemptions, exempts some sources from registration which are not exempted by the DNREP regulation 401 KAR 50:030.

2. Regulation 4, Emergency Episodes, 02, Episode Criteris, Section 2, Air Pollution Alerts, (b), Pollutant Alert Levels, does not have an alert level for NO_2 as contained in DNREP regulation 401 KAR 55:010.

3. Regulation 6, Existing Affected Facilities, 05, Control of Fugitive Particulate Emissions; Section 2, Standard for Fugitive Particulate Matter, paragraph (a) and Regulation 7, New Affected Facilities, 04, Control of Fugitive Particulate Emissions; Section 2, Standard for Particulate Matter, paragraph (a) do not prohibit the discharge of fugitive dust beyond the property line as required by DNREP regulation 401 KAR 63:010.

4. Regulation 6, Existing Affected Facilities, 09, Standard of Performance for Existing Process Operations; Section 3(c), Standard for Particulate Matter, contains an exemption which is not contained in DNREP regulation 401 KAR 61: 020.

5. Regulation 6, Existing Affected Facilities, 11, Standard of Performance for Existing Iron and Steel Plants; Section 3, Standard for Particulate Matter, for emissions and capacity for steel plants other than basic oxygen process furnaces are less stringent than DNREP regulation 401 KAR 61: 075.

6. Regulation 6, Existing Affected Facilities, 11, Standard of Performance for Existing Iron and Steel Plants; does not contain testing and monitoring procedures as are contained in DNREP regulation 401 KAR 61: 075.

7. Regulation 7, New Affected Facilities, 05, Control of Open Burning; Section 2, Prohibition of Open Burning, paragraph (e), does not contain an capacity standard for flares as required in DNREP regulation 401 KAR 63:015.

EPA proposes to approve, except where otherwise noted herein, the regulations of the DNREP for the entire Commonwealth. These regulations (Appendix I) were submitted by DNREP and reviewed by EPA to demonstrate the attainment and maintenance of the NAAQS. Also approved for Jefferson County, except where otherwise noted herein, are those portions of the regulations of the APCDJC which have been officially submitted as part of the plan. These regulations (Appendix N) are supplemental to the DNREP regulations and are not essential to the control strategy; therefore, they have not been reviewed by EPA. EPA will enforce the stricter of the regulations in Jefferson County. EPA proposes to approve this portion of the SIP relating to 172(b)(8), except for those related portions contained in the discussion under 172(b)(3).

Various regulations submitted in the plan allow the DNREP to modify requirements contained in the SIP. The regulations are contained in Appendix I, *Air Pollution Control Regulations*, and pertain to variances, alternative emission reduction options (bubble concept), RACT determinations on a site specific basis, etc. A few specific examples are found within regulations 401 KAR 501: 055, 51: 015, 59: 010, 59: 180, 61: 015, 61: 056, 61: 085, and 61: 090. If a regulation is modified by the DNREP, the new regulation is considered a revision of the plan and must be submitted for approval by EPA.

172(b)(9) [SIP provisions shall] contain evidence of public, local government, and State legislative involvement and consultation in accordance with Section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (b) a summary of the public comment on such analysis;

Consultation with the public, local governments and commonwealth legislative involvement is evidenced by information presented in Chapter 12 of SIP. The Commonwealth's analysis of the air quality, health, welfare, economic, energy, and social effects determines that the impact of the SIP will be beneficial, and EPA proposes to approve this portion of the SIP.

172(b)(10) [SIP provisions shall] include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable documents, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

In the Commonwealth of Kentucky, the Division of Air Pollution Control of the Department of Natural Resources and Environmental Protection has full statutory authority for enforcing the SIP revisions submitted except for I/M. The Department adopted on June 6, and 29, 1979, the necessary regulatory portion of the SIP submitted. Timetables or compliance are addressed in 172(b)(3) and (80. EPA proposes to approve this portion of the SIP except fot I/M legal authority (see discussion under 172(b)(3) above).

172(b)(11) [SIP provisions shall] in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a),

(A) establish a program which requries, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis, of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed sources significantly out weigh the environmental and social costs imposed as a result of its location, construction, or modification.

(B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

(C) identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.

Paragraph 11 of subsection 172(b) applies to the Northern Kentucky (Cincinnati) nonattainment area for ozone and the Louisville nonattainment area for carbon monoxide and ozone. The alternatives analysis for new sources required by subparagraph (A) above has been submitted in the SIP as a revision to the State's permitting regulation (401 KAR 51.050).

The schedule for the implementation of an I/M program has been included in the SIP. For necessary legal authority see the discussion in 172(b)(3). EPA proposes to approve this portion of the plan except for those related portions which are proposed to be conditionally approved under 172(b)(3).

In addition to the implementation plan revisions for the nonattainment areas required under Part D of Title I of the CAA, the Commonwealth's submittal contains changes related to other portions of the CAA, including changes in the NSPS regulations, regulations concerning prevention of significant deterioration, and other emission standards. These topics will be dealt

with in a separate Federal Register notice.

Proposed Action

Based on the foregoing, EPA is proposing to disapprove and conditionally approve the Kentucky SIP revisions required under Part D of Title I of the Clean Air Act to attain the NAAQS in certain nonattainment areas. It is EPA's intent to fully approve these revisions when the Commonwealth corrects the deficiencies discussed in this notice. If these corrections are not forthcoming by June 1, 1980, except for I/M which has a separate date (see 172(b)(3)), EPA will act to disapprove the related plan revisions.

Dated: October 18, 1979.

John C. White,

Regional Administrator.

[FR Doc. 79-35215 Filed 11-14-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1360-1]

State of West Virginia: Proposed Revision of the West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On November 9, 1978 (43 FR 52239) the Environmental Protection Agency (EPA) announced its decision on the amended portion of Regulation X of the West Virginia State Implementation Plan. Among other actions taken at that time the Administrator approved an interim SO_2 emisssion limitation of 5.12 lb SO_2 per million Btu for the Harrison power plant which would apply for one year or until final promulgation of final regulations under Section 123, whichever is the shorter period of time. Final Section 123 regulations have not been issued, and EPA has not yet decided what permanent limitation to approve. EPA is today proposing to extend the interim emission limitation for the Harrison power plant for an additional period of six months, or for such time as a final limitation is adopted, whichever is shorter.

DATE: Comments must be submitted on or before December 17, 1979.

ADDRESSES: Copies of the SIP revision for Regulation X and the accompanying support documentation are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch (3AH10), Curtis Building, 10th floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn: Mr. Howard R. Heim

West Virgina Air Pollution Control Commission, 1558 Washington Street East, Charleston, West Virginia 25311, Attn: Mr. Carl Beard

Public Information Reference Unit, Room 2922 EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460

Comments must be sent to Howard R. Heim, at the EPA, Region III above address.

FOR FURTHER INFORMATION CONTACT: Mr. Howard R. Heim (3AH10), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Phone: 215-597-8175.

SUPPLEMENTARY INFORMATION: On January 25, 1978, the Governor of West Virginia submitted to EPA Region III a revision to Regulation X (1973) for the control of sulfur dioxide emissions. On June 23, 1978 (43 FR 27208), the Regional Administrator proposed several actions on the amendments to Regulation X and provided for a 30-day public comment period ending July 23, 1979. The Regional Administrator proposed that the portions of the regulations relating to the Fort Martin and Mitchell power plants and the deletion of § 3.01(b) and § 3.03(b) concerning the protection of the secondary standard for sulfur dioxide be approved. For the portion relating to the Rivesville power plant of Monongahela Power Co., the Regional Administrator proposed disapproval. For the portion relating to the Kammer power plant of the Ohio Power Co., he proposed to delay rulemaking until the results of a wind tunnel study are available. Finally, for the Harrison power plant of Monongahela Power Co., the Regional Administrator invited the State to submit to EPA an interim emission limitation of 5.12 lbs $SO_2/10^6$ Btu, approximately a 3.2 percent sulfur-in-fuel requirement, based on an estimated "good engineering practice" stack height which would apply for a short period such as one year or until final promulgation of the Section 123 regulations, whichever is the shorter period of time.

On September 13, 1978, the Governor of West Virginia submitted to EPA, at the invitation of the Regional Administrator (June 23, 1978 43 FR 27208), an interim emission limitation of 5.12 lbs $SO_2/10^6$ Btu, approximately 3.2 percent sulfur-in-fuel, for the Harrison facility of Monongahela Power Co. In his letter, Governor Rockefeller advised that the interim limitation had been adopted by the Air Pollution Control Commission on September 7, 1978, to be effective on October 16, 1978, for a period of one year or until final promulgation of the Section 123 regulations, whichever was the shorter period of time.

On November 9, 1978 (43 FR 52239), the Administrator finalized the action proposed on June 23, 1978 (43 FR 27208).

In the case of the Harrison power plant, as stated above, the final emission limit was to be established by the Administrator when the Section 123 regulations were finalized. The Administrator has not promulgated final regulations for Section 123. Therefore, the interim emission limitation of 5.12 lbs $SO_2/10^6$ BTU has remained in effect for the Harrison power plant since November 9, 1978 and will expire on November 9, 1979. On September 11, 1979, West Virginia requested that the Administrator adopt the current interim emission limitation as a permanent limitation.

Since promulgation of the interim limitation, two petitions for review have been filed in the United States Court of Appeals for the Third Circuit. The first was filed by the Commonwealth of Pennsylvania on January 3, 1979 (No. 79-1025) and the second was filed by the Council of Senior West Virginians, et al., on January 5, 1979 (No. 79-1026). Both suits challenge the appropriateness of the emission limits established in Regulation X as they apply to the Harrison and Mitchell power plants. The regulation as it applies to the Harrison and Mitchell plants has been remanded to EPA for reconsideration; not later than November 8, 1979, EPA will propose permanent limits for each plant.

Because of the ongoing litigation, and the absence of final Section 123 regulations, the administrator feels that it is appropriate to extend the present interim emission limit for no more than six months, or until a permanent limit is established.

The Administrator therefore proposes that the interim emission limit of 5.12 lbs $SO_2/10^6$ BTU continue to apply for the Harrison facility for an additional period not to exceed 6 months, or until a permanent limitation is approved, whichever is the shorter period of time.

All comments should be addressed to: Mr. Howard R. Heim, Jr. (3AH10), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th floor, 6th & Walnut Streets, Philadelphia, PA 19106.

The Administrator's decision to approve or disapprove the proposed revision will be based on whether the amendment meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for

Preparation, Adoption, and Submittal of Implementation Plans.

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

(42 U.S.C. 7410 and 7601)

Dated: October 29, 1979.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 79-35217 Filed 11-14-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1359-7]

Approval and Promulgation of Implementation Plans-Michigan; Receipt

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Receipt and Availability.

SUMMARY: This notice is to announce receipt and availability for public review of the control strategy for the ozone portion of the Michigan State Implementation Plan (SIP).

Under the requirements of Part D of the Clean Air Act, the State of Michigan on July 25, 1979, submitted to the U.S. Environmental Protection Agency (USEPA) the above mentioned control strategy for demonstrating attainment of the National Ambient Air Quality Standards (NAAQS) for ozone (03). Implementation of this control strategy is designed to decrease the ambient concentrations of 03 in those areas of the State not attaining the NAAQS for 03.

A Notice of Proposed Rulemaking describing the control strategy and USEPA's intended rulemaking action will be published in the Federal Register at a later date.

DATES: See Supplementary Information.

ADDRESSES: The submittal may be examined during normal business hours at the following USEPA offices:

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

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

In addition the revisions may be examined at the offices of the: Michigan Department of Natural Resources, State Secondary Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan.

WRITTEN COMMENTS SHOULD BE SENT TO: Ms. Maxine Borcherding, State Implementation Plan Coordinator, Region V, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mr. Maxine Borcherding, State Implementation Plan Coordinator, Region V, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6052, FTS 886-6052.

SUPPLEMENTARY INFORMATION: USEPA is currently reviewing the above mentioned control strategy. At the completion of the review a notice will be published in Federal Register proposing rulemaking action. This rulemaking action will discuss the adequacy of the strategy in attaining the NAAQS for ozone.

All interested persons are advised that the control strategy is available for review at the locations listed above. The proposed rulemaking notice referred to above will announce the last day for public comment. This public comment period will extend through December 17, 1979.

Dated: November 5, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-35213 Filed 11-14-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1357-8]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: This rulemaking proposes to redesignate a portion of the City of Moline located in Rock Island County, Illinois as a nonattainment area for the primary and secondary carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS). This recommendation for a redesignation was submitted on July 19, 1979 by the Illinois Environmental Protection Agency (IEPA) pursuant to the requirements of section 107(d)(5) of the Clean Air Act (Act) and is supported by monitored air quality data which indicates violations of NAAQS for CO.

DATES: Comments on this redesignation and on USEPA proposed action on this redesignation are requested by no later than December 17, 1979.

ADDRESS COMMENTS TO: Ms. Maxine Borcherding, SIP Coordinator, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Maxine Borcherding, SIP Coordinator, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6052, FTS 886-6052.

Copies of the State request and supporting ambient air quality data are available at the address cited above and at:

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Act. This section directed each State to submit to the Administrator of the USEPA, within one hundred and twenty days after the date of enactment of the Amendments, a list detailing the air quality status for all areas within a State for each of the five criteria pollutants (CO, ozone, total suspended particulates, sulfur oxides and nitrogen oxides).

Pursuant to the above mentioned requirements, Rock Island County, Illinois was designated as an attainment area for CO. This designation was published in the March 3, 1978 Federal Register (43 FR 8962). Under section 107(d)(5) of the Clean Air Act, an area's designation is subject to revision whenever sufficient data becomes available to warrant such redesignation.

On July 19, 1979, the Illinois EPA submitted a recommendation to redesignate a portion of Rock Island County as a nonattainment area for carbon monoxide. The portion recommended for redesignation is an area within the City of Moline bounded by and including 7th Avenue from 12th Street to 22nd Street on the southeast; 23rd Street from 7th Avenue to 3rd Avenue and continuing along that line to the Mississippi River on the northeast; 12th Street from 7th Avenue to 3rd Avenue and continuing along that line to the Mississippi River on the southwest; the Mississippi River Bank from the 12th street alignment to the 23rd Street alignment on the northwest.

IEPA's recommendation is based upon the occurrence in this area of violations of the maximum allowable 8-hour average CO concentration of 9.0 parts per million.

After reviewing the State's recommendation and the monitored data USEPA proposes to designate the above mentioned area as a nonattainment area for CO. A nonattainment designation will necessitate a revision to the Illinois State Implementation Plan within 9 months of final USEPA action on the designation change. The plan revision will have to contain an assessment of the causes of the nonattainment plus strategies and enforceable regulations adequate to attain the National Ambient Air Quality Standards by the statutory attainment date specified in section 172(a) of the Act.

Interested persons are invited to submit written comments on this proposed action to the above mentioned USEPA, Region V office.

Dated: November 2, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-35214 Filed 11-14-79; 9:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS 59; Notice No. 1]

Transportation of Natural and Other Gas by Pipeline; Damage Prevention Program

AGENCY: Materials Transportation Bureau.

ACTION: Notice of proposed rulemaking.

SUMMARY: Excavation is the number one cause of damage to gas pipelines. To reduce the risk of excavation damage, new § 192.614 would require each operator of a gas pipeline in certain populated areas to establish and carry out a damage prevention plan. If adopted as a final rule, this proposal would obviate the need for line marking of buried pipelines in areas where the plan is in effect.

DATE: Interested persons are invited to submit written comments on this proposal. All comments must be filed by February 15, 1980. Late filed comments will be considered so far as practicable. Interested persons should submit as part of their written comments all the material that is considered relevant to any statement of fact or argument made.

ADDRESS: Communications should be sent to the Docket Branch, Room 8426, between 8:30 a.m. to 5:00 p.m., Materials Transportation Bureau, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Ralph T. Simmons, 202-426-2394.

SUPPLEMENTARY INFORMATION: Need for this proposal.

This relemaking proposal addresses the need to reduce the number of gas pipeline failures caused by outside forces such as excavation, blasting, demolition, boring, tunneling, backfilling, and other earth moving operations (hereinafter referred to as excavation) which are carried out near underground pipelines. Outside force damage cause by excavation activities is the number one cause of pipeline failure and accidents reported under 49 CFR Part 191. Data supporting that fact for the period 1970-1977 is shown in the following table.

Accidents and Casualties Reported by Gas System Operators in Calender Years 1970-77 Pursuant to 49 CFR, Part 191 (Individual Accident Reports)

	1970	1971	1972	1973	1974	1975	1976	1977
Total Number of Accidents	1,019	1,287	1,293	1,364	1,477	1,373	1,579	1,996
Deaths	22	45	34	35	24	14	63	36
Injuries	218	391	330	352	334	237	366	450
Accidents Resulting from Damage by Outside Forces[1]	643	788	849	874	1,030	981	878	1,168
Deaths		14	20	16	17	5	26	12
Injuries		152	168	161	225	131	124	162

[1] Includes some accidents (approximately 20-30 percent) by outside force damage causes other than excavation or similar earthmoving activities.

For several years, the Department of Transportation (DOT) has identified excavation damage as a serious pipeline safety problem. Moreover, the National Transportation Safety Board (NTSB) has, on the basis of accident investigations and special studies, identified a direct relationship between effective excavation damage prevention programs and low excavation damage rates. However, because the large majority of damage to gas pipelines caused by outside forces is the result of activities by persons engaged in excavation and other types of construction who are not under the control of gas pipeline operators, the DOT has to this time sought solutions to the problem of outside force damage largely through non-regulatory efforts.

For example, in January 1972, the Department developed a Model Statute for protection of underground pipelines and other utilities and encouraged States and local governments to enact appropriate laws which would establish effective procedures incorporating its features. In essence, this Model Statute proposed requiring the filing of maps at a central location showing location of underground utilities and requiring that a person could not excavate a street or demolish a building until that person examined the maps to determine whether the proposed excavation or demolition would take place in an area shown on the maps. The person planning the excavation or demolition would be required to obtain a permit to undertake such activity conditioned upon advising the utility operator having underground utilities in the immediate area of the planned excavation to enable the utility operator to mark the location of that utility and provide protection for its utility line. The Model Statute proposed a civil penalty for the excavator who failed to obtian a permit within a certain number of days before the excavation.

The DOT's 1974 revision to this Model Statute deleted the requirement for filing underground utility maps at one location. In its place, the Model Statute proposed that anyone proposing to engage in excavation and other types of construction be required to notify a central agency of this intent. The agency would then advise the utility operators in the general area of the contractor's proposed excavation in order that the utility operator could locate and mark the location of any lines which might be damaged by the excavation. Additional minor revisions were made to the Model Statute in June of 1977. This latest version of the Model Statute was published by the Council of State Governments in their 1978 publication of Suggested State Legislation.

As in the past, the Secretary of Transportation sent a copy of the revised 1974 Model Statute to all State Governors including Puerto Rico and the

Mayor of the District of Columbia, again encouraging State legislatures to enact laws which would require and support pipeline damage prevention programs.

DOT's other nonregulatory efforts included conducting education and training programs in coordination with the States and industry.

In 1975, DOT took regulatory action to reduce incidents of outside force damage to the buried lines by promulgating regulations that encouraged the establishment of State and local excavation damage prevention programs. The Federal gas pipeline safety standards for marking gas mains and transmission lines were amended (Amendment 192–20; 40 FR 13505) by providing an exception from marking buried pipelines located in Class 3 or Class 4 locations where a program for preventing interference with underground pipelines is established by law (§ 192.707(b)(2)(ii)).

DOT's regulatory and non-regulatory efforts have experienced mixed success. Some 23 States now have underground damage prevention legislation or regulations which have statewide applicability. Such States as Michigan, Connecticut, and New York have enacted comprehensive laws which apply to all persons engaged in activities likely to interefere with underground pipelines and require that these persons be provided with line marking or other information necessary to locate the pipeline before such activities are initiated. Many utility companies established a communication system called a "one-call system" in which a city, county, or other local jurisdiction or entity establishes one phone number to be called by all prospective excavators to advise pipeline and utility operators about the location and time of the intended excavation. Also, utility operator established "one-call systems" are now in operation in 35 States. Of these programs, less than half have statewide coverage, and the rest have localized coverage.

Two studies have examined the effectiveness of the damage prevention programs now in operation. A paper entitled "Excavation Damage Prevention Laws, The Challenges We Face," presented at the 1978 "International Public Works Congress", by Barry M. Sweedler and Charles H. Batten of the NTSB, made several observations regarding (1) the effectiveness of one-call notification systems in reducing damage to pipelines by outside forces and (2) the effectiveness of State laws.

Observations regarding State laws were:

While DOT's alternative requirement that gas operators have a damage prevention program mandated by law is having an effect, the effect is not encouraging. Also, while many new laws have been passed in the last two years, these laws are not consistent with one another, although most began with the DOT Model Statute. Further, the law passed by one State contains many exceptions and loopholes, and its existence has been a deterrent to the development of meaningful damage prevention programs, and another State law fails to provide any meaningful benefit, other than to provide a shelter for the gas sytstems from the DOT line marking requirement.

A DOT study undertaken by IIT Research Institute (IITRI) of Chicago, Illinois, determined that several factors detracted from the effectiveness of existing programs for the prevention of damage to pipelines by outside forces. These included (1) limited geographical coverage of damage prevention programs; (2) spotty enforcement of damage prevention laws; and (3) frequent absence of utility commission jurisdiction over municipal or State-owned facilities.

The above study findings should not detract from what is significant evidence of the effectiveness of certain damage prevention programs in reducing outside force damage incidents. For example, the Connecticut Underground Utility Protection Plan reduced damages to facilities of participating utilities by 38 percent during its first two years of operation; the Washington Utilities Coordinating Council of the State of Washington reduced by 68 percent the number of damage incidents to underground facilities per each 100 excavation notifications it received; the program operating in Tampa, Florida, reported a 65 percent reduction in excavation damages during its first year of operation; a Cleveland, Ohio, system reported a 45 percent reduction in damages from 1971 to 1976; two programs in the State of California, USA North and USA South, report underground damage reductions of 24 percent and 43 percent, respectively; and the Rochester, New York program, one of the first systems implemented, has consistently shown a reduction in the number of damages to underground facilities (from 1974 through 1976, this system showed a 26 percent reduction in damage to underground facilities).

Notwithstanding the increase in damage prevention programs throughout the country and the considerable success of some, MTB generally agrees with the findings of the NTSB paper and the IITRI Study and is specifically concerned with several problem areas in the establishment and implementation of these programs. Since the issuance of § 192.707(b)(2)(ii) in 1975, many gas pipeline operators have argued that this regulation penalizes those in States or local areas that will not enact appropriate law. In those States or local areas, the operators must mark the pipeline route since an excavation damage prevention program has not been established by law even though the pipeline operator may have advocated or supported such a program. These operators argue that in many states, such legislation may not be enacted for several years, if ever. For various reasons, the number of State or local areas establishing such excavation damage prevention programs by law has slowed in the past couple of years. In the states that have enacted damage prevention programs by law, it is often the case that the enforcement agency of the State lacks jurisdiction over all operators in the states and that enforcement of the law is less than vigorous. Because of these concerns, and the less than enthusiastic response to MTB's past non-regulatory efforts. MTB believes that a new regulatory approach for solving the outside force damage problem is necessary to better ensure the public safety.

MTB proposes to meet this need by establishing a new § 192.614 which would require each operator of a gas pipeline in a class 3 or 4 location to establish and carry out an outside force damage prevention program that meets minimum performance criteria. The proposed criteria are factors that MTB believes are essential for a successful outside force damage prevention program. The proposal would allow a gas pipeline operator to achieve full or partial compliance with the proposed requirements by complying with applicable State or local laws which require action that meets the proposed criteria; or through active participation in a voluntary association which has a program to reduce the incidence of excavation damage to buried pipelines that meets the proposed criteria.

Discussion of Criteria

MTB believes that limiting the scope of the proposed damage prevention program to operators of pipelines in Class 3 or 4 locations will produce the greatest benefits at the least cost because of the high density of population and the larger amount of excavation activities occurring in these areas. For example, the IITRI Study shows that the percentage of reportable leaks that resulted in the rupture of pipe ignition of gas, explosion, or secondary explosions, is much higher in gas distribution systems, which are located

mostly in Class 3 or 4 locations. The study also shows that the probability of injuries and fatalities resulting from reportable leaks is considered higher in gas distribution systems.

The NTSB paper, the IITRI study, and MTB's analysis of successful damage prevention programs (e.g., Connecticut Underground Utility Protection Plan, Washington Utilities Coordinating Council, USA North and USA South, in the State of California, and the Rochester, New York program) show that where an operator has a well defined written damage prevention program which is well publicized, provides a means for an inquirer to receive needed information concerning pipelines at the time of initial contact, and provides quick response in locating and marking his pipeline, that the program is successful in reducing the damage to pipelines by outside forces. From MTB's analysis of accident reports and from NTSB's reports on pipeline accidents, MTB believes that a damage prevention program should have the means of furnishing an inquirer at the initial contact with the following information: if there is a pipeline located in the area of proposed excavation activities; the general location of any pipeline in the area; the approximate depth, size, operating pressure, and type of material of the pipeline; the time frame in which the pipeline will be located and marked; and the type of marking which will be used.

Also, accident reports and NTSB's reports show that in excavation activities, damage can occur to pipelines which may be remote from the actual area of contact with the pipeline, such as pulling a pipeline loose from a joint or coupling, and that disturbing of the soil around the pipeline can lead to future erosion of the soil and remove the supporting bed of the pipeline. Therefore, MTB believes that it is necessary for the operator to inspect the pipeline, during and after excavation activities, to ensure the pipeline's integrity.

By keeping a record of the date of each inquiry, the name and address of each inquirer, and the operator's response, the operator will be able to determine which excavators are cooperating with his program, which ones need further encouragement to cooperate, and by comparing the record with the analysis of the leak reports, be able to determine which excavators are causing the most incidents or damage to his pipelines. MTB believes that an analysis of the leak reports required by 49 CFR Part 191 and correlation of these with the record of inquiries received from excavators will provide a basis for determining the effectiveness of the operator's damage prevention program and provide the operator with the information necessary to effect changes in his program to increase its effectiveness.

MTB believes that the adoption of § 192.614 as proposed would obviate the need for the marking requirements of § 192.707 in Class 3 or 4 locations. Since the purpose of marking pipelines is for the purpose of identifying the location of the pipeline to prevent damage to the pipeline by outside forces, and the proposed § 192.614 is considered a better means of accomplishing this, there would be no need to continue the requirements of § 192.707 for Class 3 or 4 locations.

Issue

MTB invites comments on the extent to which the requirements of this proposal should apply to those operators who own or have control over the property transversed by the operator's pipelines. For example, such ownership or control could affect the need to notify excavators about the existence of a damage prevention program since, in most cases, excavators would have to seek the operator's approval to enter the property. Should trailer park owners, liquefied petroleum gas operators, or municipal owned gas distribution systems be required to meet all the requirements of this proposal? If not, to what extent should they be exempt?

MTB is considering making these proposed amendments effective one year from the date the final rule is published in the Federal Register.

Note.—A Draft Evaluation of the impact is in the docket for this proceeding in accordance with Departmental proceeding for improving regulations (44 FR 11034). MTB has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under DOT procedures.

A copy of the Sweedler/Batten paper and the IITRI study is in the docket. Also, a copy of the IITRI Study may be obtained from the National Technical Information Service, Springfield, Virginia 22161.

In consideration of the foregoing, MTB proposes to amend Part 192 of Title 49 of the CFR by

1. Adding a new § 192.614 to read as follows:

§ 192.614 Damage Prevention Program.

(a) Each operator of buried pipelines in Class 3 or 4 locations shall carry out, in accordance with this section, a written program to prevent damage to those pipelines by excavation and demolition activities. For the purpose of this section, "excavation or demolition activities" include excavation, blasting, demolition, boring, tunneling, backfilling, and other earth moving operations.

(b) Except as provided by paragraph (c), each operator of buried pipelines in Class 3 or 4 locations must do the following under the program required by paragraph (a):

(1) Determine semiannually, through appropriate means including the use of available State and local records, the names of persons who are normally engaged in excavation or demolition activities in the areas in which the pipelines are located.

(2) Prepare a notice that urges persons to telephone or otherwise notify the operator before beginning any planned excavation or demolition activities, regardless of the location of the activities. The notice must, at least semiannually, be sent to each person identified under paragraph (b)(1) of this section and conspicuously published in a newspaper with general circulation in the area in which pipelines are located.

(3) Provide a means of receiving notice of planned excavation or demolition activities.

(4) Upon receiving a notice of planned excavation or demolition activities, provide the following information to the person giving notice:

(i) Whether there are pipelines in the area of planned excavation or demolition activities that could be harmed by the activity; and

(ii) With regard to each pipeline that could be harmed—

(A) The general location, approximate depth, diameter, material, and actual operating pressure of the pipeline; and

(B) The type of temporary marking that will be provided under paragraph (b)(5)(1) of this section and when that marking will be provided.

(5) After receiving notice of planned excavation or demolition activities that could harm buried pipelines:

(i) Temporarily mark the approximate location of the pipelines before the activities begin;

(ii) Inspect the pipeline and its support for damage during and after the activities; and

(iii) Keep a record of the date and time the notice is received, the name and address of the person giving notice, and the operator's response.

(c) An operator of buried pipelines in Class 3 or 4 locations need not meet the requirements of paragraph (b) to the extent that—State law, local law, or participation in a voluntary association requires the operator to participate in a

damage prevention program which essentially meets the requirements of paragraph (b).

(d) Each operator of buried pipelines in Class 3 or 4 locations shall—

(1) Determine annually, based on reports filed under Part 191 of this chapter, whether its damage prevention program carried out under either paragraph (b) or paragraph (c) is reducing the incidence of damage to such pipelines caused by excavation or demolition activities; and

(2) If the damage incidence is increasing, or remaining at an unreasonably high level, take actions to improve the effectiveness of the program.

§ 192.707 [Amended]

2. By revising paragraph (2) of § 192.707(b) to read "In Class 3 or 4 Locations."

AUTHORITY: (49 CFR U.S.C. 1672; 49 CFR, Part 1.53(a), Appendix A of Part 1 and Paragraph (b)(2) of Appendix A to Part 106)

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

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 79-35085 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 44, No. 222
Thursday, November 15, 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.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Designation of the Omaha Grain Inspection Service, Inc., Omaha, 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 Omaha Grain Inspection Service, Inc., Omaha, 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 31, 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: Omaha Grain Inspection Service, Inc. (the "Agency"), 1905 Harney Street, Omaha, Nebraska 68102, 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 Omaha 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:

Bounded: on the North by Nebraska State Route 91 from the western Washington County line east to U.S. Route 30; U.S. Route 30 east to the Missouri River; the Missouri River north to Iowa State Route 175; State Route 175 east to State Route 37; State Route 37 southeast to the eastern Monona County line;

Bounded: on the East by the Monona County line south; the southern Monona County line west to State Route 183; State Route 183 south to the northern Pottawattamie County line; the Pottawattamie County line east; the eastern Pottamwattamie County south; the southern Pottawattamie County line west to M47; M47 south to State Route 48; State Route 48 south to the southern Montgomery County line;

Bounded: on the South by the Montgomery County line west; the southern Mills County line west to Interstate 29; Interstate 29 north to U.S. Route 34; U.S. Route west to the Missouri River; the Missouri River north to the southern Sarpy County line in Nebraska; the Sarpy County line west; the southern Saunders County line west to U.S. Route 77; and

Bounded: on the West by U.S. Route 77 north to the Platte River; the Platte River southeast to the northern Douglas County line; the Douglas County line east to the western Washington County line; the Washington County line northwest to Nebraska State Route 91.

In addition, the following locations which are outside of the foregoing contiguous geographic area and are to be serviced by the Agency shall be considered as part of the Agency's geographic area: Murren Grain, Elliot, Iowa, in Montgomery County; Hemphill Feed & Grain and Hansen Feed & Grain, Griswold, Iowa, in Cass County; Fremont Company Coop, McPaul, Iowa, in Fremont County; Lincoln Grain, Murray, Nebraska, in Cass County; Farmers Coop Business Association, Rising City, Nebraska, in Butler County; and Farmers Coop Business Association, Shelby, Nebraska, in Polk County.

An exception to this geographic area is the following location situated inside the Agency's area which has been and will continue to be serviced by Fremont Grain Inspection Department, Inc., Fremont, Nebraska: Farmers Cooperative and Krumel Grain and Storage; Wahoo, Nebraska, in Saunders 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 31, 1979. All materials submitted 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 9, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-35272 Filed 11-14-79; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Land and Resource Management Plan, Inyo National Forest, Fresno, Inyo, Madera, Mono, and Tulare Counties, Calif., Esmeralda and Mineral Counties, Nev.; Intent To Prepare an Environmental Impact Statement

The USDA-Forest Service will prepare an environmental impact statement for the forest plan for the Inyo National Forest.

This forest plan is one of eighteen currently being developed in the Pacific Southwest Region. The development of these several forest plans and the regional plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a regional plan.

This forest plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

(a) Briefly describe the major public issues and management concerns,

(b) Briefly describe the lands and resources of the Inyo National Forest,

(c) Identify the goals and objectives of management,

(d) Describe the expected types and amounts of goods, services, or uses—by decades,

(e) Identify the proposed vicinity, timing, standards, and guidelines for proposed and probable management activities,

(f) Identify monitoring and evaluation criteria,

(g) Refer to information used in plan development, and

(h) Identify the persons who participated in the development of the plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this plan include but are not limited to:

(a) The kinds and amounts of goods, the services to be produced, and the uses to be permitted on the National Forest Systems lands,

(b) The public costs of providing these goods and services, and

(c) The physical, biological, economic and social effects associated with the production of goods and services.

The Forest plan will be selected from a range of alternatives which will include at least:

(a) A "no action" alternative which represents continuation of the present management direction,

(b) One or more alternatives formulated to respond to major public issues and management concerns.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected, by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Idenitication of those issues to be analyzed in depth, and

(c) Elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review, or are not within the scope of this Forest Plan.

To accomplish this public meetings will be held: December 5, 1979, Tri County Fairgrounds Home Economics Building, Bishop, California 1:30-4:00 p.m. and 7:30-9:30 p.m.

Written comments and suggestions about these items are encouraged. To be most useful, they should be received by the Forest Supervisor before January 7, 1980. The kind of additional public participation opportunities has not yet been determined. It will vary as the planning progresses and will be responsive to issues and concerns identified during the meetings listed above.

The estimated date for distribution of the draft environmental impact statement is January 1983. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately July 1983.

For further information about the planning project, or the availability of the environmental impact statements, or other documents relevant to the planning process, contact:

Oliver F. A. Sapousek, Land Management Planner, Inyo National Forest, 873 North Main Street, Bishop, California 93514, 714-873-5841.

Dated: November 5, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-35164 Filed 11-14-79; 8:45 am]

BILLING CODE 3410-11-M

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; Amended Records Systems

AGENCY: Central Intelligence Agency.

ACTION: Proposed Records Systems Amendment.

SUMMARY: The Central Intelligence Agency proposes to amend three records systems. The Agency's systems of records affected by these proposed amendments were most recently promulgated in the Federal Register at Vol. 42, No. 184, pp. 48050-48074, September 22, 1977.

DATES: All written comments received by the Central Intelligence Agency will be considered before final notice is promulgated in the Federal Register. These must be received by January 7, 1980.

ADDRESS: Interested persons are invited to participate in the formulation of these amendments by submitting such written data, views, or comments as they may desire to: Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505.

FOR FURTHER INFORMATION CONTACT: Mr. George W. Owens, Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505; phone (703) 351-7486.

SUPPLEMENTARY INFORMATION: Adoption of the proposed amendments would permit the correct title identification of the record system manager for Privacy and Freedom of Information Acts Requesters records system, CIA-21. Adoption of an amendment to Applicant Files records system, CIA-30, would permit an anticipated reduction of records in this system. The retention of applications from individuals seeking employment with the Agency would be affected. Implementation of a change in the Psychological Test Data Files, CIA-37, would alter the time unsuccessful applicant files were kept, and would bring this records system into conformity with the Records Control

Schedule as approved by the National Archives and Records Service.

Clifford D. May, Jr.,

Acting Deputy Director for Administration.

1. In CIA-21, the system managers title is revised:

CIA-21

SYSTEM NAME:

Privacy and Freedom of Information Acts Requesters.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505

* * * * *

2. In CIA-30, the "Retention and disposal" section is revised to read as follows:

CIA-30

SYSTEM NAME:

Applicant Files.

* * * * *

RETENTION AND DISPOSAL:

Applications rejected in the initial review because they do not meet requirements for Agency employment will be returned to the applicant without creating any record. Applications which appear to meet requirements for Agency employment, but which are subsequently rejected, are retained for two years and then destroyed by burning or pulping. Files on applicants who may be of interest at a later date are retained indefinitely.

3. In CIA-37, the "Retention and disposal" section is revised to read as follows:

CIA-37

SYSTEM NAME:

Psychological Test Data Files.

* * * * *

RETENTION AND DISPOSAL:

Files on employees, dependents and detailees are retained in Headquarters until retirement or separation at which time they are retired to the Agency Records Center, where they are retained 30 years and then destroyed by the Records Center by burning. Successful applicants' files are treated the same as employees. Unsuccessful applicant files are retained for a period of three years and then destroyed by burning or pulping.

[FR Doc. 79-35158 Filed 11-14-79; 8:45 am]

BILLING CODE 6310-02-M

CIVIL AERONAUTICS BOARD

[Docket 37019]

Cascade Airways, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., November 8, 1979.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79-35245 Filed 11-14-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 35936]

Commuter Airlines, Inc., Enforcement Proceeding; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 8, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., November 7, 1979.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 79-35244 Filed 11-14-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-11-71; Docket 37054]

Eastern Air Lines Caribbean Holiday Surcharges; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of November 1979.

Eastern Air Lines, Inc., has filed a tariff, effective December 9, 1979, which would place a $15.00 surcharge during the upcoming holiday season on peak travel in the New York-San Juan/San Croix/St. Thomas markets. The surcharges would be effective southbound from December 15 to the 26th, and northbound from December 30 to January 8. These surcharges would lift fares outside the applicable zones of reasonableness and suspend-free zones established in PS-80.[1]

Eastern's move followed a similar filing, effective November 20, 1979, of American Airlines, Inc., covering various Caribbean markets. American justified the surcharges by establishing a need for increased revenue to make economic the running of some 200 extra sections during the holiday peak. Such sections are ordinarily empty on their return leg and, consequently, the highest attainable load factor for them has been 50 percent.[2] Fares to Puerto Rico and Virgin Islands, however, are based on higher load factor standards.[3] Moreover, the fuel to operate these extra sections may be obtainable, if at all, on the spot market where prices are substantially in excess of those built into the current standard industry fare level. Because we would do consumers no favor by making these extra sections uneconomic when consumers are apparently prepared to pay the extra costs of operation, we are permitting the American tariff to become effective. This is consistent with our policy in PS-80 of permitting rates not within our zones of reasonableness to become effective upon proper justification. We are sympathetic to peak pricing in general and will not lightly interfere with a carrier's decision to recognize the demand characteristics of a market and provide services and prices to match.

Eastern's sole justification for matching American is, however, a reference to high fuel costs. We understand that this carrier has not offered extra sections to accommodate peak demands in the past, and the carrier does not contend that it will do so this season. On this showing, we are unable to conclude that the carrier surcharges are reasonable, and the standards of PS-80 require that these fares be suspended.

On November 2, 1979, the Commonwealth of Puerto Rico complained of the Eastern tariffs, though not American's, for essentially the same reasons set forth above. Some informal undocketed protests were also received against both carriers' actions.

The Board finds that the proposed surcharges may be unlawful and should be investigated and pending investigation should be suspended.

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[1] Regulation PS-80, effective September 5, 1978. In four (authorized) carrier markets like New York-San Juan, we permit fares up to 110 percent of the Standard Industry Fare Level to become effective without justification. The PS-80 zones are broader in competitive markets than the statutory suspend free zones of reasonableness established by the Airline Deregulation Act in section 1002(d) of the Federal Aviation Act.

[2] It is not entirely clear to us why this capacity has not been utilized for, *e.g.*, cheap charter service.

[3] In the New York-San Juan markets, a load factor of 68 percent; in all other mainland-Puerto Rico/Virgin Islands markets, 60 percent. See our supplemental opinion and order in the *Mainland-Puerto Rico/Virgin Island Fares Investigation*, Docket 24353, Order 76-8-100, August 18, 1976.

Accordingly, pursuant to sections 102, 204(a), 403, 404 and 1002 of the Federal Aviation Act of 1958;

1. We institute an investigation to determine whether the provisions set forth in Appendix A[4] hereof, and rules and regulations or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful; and if we find them to be unlawful, to act appropriately to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend the tariff provisions specified in Appendix A and defer their use from December 9, 1979, to and including March 7, 1980, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall place copies of this order in the aforesaid tariff and serve them upon Eastern Air Lines, Inc.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.[5]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-35248 Filed 11-14-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-11-15; Docket 37020, et al.]

Intra-Alaska Service Investigation; Alaska Airlines, Inc.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of November, 1979.

In the matter of Intra-Alaska Service Investigation (Docket 37020); Application of Alaska Airlines, Inc. to amend its certificate of public convenience and necessity for Route 138 (Bethel-Kenai-Anchorage/Fairbanks-Barrow-Prudhoe Bay) (Docket 35868); Application of Northwest Airlines, Inc. for amendment of its certificate of public convenience and necessity (ANC-FAI) (Docket 36131); Application of Sea Airmotive, Inc. for a certificate of public convenience and necessity (Docket 36470); Application of Sea Airmotive, Inc. for an exemption (Docket 36471).

Order

On June 15, 1979, Alaska Airlines filed an application and petition for an order to show cause why its certificate of public convenience and necessity for Route 138 should not be amended to allow service between the coterminal points Anchorage and Fairbanks, on the one hand, and the coterminal points Bethel, Kenai, Barrow and Prudhoe Bay, Alaska, on the other hand.

In support of its application, Alaska states that the grant of this authority will increase passenger convenience by providing the first single-carrier service from these points to Portland and San Francisco, and allowing a resumption of jet service between Anchorage and Kenai. In addition, it states that it will extend its "Super Saver" discount fares to each of the four new Alaska points that it is seeking. It further states that this grant of authority is consistent with our multiple permissive entry policy.

On July 13, 1979, Wien Air Alaska filed an answer to Alaska's application and petition. Wien states that the grant of this authority will cause diversion on two subsidy-eligible routes and that the Federal government will be required under the Airline Deregulation Act to increase its subsidy payments so as to make up for the loss caused by the diversion. It further argues that this award, in combination with the grant of pending applications for authority over some of its other routes, will produce such a great loss of revenue as to imperil it ability to discharge its certificate obligations. Wien also argues that the Alaska Airlines application should be denied because Alaska has not supplied the economic data and analysis required of a Subpart Q application. If we do not reject the application, it states that it should be heard by an administrative law judge for an Initial Decision because any proposed grant of Alaska's application would require detailed findings as to the impact upon the Federal Treasury, Wien, and the Alaska transportation system.

On September 26, 1979, Wien filed and amendment to its answer in which it argues that the Alaska application should be set for hearing. It states that Alaska Airlines and its management team have unlawfully acquired more than 20 percent of Wien's outstanding stock, and that this action is sufficiently serious to warrant an investigation into whether Alaska Airlines is fit to receive additional authority. On October 2, 1979, Alaska filed an amendment to its answer in which it argues that its fitness is not put into issue by its prior effort to acquire control of Wien.

On July 13, 1979, Northwest Airlines filed an application and a petition for an order to show cause why its certificate of public convenience and necessity for Route 3 should not be amended to allow service between Anchorage and Fairbanks, and filed a motion to consolidate its application with Alaska's application.

In support of its application, Northwest states that the grant of the authority that it requests is consonant with the Airline Deregulation Act's objective of placing maximum reliance on competition, which will in turn benefit the traveling public.

We have received no answers in response to Northwest's application, petition or motion to consolidate.

On August 28, 1979, Sea Airmotive filed an application and a petition for an order to show cause under Subpart Q for issuance of a certificate of public convenience and necessity for the routes which it is currently authorized to serve as a Part 298 air taxi and an intra-state carrier. On the same date it filed an application for an exemption for those routes.

In support of its application and petition, Sea Airmotive states that certificate status will enable it to transport interstate passengers and to carry mail, two functions which it claims it is unable to undertake in its current position. It further alleges that with CAB certification it will be able to secure loans more easily, obtain a more favorable listing in the OAG, and develop and expand competitive services to the benefit of the traveling public.[1] Finally, it states that there are no material issues as to either its fitness or the consistency of its application with the public convenience and necessity which warrant a hearing.

Sea Airmotive states that the award of an exemption pending the outcome of certification proceedings is in the public interest, inferring that under exemption authority it will be able to carry interstate passengers and mail which it is precluded from doing now. It points to its unsuccessful efforts to obtain Federal operating authority—efforts which have been hampered through no fault of its own—such as the *Alaska Service Investigation*, Docket 20826, and apparently regards the award of exemption authority as a first step in securing certificate authority.

On September 25, 1979, Wien filed answers to Sea Airmotive's application, petition and exemption request. Wien requests that a hearing be held on the issues of Sea Airmotive's fitness to receive certificate authority and the consistency of its application with the public convenience and necessity.

In both of its answers, Wien states that certification of Sea Airmotive will not provide it with any greater operating rights than it currently possesses, since

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[4] Appendix A filed as part of the original document.

[5] All Members concurred.

[1] Sea Airmotive further requests that it be permitted to retain air taxi status after certification.

it can now carry interstate passengers and mail. However, since certification will bring with it the right to transport mail under a service mail rate, Wien states that the diversion which it would experience on its mail routes will cause its subsidy needs to increase, and the competition on its mainline routes—which support its bush operations—will render it unable to carry out its certificate obligations.

Wien further states that, since Sea Airmotive is an uncertificated carrier, its fitness has never been adjudicated before the CAB, and there exist fitness questions which must be dealt with before Sea Airmotive can receive authority.

On October 4, 1979, Sea Airmotive filed replies to Wien's answers in its certification and exemption dockets.[2] In its replies, it alleges that Wien has not brought forth any issues which warrant a hearing for their resolution; Wien presents pre-deregulation arguments, such as diversion and protectionism, which do not have merit here; Wien is requesting a hearing only in order to delay Sea Airmotive's certification; and there is an immediate public need which the award of exemption authority can satisfy.

On October 5, 1979, the U.S. Postal Service filed a consolidated answer to the applications of Sea Airmotive in which it supports Wien's position that the exemption should be denied and that a hearing should be held. On October 12, 1979, Sea Airmotive filed a reply in which it stated that the Postal Service raised insufficient and incorrect agruments to support its hearing request.[2a]

We have decided to set the applications of Alaska, Sea Airmotive and Northwest for a formal hearing before an administrative law judge, and institute the *Intra-Alaska Service Investigation*, Docket 37020.

Section 102(a)(4) of the new Act directs us to place "maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital." We have held that, as a rule, we will not consider diversion from incumbent carriers to be a significant factor in determining whether to grant route awards. As we noted in the *Oakland Service Case*, "diversion will not be of decisional significance unless it threatens an affected carrier's ability to perform its certificate obligations, or will necessarily result in termination of essential services which will not be replaced by an applicant or by other carriers."[3] Wien, the incumbent carrier in most of the markets involved, alleges that the first of these adverse effects will result from the certification of additional carriers in more of its markets. We are also dealing with the state of Alaska, which presents us with circumstances that are not present to the same degree in the Lower 48. As a result, we find that there may be "unusual factual circumstances"[4] present her which warrant a hearing for their resolution.

We recognize that we have already awarded competitive authority to Alaska and Great Northern for other Wien routes in the *Northwest Alaska Service Investigation*.[5] In the hearing held before Administrative Law Judge Frank M. Whiting, Wien raised diversion arguments similar to those raised here. Judge Whiting held, however, that Wien did not sustain its burden of proving that diversion would be so great that it would be unable to perform its certificate obligations, and we affirmed that aspect of the Judge's decision.[6]

Here, however, Wien argues that the combination of the awards in that case, plus those sought here and those elsewhere at issue, will result in a level of diversion which rises to a significant factor for decision. These allegations are made against a background of a steadily weakening financial position. For the year ended September 30, 1978, its operating profit without subsidy was $2,123,585. This figure dropped to $1,698,169 for the year ended December 30, 1978, and to $340,142 for the year ended March 31, 1979. For the year ended June 30, 1979, it suffered an operating loss of $240,117. Its operating profit with subsidy has likewise shown a steady decline from $4,040,749 for the year ended September 30, 1978, to $1,451,754 for the year ended June 30, 1979.[7] Moreover, Wien has experienced difficulties in taking advantage of our liberal route policies not experienced by other carriers. The range of its largest aircraft, the 737, sharply limits the Alaska-lower U.S. markets it can serve, and in the major Alaska-lower U.S. market it does serve, Anchorage-Seattle, it faces sharp competition from carriers using larger jet equipment, such as the 747, DC-10, 707 and 727.

In light of these special circumstances, we have decided that Wien should be given an opportunity to prove that the award of additional authority in more of its markets will create the results it alleges. Even if Wien's allegations of substantial financial distress are correct and a loss of revenues may prevent Wien from fulfilling its certificate obligations, this should not end the inquiry. Rather, we expect the proceeding to resolve the question of whether the benefits of actual and potential competition outweigh the economic harm which would come to Wien. These benefits may be realized in the form of improved service to the Alaska points, a lowered subsidy bill, as more efficient carriers serve the subsidized routes, and the general benefits of competitive service to the traveling public which may result from multiple awards, not withstanding Wien's decline.

We believe that the question of Sea Airmotive's fitness should be explored in a formal hearing, in line with our policy in cases of initial certification.[8]

Finally, we have decided to deny Sea Airmotive's exemption request. While we recognize the difficulties inherent in providing air service in Alaska, Sea Airmotive has not persuaded us that there is an immediate public need to be satisfied by granting it exemption authority, since it can currently serve all the points named in its application as an air taxi or intra-state carrier.

Sea Airmotive alleges in both its exemption request and petition for an order to show cause that certification will enable it to carry interstate passengers and mail. However, as Wien correctly notes in its answers to both the petition for an order to show cause and the exemption request, Sea Airmotive currently can enter into interline agreements with certificated carriers and can transport persons and property moving in interstate commerce.[9] Exemption authority will not broaden this right. Nor will exemption authority create any greater entitlement to carry mail than Sea Airmotive currently holds.

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[2] Sea Airmotive's reply in Docket 36470 was accompanied by a motion for leave to file an unauthorized document. We grant that motion.

[2a] The Postal Service's answer and Sea Airmotive's reply were accompanied by motions for leave to file an untimely document. We grant these motions.

[3] Order 78-4-121, April 19, 1978, p. 15.

[4] *Improved Authority to Witchita Case, et al.*, Order 78-12-106, December 14, 1978.

[5] Order 79-8-132, August 24, 1979.

[6] Order 79-8-132, August 24, 1979, affirming the Initial Decision of Administrative Law Judge Frank M. Whiting, *Northwest Alaska Service Investigation*, Docket 31571, October 26, 1979, pp. 48-49.

[7] CAB Form 41.

[8] We are interested in reducing the burden of this proceeding on Sea Airmotive, a small carrier, to the necessary minimum and we urge the administrative law judge to exercise his discretion to that end. We note that Sea Airmotive has already filed extensive material going to its fitness and we see no reason why any of this data should be duplicated.

[9] Section 401(d)(4)(A)(ii).

The Postal Service has statutory authority to contract for the services of an air taxi if it deems the certificated carrier's services to be inadequate.[10] While a certificated carrier may carry mail under a service mail rate (*i.e.*, deliver mail on a piecemeal basis and receive the prescribed rate from the Postal Service) and an air taxi cannot, the award of exemption authority will not place an air taxi in the position of a certificated carrier with respect to the carriage of mail.[11]

We expect this case to proceed expeditiously. Under the Deregulation Act, applicants are entitled to processing of their applications within eleven months. Consequently, we are invoking the procedural deadlines of Subpart Q of our Procedural Regulations so that an initial decision must be issued within 150 days of the service date of this order.

Accordingly, 1. We institute a proceeding to be known as the *Intra-Alaska Service Investigation*, Docket 37020, to be set down for hearing before an administrative law judge of the Board at a time and place to be designated later;

2. We include the following issues in this proceeding:

(a) Is it consistent with the public convenience and necessity to grant the applications of Alaska Airlines, Northwest Airlines, and Sea Airmotive?

(b) Are the applicants fit, willing and able to receive the certificate authority they seek?

(c) If so, what terms, conditions and/or limitations should be placed on the operations of such carriers?

3. The authority granted in this proceeding shall be ineligible for section 406 subsidy;

4. The following are made parties to this proceeding: Alaska Airlines, Northwest Airlines, Sea Airmotive and Wien Air Alaska;

5. We consolidate the applications of Alaska Airlines in Docket 35868, Northwest Airlines in Docket 36131, and Sea Airmotive in Docket 36470, to the extent that they conform to the scope of the issues as stated above, into Docket 37020; otherwise we dismiss them without prejudice;

6. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed 20 days from the date of adoption of this order and answers shall be filed 15 days thereafter;

7. We deny the petitions to Sea Airmotive and Alaska for an order to show cause, in Dockets 6470 and 36868, respectively;

8. We deny Sea Airmotive's application for an exemption in Docket 36471;

9. We deny Northwest's motion to consolidate its application in Docket 36131 into Docket 35868; and

10. We shall serve a copy of this order on the persons listed in the attached appendix.[12]

This order will be published in the Federal Register.

By the Civil Aeronautics Board.[13]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-35247 Filed 11-14-79; 8:45 am]

BILLING CODE 6320-01-M

[10] 39 U.S.C. 5402(c). *See also* 14 CFR 298.35.

[11] Sea Airmotive cites Altair's exemption in the Norfolk-Washington, D.C. market as an example of a commuter receiving exemption authority in a market which it can serve in its commuter status. We granted the exemption in Altair's case because the carrier felt that certification will help it gain access to National Airport and, since the market in issue had recently lost significant service, we decided to do all in our power to encourage new entry.

[12] Appendix filed as part of the original document.

[13] All Members concurred.

[Order 79-11-65]

Sky West; Temporary Subsidy Rate

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 79-11-65 which establishes Sky West's temporary subsidy rate at $305,000 annually from June 1, 1979, through May 31, 1981, inclusive, and at $277,150 for the year ending May 31, 1982.

SUMMARY: On July 31, 1979, Sky West petitioned the Board to establish its subsidy rates on both a temporary and final basis. In support of its request, Sky West stated that subsidy was necessary to provide adequate service to its two eligible points—Cedar City, Utah, and Page, Arizona. On October 16, 1979, the Board adopted Order 79-10-92 which proposed to set Sky West's temporary subsidy rate at $197,345 annually for the three-year period. On October 24, 1979, Sky West objected to Order 79-10-92, claiming that the Board had overlooked certain expenses in computing the proposed temporary subsidy rate. In Order 79-11-65, the Board agreed with the carrier, and revised the subsidy rate accordingly. A final rate will be set at a later date.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson or James M. Craun, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5368.

The complete text of Order 79-11-65 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-11-65 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, November 7, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-35248 Filed 11-14-79; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Alaska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alaska Advisory Committee (SAC) of the Commission will convene at 3:00 p.m. and will end at 6:00 p.m., on November 30, 1979, at the Alaska Board Room, United Bank Alaska, 645 G Street, Anchorage, Alaska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is program planning—employment follow-up.

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

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

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-35276 Filed 11-14-79; 8:45 am]

BILLING CODE 6335-01-M

Alaska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alaska Advisory Committee (SAC) of the Commission will convene at 12:00 p.m. and will end at 3:00 p.m., on November 29, 1979, at the Sheraton Hotel, 401 East 6th Avenue, Anchorage, Alaska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is a subcommittee meeting on Fisheries Project.

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

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

John I. Brinkley,

Advisory Committee Management Officer.

[FR Doc. 79-35277 Filed 11-14-79; 8:45 am]

BILLING CODE 6335-01-M

Tennessee Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Tennessee Advisory Committee (SAC) of the Commission will convene at 1:30 p.m. and will end at 5:30 p.m., on December 7, 1979, at the Hyatt Regency Knoxville, James Polk Room, 500 Hill Avenue, Knoxville, Tennessee 37915.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to review and discuss the SAC proposal for Affirmative Action Monitoring Project to be conducted in metropolitan Knoxville.

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

Dated at Washington, D.C., November 8, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-35278 Filed 11-14-79; 8:45 am]

BILLING CODE 6335-01-M

Iowa Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on December 11, 1979, at the University of Iowa, Iowa Memorial Union, Iowa City, Iowa 52242.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to receive reports of the National Chairpersons conference and Regional Planning conference; and review of current program activity.

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

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

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-35279 Filed 11-14-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Survey of Retail Sales and Inventories; Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1980 the Annual Retail Trade Survey, which has been conducted each year since 1951 (except 1954) under title 13, United States Code, sections 182, 224, and 225. This survey is conducted to collect data covering year-end inventories and annual sales of retail trade establishments. This survey, which would provide data for 1979, is the only continuing source available on a comparable classification and a timely basis for use as a benchmark for developing retail inventory and sales estimates.

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 only from a selected sample of firms operating retail establishments in the United States, with probability of selection based on their 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 of the Bureau of the Census on or before December 17, 1979.

Dated: November 9, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79-35271 Filed 11-14-79; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Order No. 148]

Approval for Expansion of Foreign-Trade Zone No. 23, Erie County, N.Y.

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the County of Erie, Grantee of Foreign-Trade Zone No. 23, located at the Niagara Frontier Transportation Authority's Buffalo Marine Terminal on Lake Erie, has applied to the Board for authority to expand its zone to include an additional zone site in the Town of Amherst, Erie County, ten miles from the existing zone;

Whereas, the application was accepted for filing on April 23, 1979, and notice inviting public comment was given in the Federal Register on April 26, 1979 (44 FR 24616);

Whereas, the additional site is requested in order to provide zone facilities for light industrial users and distributors;

Whereas, an examiner's committee has investigated the application in accordance with the Board's regulations and recommends approval; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulations are satisfied, and that the approval of the application is in the public interest;

Now, therefore, the Board hereby orders that the Grantee is authorized to expand Foreign-Trade Zone No. 23, in conformity with the application filed on April 23, 1979. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the new zone site. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C., this 2nd day of November 1979.

Juanita M. Kreps,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

John J. DaPonte,

Executive Secretary.

[FR Doc. 79-35219 Filed 11-14-79; 8:45 am]

BILLING CODE 3510-25-M

Industry and Trade Administration

Management-Labor Textile Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on November 30, 1979, at 10:30 a.m. in Room 4830, Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of information Officer, Industry and Trade Administration, Records Inspection Facility Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5078.

Dated: November 8, 1979.

Arthur Garel,

Director, Office of Textiles.

[FR Doc. 79-35170 Filed 11-14-79; 8:45 am]

BILLING CODE 3510-12-M

National Oceanic and Atmospheric Administration

Solicitation of Competitive Applications for Ocean Dumping Grants

AGENCY: Department of Commerce, National Oceanic and Atmospheric Administration, Office of Oceanic and Atmospheric Services, National Ocean Survey.

ACTION: Notice.

SUMMARY: This notice solicits competitive applications for participation in a specific research program involving ocean dumping and following analysts of ecological results. It is anticipated that awards will be made in the form of grants by NOAA; however, should contracts result, they will be awarded by the Office of Procurement and ADP Management, Department of Commerce, in accordance with Federal Procurement Regulations.

DATES: December 26, 1979, is the closing date for receipt of applications at the National Oceanic and Atmospheric Administration (NOAA) at the Rockville, MD, address shown below. It is contemplated that awards of grants can be made by March 1980.

FOR FURTHER INFORMATION CONTACT: NOAA, Grants Management Branch, AD113, 6010 Executive Boulevard, Rockville, MD 20852, (301) 443-8574.

SUPPLEMENTARY INFORMATION: Please see the three specific announcements which follow: (1) Announcement of a program involving waste disposal at the 106 Dumpsite southeast of New York, and the Puerto Rico Dumpsite; (2) Announcement of a program involving ocean dumping and dredged material and environmental monitoring of certain dumping areas (New York Bight, Cape Henry, and the Mississippi Delta), and (3) Announcement of a program involving shallow water ocean dumping at the Philadelphia dumpsite.

Francis J. Balint,

Acting Director, Office of Management & Computer Systems.

Announcement 1.—Ocean Dumping, Monitoring and Research Announcement of Competitive Grant Applications (Deep Ocean Dumping—106 Dumpsite (southeast of New York) and the Puerto Rico Dumpsite)

The Ocean Dumping and Monitoring Division (ODMD) of the National Ocean Survey, NOAA, announces that competitive applications for Ocean Dumping Grants will be accepted until December 26, 1979. The funds for the grants are appropriated through Title II, Section 201 under Pub. L. 92-532, Marine Protection, Research, and Sanctuaries Act of 1972.

Scope of this Program Announcement. This is one of several announcements that identify the general objectives and funding priorities of ODMD for Fiscal Year 1980. To the extent possible, data and findings resulting from this announcement will be published rapidly to assist State, municipal, and private parties interested in ocean dumping.

A. *Program Purpose.* Industrial wastes will be dumped at the 106 Dumpsite and the Puerto Rico Dumpsite during 1981. The purpose of the program is to determine the ecological consequences of using these sites for waste disposal.

B. *Eligible Applicants.* Any public or private, profit or nonprofit, entity or individual is eligible to apply for a grant under this announcement.

C. *Available Funds.* The ODMD expects to award $500,000 in approximately eight new and/or renewal grants pursuant to this announcement in Fiscal Year 1980. A new grant is the initial grant made in support of the project requested in an application. A renewal grant continues a project beyond the period for which the initial grant was made. The range of the funds per grant is expected to be from $50,000 to $100,000. Generally, projects will be supported for periods of 1 to 3 years. Support for additional time for a project depends on: (1) Availability of funds, (2) ODMD's assessment of the grantee's satisfactory performance on the project for which the original grant was awarded, and (3) the likelihood of the grantee's continued contribution to the priorities of the ODMD program.

Publication of this announcement does not obligate ODMD to award any specific number of grants, or to obligate the entire amount of funds available or any thereof.

D. *Program Objectives are:* 1. To determine the consequences of ocean dumping practices on phytoplankton. Use existing and new data generated in the laboratory and in the field.

2. Similar to one (1.) above, with emphasis on members of the Planktonic community other than phytoplankton.

3. To determine rates and directions of advection through dumpsites.

4. To determine rates of cross-pycnocline mixing of industrial wastes.

5. To determine the stability of organic compounds dumped into the marine environment as affected by biotic or abiotic processes.

E. *Application Process.* Applications which are late, incomplete, or otherwise do not conform to the application kit (Section I) will not be accepted for review, and applicants will be notified accordingly. All other applications will

be subject to a competitive review and evaluation in accordance with the established review process (Section G). If a decision is made to disapprove a competing grant application, or if funds are not available to support all approved competing grant applications, the applicants will be notified.

F. *Criteria for Grant Selection.* All proposals received as a result of this solicitation will be evaluated by a Grant Evaluation Board (GEB) in accordance with the evaluation factors outlined below. The evaluation factors will be applied in an identical manner to all proposals. The following factors will be given paramount consideration in the awarding of a grant. Scoring values are given to indicate to proposers the relative importance of each of the evaluation factors.

1. Carefully formulated measurable objectives, and the likelihood of meeting those objectives	25%
2. The promise of advancing knowledge in the marine sciences, as applied to ocean dumping research and monitoring	30%
3. The qualifications, experience, and commitments to the proposal of the principal investigators and supporting staff	25%
4. Facilities and experience of applicant	15%
5. Cost effectiveness of the cost proposal	5%
	100%

G. *Application Review Process.* All eligible applications submitted by the deadline date (Section H) will be reviewed and ranked by a GEB composed of a minimum of three Federal agency staff members with expertise in ocean sciences. The grant awards will be made by the NOAA Grants Officer approximately 3 months from the closing date for receipt of applications.

H. *Closing Date for Receipt of Applications.* The closing date for receipt of applications is December 26, 1979. An application will be considered to have arrived if: (1) The application is in the Grants Office or (2) the application is postmarked 5 days prior to the announced closing date.

I. Requests for Grants Application Kits and Inquiries should be made to: NOAA Grants Officer, Attn: AD113, 6010 Executive Boulevard, Rockville, Maryland 20852, 301-443-8574.

Announcement 2.—Ocean Dumping, Monitoring and Research Announcement of Competitive Grant Applications (Dredged Material Ocean Dumping)

The Ocean Dumping and Monitoring Division (ODMD) of the National Ocean Survey, NOAA, announces that competitive applications for Ocean Dumping Grants will be accepted until December 26, 1979. The funds for the grants are appropriated through Title II, Section 201 under Pub. L. 92-532, Marine Protection, Research, and Sanctuaries Act of 1972.

Scope of this Program Announcement. This is one of several announcements that identify the general objectives and funding priorities of ODMD for Fiscal Year 1980. To the extent possible, data and findings resulting from this announcement will be published rapidly to assist State, municipal, and private parties interested in ocean dumping.

A. *Program Purpose.* Dredging is an activity that develops and maintains the Nation's nearshore waterways and harbors. The purpose of this study is to implement a comprehensive study of the impact of ocean dumping of dredged material, and to develop a means for environmental monitoring of certain dumping areas (New York Bight, Cape Henry off the Chesapeake Bay, and the region of the Mississippi Delta).

B. *Eligible Applicants.* Any public or private, profit or nonprofit, entity or individual is eligible to apply for a grant under this announcement.

C. *Available Funds:* The ODMD expects to award $260,000 in approximately three new and/or renewal grants pursuant to this announcement in fiscal Year 1980. A new grant is the initial grant made in support of the project requested in an application. A renewal grant continues a project beyond the period for which the initial grant was made. The range of funds per grant is expected to be from $50,000 to $90,000. generally, projects will be supported for periods of 1 to 3 years. Support for additional time for a project depends on: (1) Availability of funds, (2) ODMD's assessment of the grantee's satisfactory performance on the project for which the original grant was awarded, and (3) the likelihood of the grantee's continued contribution to the priorities of the ODMD program.

Publication of this announcement does not obligate ODMD to award any specific number of grants, nor to obligate the entire amount of funds available or any part thereof.

D. *Program Objectives are:* 1. To determine sediment dispersion patterns at dumping sites: To attempt to estimate rates of vertical and horizontal dispersion of sediment plumes. To measure fractionation of different sized particles in the water column and on the bottom where dumped sediments accumulate.

2. To determine the fate of toxic metals released at the dumpsite.

3. To determine the environmental fate of natural and synthetic organic pollutants contained in dumping dredged material.

4. To determine the nature and duration of gross quality changes associated with the dumping (by acoustical plume tracking in conjunction with water quality and analysis).

E. *Application Process.* Application which are late, incomplete, or otherwise do not conform to the application kit (Section I) will not be accepted for review, and applicants will be notified accordingly. All other applications will be subject to a competitive review and evaluation in accordance with the established review process (Section G). If a decision is made to disapprove a competing grant application, or if funds are not available to support all approved competing grant applications, the applicants will be notified.

F. *Criteria for Grant Selection.* All proposals received as a result of this solicitation will be evaluated by a Grant Evaluation Board (GEB) in accordance with the evaluation factors outlined below. The evaluation factors will be applied in an identical manner to all proposals. The following factors will be given paramount consideration in the awarding of a grant. Scoring values are given to indicate to proposers the relative importance of each of the evaluation factors.

	Percent
1. Carefully formulated measurable objectives, and the likelihood of meeting those objectives	25
2. The promise of advancing knowledge in the marine sciences, as applied to ocean dumping research and monitoring	30
3. The qualifications, experience, and commitments to the proposal of the principal investigators and supporting staff	25
4. Facilities and experience of applicant	15
5. Cost effectiveness of the cost proposal	5
	100

G. *Application Review Process.* All eligible applications submitted by the deadline date (Section H) will be reviewed and ranked by an GEB composed of a minimum of three Federal agency staff members with expertise in ocean sciences. The grant awards will be made by the NOAA Grants Officer approximately 3 months from the closing date for receipt of applications.

H. *Closing Date for Receipt of Applications.* The closing date for receipt of applications is December 26, 1979. An application will be considered to have arrived if: (1) The application is in the Grants Office or (2) the application is postmarked 5 days prior to the announced closing date.

I. Requests for Grants Application Kits and Inquiries should be made to: NOAA Grants Officer, Attn: AD113, 6010 Executive Boulevard, Rockville, Maryland 20852, 301-443-8574.

Announcement 3.—Ocean Dumping, Monitoring and Research Announcement of Competitive Grant Applications (Shallow Water Ocean Dumping—Philadelphia Dumpsite)

The Ocean Dumping and Monitoring Division (ODMD) of the National Ocean Survey, NOAA, announces that competitive applications for Ocean Dumping Grants will be accepted until December 26, 1979. The funds for the grants are appropriated through Title II, Section 201 under Pub. L. 92-532, Marine Protection, Research, and Sanctuaries Act of 1972.

Scope of this Program Announcement. This is one of several announcements that identify the general objectives and funding priorities of ODMD for Fiscal Year 1980. To the extent possible, data and findings resulting from this announcement will be published rapidly to assist State, municipal, and private parties interested in ocean dumping.

A. *Program Purpose.* Dumping of sewage sludge at the Philadelphia dumpsite was initiated in 1973, and will cease by 1981. A trend of environmental modification and degradation is occurring in and around the dumping area. The purpose of the study is to determine the impact of sludge dumping at the site, and to develop means for environmental monitoring in the dumpsite area.

Monitoring and research will continue following 1981 (after the end of dumping) to study the recovery of the site.

B. *Eligible Applicants.* Any public or private, profit or nonprofit, entity or individual is eligible to apply for a grant under this announcement.

C. *Available Funds.* The ODMD expects to award $85,000 in approximately three new and/or renewal grants pursuant to this announcement in Fiscal Year 1980. A new grant is the initial grant made in support of the project requested in an application. A renewal grant continues a project beyond the period for which the initial grant was made. The range of the funds per grant is expected to be from $25,000 to $50,000. Generally, projects will be supported for periods of 1 to 3 years. Support for additional time for a project depends on: (1) Availability of funds, (2) ODMD's assessment of the grantee's satisfactory performance on the project for which the original grant was awarded, and (3) the likelihood of the grantee's continued contribution to the priorities of the ODMD program.

Publication of this announcement does not obligate ODMD to award any specific number of grants, nor to obligate the entire amount of funds available or any part thereof.

D. *Program Objectives are:* 1. To determine spatial distribution and depth of sludge beds.

2. To determine the factors controlling sludge distribution and accumulation.

3. To measure ecological changes in the bottom community, with emphasis on developing sampling strategies, and upon statistical manipulation of historical data from multiple biological stations within and away from the site.

4. To relate pathological conditions in mollusks and crustaceans from the site to particular types of pollutants. Emphasis will be upon necrotic gill and cuticular lesions in crabs and upon localized incidents of mortality in clams.

5. To determine gross levels of pollution by bacteriological analysis of sediments, benthic organisms, and water samples from the site.

E. *Application Process.* Applications which are late, incomplete, or otherwise do not conform to the application kit (Section I) will not be accepted for review, and applicants will be notified accordingly. All other applications will be subject to a competitive review and evaluation in accordance with the established review process (Section G). If a decision is made to disapprove a competing grant application, or if funds are not available to support all approved competing grant applications, the applicants will be notified.

F. *Criteria for Grant Selection.* All proposals received as a result of this solicitation will be evaluated by a Grant Evaluation Board (GEB) in accordance with the evaluation factors outlined below. The evaluation factors will be applied in an identical manner to all proposals. The following factors will be given paramount consideration in the awarding of a grant. Scoring values are given to indicate, to proposers the relative importance of each of the evaluation factors.

	Percent
1. Carefully formulated measurable objectives, and the likelihood of meeting those objectives	25
2. The promise of advancing knowledge in the marine sciences, as applied to ocean dumping research and monitoring	30
3. The qualifications, experience, and commitments to the proposal of the principal investigators and supporting staff	25
4. Facilities and experience of applicant	15
5. Cost effectiveness of the cost proposal	5
	100

G. *Application Review Process.* All eligible applications submitted by the deadline date (Section H) will be reviewed and ranked by an GEB composed of a minimum of three Federal agency staff members with expertise in ocean sciences. The grant awards will be made by the NOAA Grants Officer approximately 3 months from the closing date for receipt of applications.

H. *Closing Date for Receipt of Applications.* The closing date for receipt of applications is December 26, 1979. An application will be considered to have arrived if: (1) The application is in the Grants Office or (2) the application is postmarked 5 days prior to the announced closing date.

I. Requests for Grants Application Kits and Inquiries should be made to: NOAA Grants Officer, Attn: AD113, 6010 Executive Boulevard, Rockville, Maryland 20852, 301-443-8574.

[FR Doc. 79-35187 Filed 11-14-79; 8:45 am]
BILLING CODE 3510-12-M

Modification of Permits

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 2 issued to Sea Life, Inc., Makapuu Point, Waimanalo, Hawaii 96795, on February 8, 1974, as modified on March 3, 1975 (40 FR 8846), December 31, 1975 (40 FR 60105), October 18, 1977 (42 FR 55631), and December 2, 1977 (42 FR 61296), and Public Display Permit No. 197 issued on August 9, 1977 (40 FR 41466), as modified on October 18, 1977 (42 FR 55031) are modified in the following manner:

The period of the authorized takings has been extended from December 31, 1979 to December 31, 1982, for both permits.

These modifications are effective on November 15, 1979.

The Permits, as modified, and documentation pertaining to these modifications, are available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 7, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-35289 Filed 11-14-79; 8:45 am]
BILLING CODE 3510-22-M

Issuance of Permit

On October 4, 1979, Notice was published in the Federal Register (44 FR 57144), that an application had been filed with the National Marine Fisheries Service by Dr. Charles L. Ortiz, University of California at Santa Cruz,

Santa Cruz, California 95064, for a permit to take 1,890 northern elephant seals (*Mirounga angustirostris*) per year for 3 years for the purpose of scientific research.

Notice is hereby given that on November 7, 1979, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to conduct tagging and physiological studies on 1,890 northern elephant seals per year on Ano Nuevo Island, California subject to certain conditions set forth therein. The yearly authorized take includes the killing of 50 orphaned pups.

The Permit is available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 97031.

Dated: November 7, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-35270 Filed 11-14-79; 8:45 am]

BILLING CODE 3510-22-M

Financial Assistance for Fisheries Development; Availability/Instruction to the Public

AGENCY: National Oceanic and Atmospheric Administration/Dept. of Commerce.

ACTION: Notice of availability/Instructions to the public.

SUMMARY: The National Marine Fisheries Service announces the availability of fiscal year 1980 funds to conduct activities that would foster the development of and strengthen the fishing industry of the United States and increase the supply of wholesome, nutritious fish and fish products available to consumers. Projects will be funded through grants and cooperative agreements. Any person or group may submit a proposal. This notice sets forth conditions under which proposals will be evaluated to determine appropriateness for funding.

EFFECTIVE DATE: November 15, 1979.

FOR FURTHER INFORMATION CONTACT: Office of Utilization and Development, National Marine Fisheries Service, Washington, D.C. 20235, Phone: 202-634-7252, Attention: Preston Smith.

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Section I—Eligible Applicants

Applications for funding of fisheries development projects through either grants or cooperative agreements can be made by any person or group including Federal, State, and local governments, and Department of Commerce Regional Development Commissions in accordance with the procedures set forth in this notice. NMFS encourages minority individuals and groups, including women, to submit proposals for funding.

Section II—Availability and Duration of Funding

For fiscal year 1980, NMFS has available about $10,000,000 to fund the fishery development and utilization projects solicited herein. Either grants or cooperative agreements will be awarded for a period of 1 year, and may be continued on a non-competing basis for 2 additional years, if originally awarded as a multiyear project. Continuation funding is contingent upon the availability of future year funds, the meeting of project objectives, and the continued relevance of the project to the stated fisheries development policy. Any proposal submitted for multiyear funding shall contain a detailed proposal for the initial year in which funding is requested plus an outline of planned activities and expected costs for the succeeding year(s). A detailed plan of those activities and costs to occur in the succeeding year(s) shall be submitted within 6 months after an award is made.

Section III—Cost Sharing Provisions

Part of the total costs of each project, which would include in-kind contributions, must be provided from private and other than NMFS sources of financing. The amount of cost sharing will be an important factor in the selection of projects to be funded.

NMFS has determined that the amount of cost sharing should be related to two factors: (1) The relative distribution of the direct benefits from the project among the public at large vis-a-vis defined segments of the fishing industry; and (2) the relative risk of the project in terms of its potential ability to generate private profits. A project which will benefit the general public, such as a research project dealing with the safety of fish and fish products, will have a lower cost sharing requirement than one which directly benefits a specific segment of the industry or an identifiable number of firms. Similarly, industry demonstration projects in relatively risky ventures, such as those which are geared towards the harvesting, processing or marketing of nontraditional U.S. species, i.e., squid, Alaskan Pollock, etc., will be expected to provide lesser amounts of cost sharing than would industry projects directed towards species where strong domestic or foreign markets already exist for a U.S. product.

Specific cost sharing guidelines are still being developed and will be published at a later date. The guidelines will specify minimum cost sharing requirements that will have to be met but which may vary depending on the type of project and the capability of the applicant to share in the costs of the project. In some cases, the minimum cost sharing requirements for the applicant will equal 50 percent or more of the total costs of the project. Prospective applicants should make every effort to provide a significant share of the total costs of the project from in-kind contributions, private sources of funds, and sources of funding other than NMFS. The amount of cost sharing provided will be a significant factor in the evaluation of all proposals and will account for 15 points out of a total of 100 points to be assigned in evaluating the proposals.

In all cost sharing arrangements, including the definition of in-kind contributions, NMFS will determine whether the necessary cost sharing requirements have been met by the applicant.

Section IV—Appropriate Fisheries Development and Utilization Activities

NMFS intends that its funding of fisheries development activities will help remove economic and technological impediments to the development and strengthening of the U.S. fishing industry and increase the supply of wholesome, nutritious fish and fish products available to consumers.

Federal policy on fisheries development has established a number of policy goals. These are:

(1) To encourage the development and growth of the domestic fishing industry, thereby providing increased employment opportunities, improving the economic well-being of fisheries-dependent communities, and increasing the supply of economically priced fish and fish products to U.S. consumers;

(2) To lower the foreign trade deficit in fishery products through increased exports of U.S. fish and fish products;

(3) To provide consumers with fish and fish products that are wholesome and nutritious and to provide the quantity and variety of fish and fish products that the consumer demands;

(4) To promote a coordinated effort between the fishing industry and Federal, State, and local governments to achieve fisheries development;

(5) To encourage the development of fish resources which will support growth in the fishing industry and strengthen the long-term viability of the industry; and

(6) To improve market efficiency, both domestic and foreign, through information transfer and the elimination of any practices that restrict competition.

NMFS is seeking to support fisheries development activities which will contribute to and support these goals.

In general, the NMFS will consider funding activities for:

(1) Fishery specific programs designed to develop a new fishery or expand an existing fishery which has potential for growth. Such programs would describe all the various elements or work tasks in the areas of harvesting, processing, distributing, and marketing which relate to each other and which would be necessary for the development of a fishery. The activities of such a program might include:

(a) Exploratory fishing and other activities to improve harvest techniques, including efforts to improve efficiency;

(b) Developing or demonstrating a new or existing technology, including new and more efficient handling, processing, and preservation methods;

(c) Developing new fish product concepts and/or forms and addressing problems/questions regarding product quality, safety, and nutritional value; and

(d) Developing new markets or expanding existing markets, both in the United States and in foreign countries.

(2) Programs which are not fishery specific but are related to more than one fishery or which would have an impact that is more national in scope. Examples of activities in these programs include:

(a) Infrastructure development planning;

(b) Technology development and transfer;

(c) Expansion of exports and improved access to foreign markets;

(d) Development of information on the safety, quality and nutritional value of fish and fish products;

(e) Promotion of efficiency in the market and reduction or elimination of adverse impacts resulting from regulations that affect the fishing industry;

(f) Expansion of consumer awareness and knowledge about fish and fish products; and

(g) Developing a program of assistance to small and minority businesses to enable them to participate actively in the development of fish resources and utilization of fish and fish products.

For fiscal year 1980, the NMFS seeks to fund fisheries development and utilization activities in 7 areas of interest and concern which are of equal priority. These areas, which are described below, were identified by the Department of Commerce Fisheries Development Task Force and by members of the fishing industry as the most desirable. The final report of this Task Force is available from the office listed at the front of this notice. The topics described within each area are merely illustrative of projects that might be performed and do not exclude other possible projects within the 7 areas of concern.

Applicants having ideas in any of these 7 areas are encouraged to develop them into complete proposals. There is no guarantee that sufficient funds will be available to make awards for all approved proposals even in the solicited areas. All proposals submitted will have to compete with one another within and across areas.

Section V—NMFS Priortiy Areas for Grants and Cooperative Agreeements

A. *Regional Fishery Specific Programs.* In this area, NMFS is soliciting proposals for (1) projects to identify a specific fishery or group of fisheries capable of supporting further development, plan the development or expansion of these fisheries, and define those activities which, if undertaken, would lead to development or expansion of the fishery or group of fisheries; (2) projects to identify and plan the removal of impediments which significantly inhibit development or expansion of such fisheries; and (3) projects for effective outreach to small and minority groups involved in those fisheries. A fishery is defined as an interrelated set of elements, from production through consumption, that are related to a specific species or several species which are similar in nature. Examples of fisheries are Alaskan pollock, Pacific whiting, New England whiting, Gulf of Mexico groundfish, etc.

It is anticipated that a regional fisheries specific program will include projects from some or all of the remaining 6 areas of emphasis. Similarly, any proposal that addresses the needs of a particular region should identify how it relates to any regional program to develop a fishery or group of fisheries where such a program exists. Proposals which address regional needs will be considered even though they may not be part of an existing regional fisheries specific program; however, such proposals will be evaluated within the context of the needs of the region as identified in the regional program and will be ranked more favorably if they are closely integrated with the regional plans where such plans exist.

The NMFS is seeking to encourage a regional approach to developing or strenthening fisheries in recognition of the particular characteristics and differing priorities in the various regions. Regional priorities should be identified and established by groups or organizations having an interest in the development of fisheries in the region.

B. *Technology Development and Transfer.* Projects in this area would include (1) analysis through studies and demonstrations of current technologies being used in the harvesting and processing sectors of specific fisheries by U.S. harvestors and processors, as well as those used by foreign producers, the feasibility of transferring available technology from one fishery to another, and the costs and benefits of such technology transfer; (2) projects to improve storage techniques, improve processing or preservation methods or determine other means which would increase the ability of the industry to utilize available fish resources and provide an increased variety of safe, wholesome, and nutritious fish and fish products to consumers; (3) projects which examine fishing vessel safety, to determine or demonstrate how the

safety of the vessel operations might be improved, and develop programs to teach vessel safety; and (4) projects to determine and reduce energy needs of the harvesting and processing sectors, and to disseminate information on technological advances in energy conservation measures applicable to the fishing industry.

C. *Improving Access to Domestic and Foreign Markets.* In this area, projects would be designed to (1) identify U.S. fish resources presently or potentially available for export and determine potential foreign markets where U.S. fish and fish products could be introduced or where exports could be increased; (2) organize marketing ventures which demonstrate the existence of export markets, export education activities to inform U.S. producers of export markets, and trade missions to promote acceptance of U.S. fish and fish products; (3) determine fish product forms, styles, etc. required or desired by foreign seafood consumers; (4) determine, compile, and publish fish and fish products safety, quality, and labeling standards and inspection requirements of foreign governments and product specifications of foreign purchasers; (5) determine the impact of imported fish and fish products and of domestic and foreign trade barriers on the American economy and procedures and implications of requiring or removing tariff and non-tariff barriers; (6) develop foreign consumer awareness of American fish and fish products; and (7) expand the use of domestically harvested fish in institutional markets in the United States, with particular emphasis on introducing developing fishery resources into domestic markets.

D. *Safety, Quality, and Nutritional Value of Fish and Fish Products.* In this area, NMFS is soliciting (1) studies to determine the levels and public health significance of hazardous materials in fish and fish products; (2) studies to identify and measure natural toxins in fish, and research to avoid or remove toxic fish from the market place; (3) studies to determine characteristics, chemical properties, composition, and nutritional qualities of commercial and recreational species; (4) studies to determine the effects of processing, storage, additives, and methods of cooking on the nutritive quality and shelf life of fish and fish products; (5) studies to assist in the development of modern, effective product standards and specifications addressing the safety, quality, nutritional value, fill-of-container, labeling (including nomenclature), and composition of fish and fish products; and (6) studies to identify and eliminate specific safety, quality, and identity (labeling) problems which are impediments to the development and utilization of nontraditional or underutilized fish resources.

E. *Infrastructure Development.* NMFS is soliciting proposals for (1) studies, at the regional level, complementing efforts by the Economic Development Administration, Maritime Administration, Minority Business Development Agency, or the U.S. Army Corps of Engineers, to define impediments to fisheries development resulting from lack of ports, harbors, or support facilities; (2) cost/benefit studies to determine the feasibility of public expenditures on such infrastructure; and (3) studies to plan the placement, characteristics, and priorities of such infrastructure required to support regional fisheries development activities.

F. *Industry Economic Studies.* Studies in this area should be of an applied nature designed to achieve results that could be translated into specific actions by either industry or appropriate Federal, State, or local governments. This would include (1) studies to identify the nature and types of market forces that exist in the seafood market place, how these differ from traditional markets, whether these market forces tend to inhibit the free flow of fish and fish products, and how these forces could be altered to promote an increased flow of fish and fish products to meet consumer demands and promote system efficiency; and (2) studies to determine market structure and the need for government assistance to cooperatives, how the creation of cooperative institutions would affect small minority businesses, the production process, the structure of the market, or prices and quantities of product available to the consumer, and any other impacts of any such cooperative institutions on the industry.

Additional studies would identify the requirements and needs of the investment community and develop methods to help firms within the fishing industry to strengthen their operations to gain needed financing. There is also a need for studies to analyze the effect of existing or proposed Federal and State regulations on fisheries development and utilization, determine the cost impact of such regulations on the fishing industry and on consumers, and investigate ways to minimize or eliminate any unneccessarily adverse impacts; studies to examine the practicability of establishing new fishing businesses around new fisheries technologies; and projects to develop methods to upgrade existing small and minority businesses through the transfer of appropriate and new technologies to existing businesses and the use of specially designed education programs to assist these businesses to improve their management capabilities as they increase the size of their businesses.

G. *Consumer Education/Consumer Awareness.* In this area, NMFS is soliciting (1) studies which would determine consumer attitudes toward fish and fish products and measure seafood consumption patterns; (2) projects to develop information to meet consumer needs, including data and information on the safety, quality, and nutritional value of fish and fish products; (3) studies to determine and demonstrate the most effective type of educational materials about fish and fish products and the best system for disseminating these materials to consumers; (4) development of a monitoring system to evaluate consumer education efforts and to encourage consumer participation in both regional and national fisheries development and utilization programs; and (5) activities to educate consumers on the nutritional advantage, economy, and preparation of fish and fish products.

Section VI—Review Criteria

Proposals to conduct fishery development and utilization projects, as solicited by this notice, must meet certain minimum requirements to be considered for funding. These include consistency with the national goals for fisheries development outlined in the Policy and Program Statement on Fisheries Development issued in May 1979 (obtainable from the office listed at the beginning of this notice), provision for the required sharing of costs through other than NMFS sources of funding, and a minority business plan. Proposals which do not satisfy these minimum requirements, as determined by staff review at the Regional or Washington, D.C. Offices of NMFS, shall not be submitted for a formal review and evaluation in accordance with the criteria described below.

In addition to these minimum requirements, proposals addressing needs of a particular region shall give evidence of support by persons or groups within the region directly affected by the proposal or having an interest in the proposal objectives. Proposals must include adequate provision for the evaluation and monitoring of project performance. This is particularly important in the case of proposals for demonstration projects.

Proposals which contain these elements will be given point scores using the following criteria:

(a) The extent to which project objectives and design are consistent with national fishery development goals (20 points).

(b) The technical, regional, and economic feasibility of the project and likelihood of project objectives being obtained (20 points).

(c) Adequacy of the project plan in terms of level of effort, time, costs, organization, and management of the project (15 points).

(d) Extent to which the applicant proposes to obtain greater than the required minimum financial or in-kind contributions from sources other than the NMFS including private sources, taking into account the nature of the applicant and the proposed project (15 points).

(e) Adequacy of the evaluation procedures to monitor the project while it is in progess and to determine the impact of the project once it is complete (10 points).

(f) Qualifications of the management team (10 points).

(g) Relation of the benefits to be received to the costs of the project (10 points).

Section VII—Review Process

Proposals for fisheries development projects that deal with a particular fishery or which would affect a particular Region or area of the country should be submitted to the appropriate Regional Office of the National Marine Fisheries Service. A listing of Regional Offices and the States serviced by each appears at the end of this notice. Projects that do not directly address the development of a particular fishery or region of the country but would address broad national impediments to increased use of fish and fish products, industry efficiency, or consumer welfare should be submitted to the NMFS Washington Office for evaluation.

Proposals submitted to a Regional Office of the NMFS will be reviewed by the Regional Office, in consultation with the NMFS Fishery Research Centers, Regional Fishery Management Councils and others as appropriate. The relationship of the development proposal to fishery management efforts is an important element of the initial screening process. Therefore, the appropriate Regional Fishery Management Council(s) may be asked to review the proposals and advise of real or potential conflicts with the activities of the Council(s).

All proposals will initially be reviewed by the Regional Office or by the NMFS Washington, D.C. Office of Utilization and Development, as appropriate, to determine whether the minimum requirements of this notice have been met, and whether the proposal is qualified for funding. Decisions concerning minimum requirements by the Region or the NMFS Washington Office of Utilization and Development will be final. Those proposals which have been determined to meet minumum requirements will be further reviewed by the Washington, D.C. Office of Utilization and Development in accordance with the established criteria outlined above. As part of this review all projects will be given point scores based on the aforementioned criteria. Personnel from other Federal agencies and independent experts may also be requested to provide comments that would aid in determining which proposals should be recommended for funding.

The Office of Utilization and Development will then develop and submit its recommendations for project funding to the Assistant Administrator for Fisheries who will make the final determination as to which projects will be funded. The type of funding agreement to be used and the official awarding of funds will be made by the NOAA Grants Officers.

Section VIII—Recommended Format

The format used for project proposals should give a clear presenation of the proposed project and its relation to the specified policy objectives. Each proposal should follow the format outlined below unless there is a compelling reason to do otherwise.

A. Cover Sheet

A Federal Government Standard form 424 shall be used as the cover sheet. In the description of the proposed project called for on this form, the applicant shall indicate the fisheries to be affected either by name, location, or other project identification characteristics, the duration of the project, and a brief indication of the expected results of the project. Standard form 424 may be obtained from the NMFS Regional Offices or the NMFS Washington Office listed at the end of this notice.

B. Project Description

Each proposal shall provide, in fifteen pages or less, a complete and accurate description of the proposed project. This section should provide the basic information to be used in evaluating the proposal to determine its priority for funding.

The information provided in this section must be brief and specific. Detailed background or financial justification material for any information given in this section must be included as supporting documentation to the proposal.

The following format shall be used for the project description:

(1) *Project Goals and Objectives.* The project's objectives must be clearly and unambiguously stated. To the greatest extent possible, they should be stated in quantitative terms or other descriptors which can be measured. The impediments to development which the project is addressing shall also be articulated and the extent to which the project will eliminate or reduce those impediments should be described.

(2) *Appropriateness and Need for Government Financial Assistance.* The proposal should clearly state why Federal financial assistance is needed and, if relevant, what factors inhibit private industry from undertaking the project without such assistance. All available alternatives to Federal assistance, including State and local government aid, should be listed.

(3) *Participation by non-Government Entities.* The expected or required participation by non-government entities in the proposed project(s) which complement and support the proposal should be described, indicating what benefits, if any, will accrue to those who participate and the process through which non-government entities can take part in the project.

(4) *Federal, State, and Local Government Activities.* All existing Federal, State, or local government comprehensive plans or activities which would be affected by this proposal should be identified, and the relationship between the proposed project(s) and these plans should be explained.

(5) *Project Outline.* The proposal should clearly set out the tasks that are to be performed, the key events or milestones in accomplishing the task schedule, and the feasibility of achieving each of these events or milestones.

(6) *Project Management.* The proposal should describe how the project(s) will be organized and managed and should list those persons or groups who will perform the project(s) along with their qualifications to do so and their level of involvement in the project(s).

(7) *Project Evaluation.* The proposal must describe how the progress of the project will be monitored and evaluated while the project is underway and upon completion. The proposal must also indicate what actions the applicant would undertake in the event project objectives become unattainable. This is

particularly important in the case of demonstration projects where specific tasks and results may be influenced by factors beyond the control of the applicant.

(8) *Project Benefits.* The proposal should indicate the direct and indirect benefits that the project seeks to achieve and to whom these benefits will accrue. These benefits should be described in quantitative terms to the extent possible and practical.

(9) *Dissemination of Project Results.* The proposal should describe (a) how the project results will be distributed to the public, including consumers; (b) who is anticipated to use these results; and (c) how they would be used.

(10) *Project Costs.* The proposal should provide a detailed schedule of project(s) costs, identifying in particular, (a) sub-contracts, (b) salaries, (c) travel cost, and (d) other administrative and technical costs of the project(s).

(11) *Cost Sharing for the Project.* All projects will require some costs to be covered by other sources of funding. All activities which will be undertaken either directly or indirectly by the applicant or by others as a result of participation in the project(s), which will be funded through private and other than NMFS sources of funding including in-kind contributions should be identified and the financial amount of this participation quantified. The portion of the total costs of the project and the timing of availability of contributions which would be accounted for by this non-government involvement should be indicated.

C. Consultations

This section shall describe the extent to which the applicant formulated the proposal and intends to carry it out in coordination with other interested persons (including minorities) or with those who might be directly affected by the project. Specifically, the proposal shall:

(a) Identify those persons or groups directly responsible for producing the proposed project;

(b) Identify those persons or groups who were consulted during the preparation of the proposed project, and their expected involvement in the project; and

(c) Provide the names of persons or groups, if any, who are known to oppose the project or who might oppose the project, setting forth the reasons for the actual or expected opposition.

D. Minority Business Enterprise Plan.

It is the policy of the Department of Commerce that recipients of grants or cooperative agreements of $100,000 or more shall procure from minority business enterprise reasonable portions of the supplies, equipment, or services purchased with such assistance. Therefore, any applicant seeking financial assistance of $100,000 or more shall include a plan to promote minority business enterprise which will be implemented if the assistance is awarded. Information concerning the content of a Minority Business Enterprise Plan is available from the NMFS Regional or Washington Offices.

E. Supporting Documentation

The supporting documentation shall contain any further justification for information used in describing the project if the applicant feels such additional documentation would strengthen the proposal. The amount of information given in this section will vary depending on the type of project(s) for which funding is being sought. In preparing this section, the applicant should attempt to present any information which would lend greater credibility to the project. Of particular importance would be the significance of the impediments addressed by the proposal and the methodology used to calculate the costs and benefits of the project. In any instance where the applicant may feel that the merits of the project may not be fully understood or the value of the project to fisheries development may be underestimated, the supporting documentation would provide the means to support the project's value. In the same respect, the lack of adequate supporting documentation may cause reviewers to question assertions which were made in describing the project and may result in the project being ranked lower than if more detailed information had been provided.

Section IX—Administrative Requirements

A. Obligation of the Applicant

It shall be the responsibility of the applicant to satisfy all requirements for submission of a proposal and to provide all information necessary for the evaluation of the proposal. Any omission of information can lead to a lower evaluation of the proposal and a lower priority ranking for funding approval. The applicant or designate shall be available to respond to questions concerning the proposal. In the event a proposal is approved for funding, the applicant shall be responsible for satisfying all administrative and managerial conditions that may be required by NMFS.

B. Obligation of the National Marine Fisheries Service

It shall be the responsibility of the National Marine Fisheries Service (NMFS) to provide all forms and explanatory information necessary for the proper submission of proposals for fisheries development and utilization projects. NMFS shall also provide advice, through the NMFS Office servicing the applicant's area, to insure adequate knowledge on the part of the applicant of NMFS fisheries development policies and goals. In the event a regional proposal is approved for funding, the appropriate NMFS Regional Director shall be responsible for ensuring that all requirements and conditions for the use of such funds are known by the applicant.

NMFS will monitor all projects to ascertain their effectiveness in achieving the stated objectives of the project and in producing measurable results. The monitoring process will compare the actual accomplishments of a project with the specific goals the project was intended to accomplish. Important considerations in this process will be the attainment of the goals described in the project proposal within the time frame specfied and the actual measurable accomplishments that can be attributed to the work performed by the project. Conclusions drawn by NMFS in monitoring projects will be used to support funding decisions on multiyear projects and on succeeding or similar projects.

C. Legal Requirements

The applicant shall be required to fulfill any requirements of applicable Federal laws.

The applicant submitting a proposal for which Federal assistance is approved shall manage the day-to-day operations of the project. The applicant shall be responsible for the completion of those actions required in connection with the funding.

D. Reporting Requirements

The applicant for a project approved for funding shall be required to submit quarterly reports concerning the use of funds and progress of the project. These reports shall disclose whether goals, objectives, or planned accomplishments are being achieved within projected time periods, if necessary, reasons why goals and objectives are not being met, and reasons for changes to plans and the resulting redirection of resources and activities. If several projects have been funded, the report should cover each fishery development and utilization project and/or award, whichever is

appropriate. Such quarterly progress reports shall be due within 30 days after the end of the quarter and shall be submitted to the person specified by the funding agreement. The quarterly reports need not be long, but they must be informative in responding to the issues raised above.

A final report shall be submitted within 90 days after the end of the project. The final report shall describe the project and the work that was performed. It shall describe the results that were obtained and shall quantify these results to the extent possible and practical. The project results should relate specifically to the objectives of the project and should be identified as either resulting from the work performed or from external factors over which the project managers exercised no control. The results shall be described in terms of their success in resolving specific impediments to development and/or their potential for being integrated into the efforts of private industry to develop fish resources. Any conditions or requirements that must be met before the project results can be effectively utilized shall be identified shall be identified and described. The final report shall be made available by the NMFS to Congress, other public agencies, and the public upon request.

The applicant may be required to report on a more frequent basis if the NMFS finds that this is necessary to ensure that NMFS can carry out its responsibilities in project monitoring.

Section X—Application Submission and Deadline

One signed original and two (2) copies of all completed applications must be submitted to the appropriate reviewing official at the address specified below. Proposals must be received not later than January 15, 1980 for projects to be funded in April 1980 and not later than April 1, 1980 for projects to be funded in July 1980. The amount of funding available for the second submission will be contingent upon obligations made in the first.

Proposals submitted by January 15, 1980 which do not rank high enough to receive funding, will be retained for consideration with those being received by the April 1, 1980 cut-off date or will be returned with a request for additional information.

Any person desiring to submit a proposal on April 1, 1980, may submit a letter of intent by January 15, 1980 briefly describing (including probable funding level) the proposed project(s). This will provide NMFS with an indication of possible future funding needs.

Notice of the availability of financial assistance for fisheries development projects will also appear in the *Commerce Business Daily*.

Regional proposals should be submitted to the appropriate Region as specified below:

Northeast Region (Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota):
Regional Director, National Marine Fisheries Service, Federal Bldg., 14 Elm Street, Gloucester, MA 01930, Phone: (617) 281-3600.

Southeast Region (North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, New Mexico, Oklahoma, Arkansas, Tennessee, Kentucky, Missouri, Kansas, Nebraska, Iowa, Puerto Rico, Virgin Islands):
Regional Director, National Marine Fisheries Service, Duval Bldg., 9450 Koger Blvd., St. Petersburg, Florida 33702, Phone (813) 893-3142.

Southwest Region (California, Hawaii, Nevada, Arizona, American Samoa, Guam, Trust Territory of Pacific Islands):
Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Phone (213) 548-2575.

Northwest Region (Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota):
Regional Director, National Marine Fisheries Service, 1700 Westlake Ave., North, Seattle, WA 98109, Phone (206) 442-7575.

Alaska Region (Alaska):
Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, Phone (907) 586-7221.

Proposals that do not directly address the development of a particular fishery or region of the country but do address broad national impediments to increased use of fish and fish products, industry efficiency, or consumer welfare should be sent to: Director, Office of Utilization and Development, National Marine Fisheries Service, Washington, D.C. 20235.

If an applicant is unsure who should review the proposal, it should also be sent to the above address.

Signed at Washington, D.C., this 9th day of November 1979.

Jack W. Gehringer,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 79-35281 Filed 11-14-79; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Level for Certain Cotton Textile Products from Pakistan

November 8, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting an increase for swing and carryforward in Category 341 (women's, girls' and infants' woven cotton blouses), produced or manufactured in Pakistan and exported during the agreement year which began on January 1, 1979.

(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 21843)).

SUMMARY: The Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan 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). Pursuant to the terms of the bilateral agreement and at the request of the Government of Pakistan, the import restraint level established for Category 341 is being increased from 137,931 dozen to 155,862 dozen for the twelve-month period which began on January 1, 1979 and extends through December 31, 1979.

EFFECTIVE DATE: November 15, 1979.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On January 21, 1979 a letter dated December 27, 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 92), which established import restraint levels for certain specified categories of cotton textile products, produced or manufactured in Pakistan and exported to the United States during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. A further letter dated July 13, 1979 was published in the Federal Register on July

18, 1979 (44 FR 41903) which established a level of restraint for Category 341 during the same twelve-month period.

In the letter published below the Commissioner of Customs is directed, in accordance with the provisions of the bilateral agreement, to adjust the level of restraint previously established for Category 341 to 155,862 dozen.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 8, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 27, 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 textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels or 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 the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan; 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 15, 1979, to increase the twelve-month level of restraint established for cotton textile products in Category 341 to 155,862 dozen.[2]

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan 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. 79-35169 Filed 11-14-79; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, between the Governments of the United States and Pakistan, which provides, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements for adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1978.

DEPARTMENT OF DEFENSE

Department of the Army

Fort George G. Meade, Md.; Filing of Environmental Impact Statement

The Army, on November 9, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing missions at Fort Meade, Maryland. The alternative of maintaining, discontinuing, or changing missions at Fort Meade are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Environmental and Energy Control Office, Directorate of Facilities Engineering, Fort George G. Meade, MD 20755.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, telephone: (202) 694-3434.

Daniel R. Voss,

Acting Deputy for Environment, Saftey and Occupational Health, OASA (IL&FM).

[FR Doc. 79-35253 Filed 11-14-79; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on December 3, 1979 from 10 a.m. to 12 a.m. in room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

H. E. Lofdahl,

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

November 8, 1979.

[FR Doc. 79-35255 Filed 11-14-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

Food Industry Advisory Committee and Subcommittees; Open Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Food Industry Advisory Committee and Subcommittees.

Date and time: December 4, 1979—9:00 a.m.

Place: Dallas Hilton Hotel, 1914 Commerce Street, Dallas, Texas.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-5187.

Public Participation: The meetings are open to the public. The Chairmen of the Committee and Subcommittees are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee or Subcommittees will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should call the Advisory Committee Management Office at the above number at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Purpose of Committee: To provide the Secretary of Energy with recommendations and advice with respect to the development and implementation of policies and programs affecting the food industry.

Tentative Agenda

9:00 a.m. to noon—Sub-Committee Meetings.

- Supply Subcommittee—Room 418.
- Technology Implementation Subcommittee—Room 415.
- Technology Development Subcommittee—Room 419.

- Transportation and Distribution Subcommittee—Room 422.

12:00 to 1:00 p.m.—Lunch.

1:00 to 3:30 p.m.—Full Committee—Room Embassy West.

Special presentations arising out of subcommittee work; subcommittee reports on projects including but not limited to those scheduled for completion in December.

Reports of subcommittees as follows:

Supply Subcommittee—Report on energy emergency contingency plans; report on energy supply technologies using food and non-food sources; report on the status of gasohol.

Technology Development—Review of DOE criteria for technology transfer and commercialization; progress report on energy technology needs within food industry; recommendation regarding equipment manufacturers; Peterkin and Boyd reports on research in progress.

Technology Implementation—Progress report regarding state energy conservation plans and pilot guide for food consumers; status report on projects scheduled for February completion.

Transportation and Distribution—Recommendation on diesel conversion mechanism.

3:30 to 4:00 p.m.—Requests to full Committee for action; any discussion of future work.

4:00 to 4:10 p.m.—Presentation by Nancy Moore, Pacific Northwest Labs.

4:10 to 4:40 p.m.—Trade association reports.

4:40 p.m.—Public Comment (10 minute rule).

Issued at Washington, D.C. on November 9, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-35273 Filed 11-14-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Michaelson Producing Co., et al.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: October 24, 1979.

COMMENTS BY: December 17, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, SW District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, S.W. District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone (214) 767-7745.

SUPPLEMENTARY INFORMATION: On October 24, 1979, the Office of Enforcement of the ERA executed a Consent Order with Michaelson Producing Company, et al (Michaelson, et al) of Midland, Texas. Under 10 CFR 205.199J(b). The Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Michaelson, with its office located in Midland, Texas is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Michaelson, et al, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Audit was September 1, 1973 through December 31, 1975, and it included all sales of crude oil which were made during that period.

2. Michaelson, et al allegedly applied the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Michaelson, et al have agreed to a settlement in the amount of $280,000 plus interest. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Michaelson, et al.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made though the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Michaelson, et al agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.(1) above, the total sum of $280,000 plus interest within twenty-four (24) months of the execution of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, SW District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by

writing to the same address or be calling (214) 767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Michaelson Producing Company, et al, Consent Order." We will consider all comments we received by 4:30 p.m., local time, on December 17, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2d day of November 1979.

Wayne I. Tucker,

District Manager, Southwest District of Enforcement, Economic Regulatory Administration.

[FR Doc. 79-35274 Filed 11-14-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP78-532]

Ozark Gas Transmission System; Availability of Environmental Assessment for Proposed Natural Gas Pipeline in Oklahoma and Arkansas

November 9, 1979.

Notice is hereby given in the above docket that on November 15, 1979, an environmental assessment (EA), prepared by the staff of the Federal Energy Regulatory Commission, was made available.

The EA addresses the application by Ozark Gas Transmission System (Ozark) in Docket No. CP78-532 for a certificate of public convenience and necessity, requested pursuant to Section 7(c) of the Natural Gas Act, to authorize the construction and operation of pipeline facilities. Natural gas would be obtained from presently developed natural gas reserves in the Arkoma Basin in Oklahoma and Arkansas, as well as from reserves which will be developed in the future. The gas would be transported or exchanged through the Ozark System to an existing pipeline system and sold to the applicant's customers or its affiliates.

The Ozark System would consist of 280 miles of 20-inch diameter pipeline extending in a generally easterly direction from Pittsburgh County, Oklahoma, to the proposed point of interconnection with an existing transmission system in White County, Arkansas. In addition to the main pipeline system, there would be approximately 170 miles of 4- to 10-inch diameter laterals; gas measuring stations, skidmounted dehydration units, and compressor stations located as required along the pipeline system. The pipeline would traverse Pittsburgh, Latimer, Haskell, Sequoyah, and LeFlore Counties in Oklahoma and Crawford, Sebastian, Franklin, Logan, Johnson, Pope, Conway, Faulkner, and White Counties in Arkansas.

The EA concludes that the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment.

This EA has been circulated to Federal, state, and local agencies and all parties to the proceedings. It has been placed in the public files of the Commission and is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426. Copies are available in limited quantities from the Commission's Office of Public Information.

Any person who wishes to do so may file comments on the EA on or before December 17, 1979. All comments must be filed on or before December 14, 1979. Any person who wishes to present evidence on environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to section 1.8 of the Commission's Rules of Practice and Procedure (18 CFR 1.8). All testimony addressing environmental matters must be filed on or before November 30, 1979, and must be accompanied by a petition to intervene unless intervention was previously granted. If environmental testimony cannot be completed before November 30, permission to file later must be obtained from the administrative law judge prior to the hearing on December 5, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-35275 Filed 11-14-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 79-732]

Composite Week Dates for the Annual Programming Report

November 7, 1979.

The following dates will constitute the composite week for use in the preparation of the Annual Programming Report (FCC Form 303-A) for all commercial television licensees and permittees who must file this report by February 1, 1980.

Sunday, March 4, 1979
Monday, April 2, 1979
Tuesday, September 18, 1979
Wednesday, August 22, 1979
Thursday, June 21, 1979
Friday, February 9, 1979
Saturday, May 19, 1979

Composite Week for Program Log Analysis for Commercial TV Licensees and Certain Other Applicants

Licensees of commercial television stations with license expiration dates of June 1, and thereafter during calendar year 1980, will also use the composite week dates set forth above in answering Question Nos. 5, 11 and 12 of Section IV of the television license renewal application (FCC Form 303).

Additonally, the above dates will constitute the composite week for use by television applicants in preparing assignment of license and transfer of control applications filed on or after January 1, 1980.

Action by the Commission November 6, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown and Jones.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-35176 Filed 11-14-79; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. 20661; FCC 79-674]

Inquiry Into the Need for a Radio Service To Transmit to Spectators in Sports Events a Running Account of the Progress of the Game and How That Need Should Be Accommodated

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order.

SUMMARY: This Memorandum Opinion and Order declines to make available of the Business Radio Service frequencies to accommodate a new radio service for the transmission to spectators in sports events a running account of the progress of the game.

EFFECTIVE DATE: Non-Applicable.

FOR FURTHER INFORMATION CONTACT: Emmett H. Pritchard, Private Radio Bureau (202) 632-6497.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

Memorandum Opinion and Order—(Proceeding Terminated)

Adopted: October 25, 1979.

Released: November 6, 1979.

In the matter of inquiry into the need for a radio service to transmit to spectators in sports events a running

account of the progress of the game and how that need should be accommodated, Docket No. 20661.

1. On October 30, 1975, we released a Notice of Inquiry (FCC 75-1191) (40 FR 51090) on the need for a radio service to transmit to spectators in sports events a running account of the progress of the game and how that need, if it exists, should be accommodated. Comments were specifically requested on whether a "sportscasting" service should be accommodated in the Business Radio Service.

2. Comments and replies were filed.[1] The commenters generally opposed the idea of placing a "sportscasting" service in the Business Radio Service, because the service would be incompatible with the radio system uses of co-channel operators in the Business Radio Service and cause extensive interference with their operations.

3. In conjunction with this proceeding, we did authorize the granting of short-term, limited authorizations under our developmental rules (47 CFR 90.501 et. seq.) for testing of a "sportscasting" service. Authorization for testing purposes was granted to two entities—Professional Golf Broadcast System (PGBS) and Fore/Caster, Inc. PGBS did not submit any data from testing at actual sports events and Fore/Caster has not tested a system at a professional sports event.

4. In view of the foregoing, we find that no substantial need for the service has been demonstrated and we are unable to find that the public interest would be served by providing for such service.

5. Accordingly, it is ordered pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, That this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Parties Filing Comments and Reply Comments

Appendix

Comments

1. Andrew Corporation.
2. Dow Chemical Telecommunications Corporation.
3. Special Industrial Radio Service Association, Inc.
4. National Association of Manufacturers.
5. Broad Street Communications Corporation.
6. Airsignal International, Inc.
7. Communitronics, Inc.
8. National Association of Business and Educational Radio, Inc.
9. American Petroleum Institute.
10. Broadcast Engineering Standards, Inc.
11. Professional Golf Broadcast System.
12. Forest Industries Telecommunications.

Reply Comments

1. National Association of Business and Educational Radio, Inc.
2. Communitronics, Inc.

[FR Doc. 79-35177 Filed 11-14-79; 8:45 am]

BILLING CODE 6712-01

[1] Appendix, "Parties Filing Comments and Reply Comments."

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Staudt International Services Corp., 7614 Melrose Avenue, Los Angeles, CA 90046, Officers: Arthur B. Staudt, President, Gloria M. Staudt, Secretary.

Gray International Forwarding, Inc., 1290 South Pearl Street, P.O. Box 10096, Denver, CO 80210, Officers: David R. Gray, II, President, Vayann D. Gray, Vice President, David R. Gray, Secretary/Treasurer.

Hilton Freight Systems Corporation, 425 Shatto Place, Suite 400, Los Angeles, CA 90020, Officers: Michael Bromgren, President, Jorge E. Rivera, Chairman, Fujimi Mudge, Secretary, George J. Bailey, Financial Officer, Jaime Palafox, Vice President.

Jagron Customs Brokers and International Freight Forwarders, Inc., 170 Broadway, Room 1812, New York, NY 10038, Officers: Gerhard Grob, President/Director, Rene Perret, Secretary/Treasurer.

Golden Eagle International Forwarding, Inc., 9695 NW 13th Street, Miami, FL 33172, Officers: Gary Mitchell Goldfarb, President, Carlos A. Eapinosa, Vice President, Nancy Danziger, Secretary/Treasurer/Director.

Equipsa Incorporated, 7701 SW Ct., Miami, FL 33183, Officers: Ramon Usategui, President, Grace Rappaccioli, Treasurer, Nicelio Sanchez, Secretary.

Mar-Ocean (Marina Perez, d.b.a.), 1204 16th Avenue, San Francisco, CA 94122.

Pantrac Shipping Co. (Benjamin Hamalian, d.b.a.), 260 Fifth Avenue, Room 1201, New York, NY 10001.

Holders Overseas Shipping & Crating Services Corporation, 360 Sumner Avenue, Brooklyn, NY 11221, Officers: Madeline E. Holder, President/Treasurer, Almous E. Holder, Vice President, Peter A. Clarke, Secretary.

Lion Forwarding Co. (Larry W. LaGorio, d.b.a.), 22633 La Rochelle, Saugus, CA 91350.

American Kings, Inc., 9854 SW 26th Terrace, Miami, FL 33165, Officers: Vicente C. Mendez, President, Jorge M. Espinosa, Vice President, Enrique J. Venta, Secretary, Orlando Almanza, Treasurer.

Pronto Cargo Corporation, 4850 SW 92nd Avenue, Miami, FL 33165, Officers: Jorge Veitia, President, Eduardo Fandino, Vice President.

Beam Shipping, Inc., 29 East Madison Street, Suite 508, Chicago, IL 60602, Officers: Desmond Patterson, President, Eva-Maria M. Patterson, Secretary, Barrie E. Mathews, Director.

California Customs Brokers (Laurie J. Peach, d.b.a.), 17625 Cranshaw Blvd., Torrance, CA 90504.

Oxford Shipping Co. (Percy Jones, Jr., d.b.a.), 303 E. Fayette Street, Suite 100, Baltimore, MD 21202.

Adelo Jose Gugliatto, 9950 SW 11th Terrace, Miami, FL 33174.

Shamrock International, Inc., P.O. Box 30748, Maritime Bldg., Suite 1001, New Orleans, LA 70190, Officers: Don M. Alexander, Sole Stockholder, M. T. Gordy, Secretary, Kathryn Cockerham Mouney, Secretary/Treasurer.

Sina International Forwarders, Inc., 7614 Melrose Avenue, Hollywood, CA 90046, Officer: Joseph Sinaguglia, President.

Crossworld Services Unlimited, Inc., 7100 N.W. 12th Street, Miami, FL 33126, Officers: Vincent G. Kessler, Jr., President/Treasurer, Stella M. Kessler, Secretary.

Castle International Co. (Alberto Llona, d.b.a.), 5140 W. 104th Street, Inglewood, CA 90304.

Continental Forwarding Company (Victoria Genaro, d.b.a.), 4844 Sierra Madre Drive, New Orleans, LA 70127.

Dunnington and Arnold International, Inc., 74 Trinity Place, New York, NY 10006, Officers: Alfred H. Arnold, President, Guy A. Dunnington, Vice President.

Gedenk of Panatlantic, Inc., 17 Battery Place, Suite 1624, New York, NY 10004, Officers: Gerhard Gedenk, President/Treasurer/Director, Waltraut Gedenk, Secretary/Vice President/Director.

All International Freight Forwarders, Inc., 8101 N.W. 60th Street, P.O. Box 522005, Miami, FL 33152, Officers: Jorge Marquet, President, Mercedes Fernandez, Secretary, Zenaida Guevara, Treasurer, Aurelio Gonzalez, Asst. Secretary.

By the Federal Maritime Commission.

Dated: November 9, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-35281 Filed 11-14-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American Bancorp, Inc.; Formation of Bank Holding Company

American Bancorp, Inc., San Antonio, Texas, has applied for the Board's approval under section 3(a)(1) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of The American Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 1, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35195 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

Century New Orleans Bancshares, Inc.; Formation of Bank Holding Company

Century New Orleans Bancshares, Inc., New Orleans, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Century National Bank in New Orleans, New Orleans, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 5, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35192 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

Colonial-American Bankshares Corp.; Acquisition of Bank

Colonial-American Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the Mountain National Bank of Clifton Forge, Clifton Forge, Virginia, the successor by merger to Colonial American National Bank-Clifton Forge. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 5, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35193 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

Enterprise Bancshares, Inc.; Formation of Bank Holding Company

Enterprise Bancshares, Inc., Mount Enterprise, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80–99.87 percent, less directors' qualifying shares, of the voting shares of Merchants & Planters State Bank, Mount Enterprise, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 5, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 2, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35194 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

The Exchange Holding Co.; Formation of Bank Holding Company

The Exchange Holding Company, Mound City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.5 percent or more of the voting shares of Exchange Bank, Mound City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 2, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35190 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

First National Corp.; Acquisition of Bank

First National Corporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Farmers & Merchants Bank, Menomonee Falls, Wisconsin. The factors that are considered in acting on the application

are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 5, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35196 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

Maxwell Bancorporation; Formation of Bank Holding Company

Maxwell Bancorporation, Maxwell, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Maxwell State Bank, Maxwell, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 5, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35188 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

Mercer County, Bancshares, Inc.; Formation of Bank Holding Company

Mercer County Bancshares, Inc., Princeton, Missouri has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.22 percent of the voting shares (less directors' qualifying shares) of Princeton State Bank, Princeton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 5, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-35197 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

Montana Bancsystem, Inc.; Formation of Bank Holding Company

November 6, 1979.

Montana Bancsystem, Inc., Billings, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85 percent or more of the voting shares of Montana Bank of Belgrade, Belgrade, Montana; Montana Bank of Circle, Circle, Montana; First National Montana Bank of Missoula, Missoula, Montana; Montana Bank of South Missoula, Missoula, Montana; Baker Bancorporation, Inc., Bozeman Bancorporation, Inc., Butte Insurance Agency, Inc., Mineral County Bancorporation, Inc., Red Lodge Bancorporation, Inc., Roundup Insurance Agency, Inc., and Sidney Holding Company, Inc., all of Billings, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 5, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35191 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

Rush Springs Bancorporation, Inc.; Formation of Bank Holding Company

Rush Springs Bancorporation, Inc., Rush Springs, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank, Rush Springs, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Rush Springs Bancorporation, Inc., Rush Springs, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire indirectly voting shares of Rush Springs Insurance Agency, Rush Springs, Oklahoma.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and credit accident and health insurance directly related to extensions of credit by Bank. These activities would be performed from offices of Applicant's subsidiary in Rush Springs, Oklahoma, and the geographic areas to be served are Grady County, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any

request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 5, 1979.

Board of Governors of the Federal Reserve System, November 5, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-35169 Filed 11-14-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Mental Health Council; Meeting

In accordance with Section (a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of December, 1979.

National Advisory Mental Health Council

December 6-7, 9:30 A.M.—Open meeting, Conference Room, "C" Wing, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Contact: Mrs. Zelia Diggs, Room 11-101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301)443/4333

Purpose. The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda. The entire meeting will be devoted to discussion of NIMH policy issues and will be open to the public. Discussions will include current administrative, legislative, and program developments.

Substantive information may be obtained from the contact person listed above. Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the Council members is Mr. Paul Sirovatka, Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15-105, 5600 Fishers Lane, Rockville, Maryland 20857, (301)443-4536.

Dated: November 8, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-35168 Filed 11-14-79; 8:45 am]

BILLING CODE 4110-88-M

Office of the Secretary

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the status of women will hold its Health Task Force meeting on Wednesday, December 5, 1979 from 10:00 a.m. to 3:00 p.m. The meeting will be held in Room 624-D, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The agenda will include discussion on reproductive technology, adolescent pregnancy, and National Health Insurance.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: November 7, 1979.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79-35258 Filed 11-14-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Receipt of Petition for Reassumption of Jurisdiction—Confederated Tribes and Bands, Yakima Indian Nation

November 6, 1979.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the Confederated Tribes and Bands of the Yakima Indian Nation, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Yakima Agency Office, Bureau of Indian Affairs, Toppenish, Washington.

Rick C. Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 79-35220 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[M 35736]

Montana; Coal Lease Offering by Sealed Bid

November 6, 1979.

U.S. Department of the Interior, Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Notice is hereby given that at 2 p.m., Wednesday, December 12, 1979, in the Conference Room on the 6th Floor of the Granite Tower Building, the coal resources in the tracts described below will be offered for competitive lease by sealed bid to the qualified bidder of the highest cash amount per acre or fraction thereof. No bid will be considered which is less than $5,523.63/acre. This offering is being made as a result of an application filed by Decker Coal Company in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101).

Bids received after 2 p.m. on the day of the sale will not be considered. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received at the above address before 2 p.m., December 12, 1979. The successful bidder is obligated to pay for the newspaper publication of this Notice.

Coal offered. The tract is located approximately 4 miles northeast of Decker in Big Horn County, Montana, and contains 530.085 acres:

T. 8 S., R. 40 E., P.M.M.,
Sec. 34: N½SW¼NE¼, SW¼SW¼NE¼, W½.

T. 9 S., R. 40 E., P.M.M.,
Sec. 3: W½ Lot 2, NW¼SW¼NE¼, S½SW¼NE¼, SW¼NE¼SE¼, NW¼SE¼, S½SE¼.

The coal resources offered are limited to all strippable reserves of the Anderson-Dietz #1 (D-1) and the Dietz #2 (D-2) beds. Geological Survey has reported that the tract contains an estimated total of 14.8 million tons of recoverable reserves, 3.2 million tons of D-1 coal and 11.6 million tons of D-2 coal. The D-1 bed averages about 25 feet thick and the D-2 bed averages about 20 feet thick. The coal is subbituminous B and averages (as-received) about 9700 Btu/lb. for the D-1 and about 9400 Btu/lb. for the D-2 with about .4 percent sulfur and about 5 percent ash. The coal resources are within the Powder River Basin Known Recoverable Coal Resource Area.

Rental and royalty. The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States at the rate of 12.5 percent of the value of coal mined by strip mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Detailed statement of sale. A detailed statement of the sale, including bidding instructions and the terms of the lease, is available at the office listed above. All case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary which meet the exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management Office at the address given above.

Roland F. Lee,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-35223 Filed 11-14-79; 8:45 am]
BILLING CODE 4310-84-M

Nevada; Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

1. The Plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on December 28, 1979:

Mount Diablo Meridian, Nevada

T. 14 S., R. 48 E.

A portion of the subdivisional lines—West and North boundaries of Section 36.

2. The portion of the township surveyed is an arid desert region and is located on the southeast tip of Yucca Mountain. The soil is sandy, with volcanic ash. The vegetation consists of creosote bush and shadscale, with scattered cactus.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on December 28, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nevada 89509.

Date Signed; November 6, 1979
Loyd C. Miller,
Chief, Branch of Records and Data Management.

[FR Doc. 79-35224 Filed 11-14-79; 8:45 am]
BILLING CODE 4310-84-M

[Wyoming 48330]

Coal Lease Offering by Sealed Bid

Public notice is hereby given that at 2:00 P.M. on December 5, 1979 the following described tract in Carbon County, near Hanna, Wyoming, will be offered for coal lease by the Bureau of Land Management, United States Department of the Interior.

Sixth Principal Meridian, Wyoming

Township 23 North, Range 81 West
Section 20: E½NE¼, E½E½NW¼NE¼, NE¼SE¼.
Containing 130.00 acres, more or less.

The lease will be for the coal recoverable by surface mining methods from only bed #80, as defined by the U.S. Geological Survey, and any overlying coal beds. The estimated recoverable reserves are 1.6 million tons. The bed averages about 28 feet thick, and the coal is expected to average about 11,400 Btu/lb. with 6.7% ash and 0.8% sulfur. This would classify the coal as high volatile C Bituminous.

The coal lease will be issued to the qualified bidder of the highest cash amount per acre or fraction thereof. Minimum bids of $25.00 per acre are required for consideration. The sale will be held in the third floor conference room of the Bureau of Land Management office building located at 2515 Warren Avenue in Cheyenne, Wyoming.

Offers to lease need not be in any prescribed form but must be submitted as sealed bids which will be opened and publicly announced at the specified time of sale. No bids received after 1:00 P.M. on December 5, 1979 will be considered. The Bureau of Land Management reserves the right to reject any an all bids and to issue the lease to the next highest bidder if the otherwise successful bidder fails to qualify or obtain the lease for any other reason. All money deposits submitted with offers to lease which are not accepted will be returned to the unsuccessful bidders within a few days of the sale. The successful bidder will be obligated to pay for the advertising costs associated with this coal lease sale.

Payment of the bonus bids will be on a deferred basis, one-fifth due on the day of the sale, and the balance due in equal annual installments on the first four anniversary dates of the lease. The lease issued as a result of this offering will provide for payment of annual rentals of three dollars ($3.00) per acre or fraction thereof for the duration of the lease and a production royalty of 12.5 percent of the value of the coal produced from surface mining. The value of the coal shall be determined in accordance with 30 CFR 211.63.

All bidders must meet the requirements set out in Subpart 3472 of Title 43 of the Code of Federal Regulations. In addition, all bidders must meet the emergency leasing criteria required by 43 CFR 3425.1-4 and 3425.4(b)(2). A lease will not be issued to any bidder who holds or controls more than 46,080 acres under federal coal lease within any one state or 100,000 acres under federal coal lease within the United States. In accordance with the Federal Coal Leasing Amendments Act of 1975, the successful bidder, as a prospective lessee, will be required to disclose the nature and extent of its coal holdings and other information to the Department of Justice for review.

All documents and written comments concerning this lease offering, except those identified as proprietary information and which meet exemptions stated in the Freedom of Information Act, will be available for public examination on the fourth floor of the Bureau of Land Management office building located at 2515 Warren Avenue in Cheyenne, Wyoming.

Persons or companies desiring to submit bids or make comments concerning this sale are invited to write to the State Director, Wyoming State Office, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001, in order to obtain a detailed statement about this coal lease offering.

Nyles L. Humphrey,
Acting State Director.

[FR Doc. 79-35222 Filed 11-14-79; 8:45 am]
BILLING CODE 4310-84-M

Preplanning Activities for Resource Management Plan, Glenwood Springs Resource Area, Grand Junction District, Colo.; Correction

Correction to Federal Register Notice "Preplanning Activities for Resource Management Plan, Glenwood Spring Resource Area, Grand Junction District, Colorado", Federal Register/Vol. 44, No. 209/Friday, October 26, 1979, (FR Doc. 33266), page 61664.

Last Paragraphs reads; If you wish to discuss, review, or obtain copies preplanning documents for the Glenwood Springs Resource Area you may write, call, or visit BLM offices at the addresses below:

Correct last paragraph to read; If you wish to review or obtain copies of preplanning documents for the Glenwood Springs Resource Area you may write, call or visit BLM offices at the addresses below after January 15, 1980.

David A. Jones,
District Manager.

[FR Doc. 79-35226 Filed 11-14-79; 8:45 am]
BILLING CODE 4310-84-M

[Colorado 25379K]

Northwest Pipeline Corp.; R/W Application for Pipeline

November 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way, No. 79430, for a 6⅝" o.d. natural gas pipeline 0.972 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco County, Colorado

T. 3 S., R. 100 W.,
Sec. 20: N½SW¼, SW¼SW¼,
Sec. 29: NW¼NW¼,
Sec. 30: E½NE¼.

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicant's customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.* Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

John R. Bernick,
Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-35162 Filed 11-14-79; 8:45 am]
BILLING CODE 4310-84-M

[Colorado 25122 BD]

Northwest Pipeline Corp.; R/W Application for Pipeline

November 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way, #79424, for a 4¼" o.d. natural gas pipeline for the Foundation Creek Gathering System well hookup approximately 1.025 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco County, Colorado

T. 3 S., R. 102 W.,
Sec. 35: N½NE¼,
Sec. 36: NW¼NW¼, S½NW¼, NE¼SW¼.

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.* Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

John R. Bernick,
Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-35163 Filed 11-14-79; 8:45 am]
BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Alan Harmata, PRT 2-4164, Montana State University, Bozeman, Montana 59714.

The applicant requests an amendment to his valid endangered species permit for nestling Blad eagles (*Haliaeetus leucocephalus*) to capture, band and radio-track adult bald eagles in Montana and Colorado for scientific research on the winter ecology and migration habits of Rocky Mountain bald eagles.

Applicant: Henry Doorly Zoo, PRT 2-4884, Omaha, Nebraska 68107.

The applicant requests a permit to import in foreign commerce two captive-bred cheetahs (*Acinonyx jubatus*) from the Metropolitan Toronto Zoo, Ontario, Canada for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before December 17, 1979, by submitting written data, views, or arguments to the Director at the above address.

Dated: November 8, 1979.

Donald G. Donahoo,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-35153 Filed 11-14-79; 8:45 am]
BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified

activity with the indicated Endangered Species:

Applicant: Kansas City Zoological Gardens, PRT 2-4807, Swope Park, Kansas City, Missouri 64132.

The applicant requests a permit to import in foreign commerce one Asian Wild Ass *(Equus hemionus)* from the Foundation for Research of Animal and Plant World Institute in Oberwil, Switzerland for enhancement of propagation and survival.

Applicant: Henry R. Bose, Jr., PRT 2-4800, 221 River Hills Road, Austin, Texas 78746.

The applicant requests a permit to purchase in interstate commerce two Nene geese *(Branta sandvicensis)* from the Denver City Zoo, Denver, Colorado for enhancement of propagation.

Applicant: Henry Doorly Zoo, PRT 2-4882, Riverview Park, Omaha, Nebraska 68107.

The applicant requests a permit to import during the course of a commercial activity one Bactrian camel *(Camelus bactrianus)* from the Calgary Zoo, Calgary, Alberta, Canada for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before December 17, 1979, by submitting written data, views, or arguments to the Director at the above address.

Dated: November 8, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish & Wildlife Service.

[FR Doc. 79-35154 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Thomas A. Griffiths, Department of Zoology, University of Massachusetts, Amherst, Massachusetts 01003.

The applicant requests a permit to salvage Indiana bat (*Myotis sodalis*) skeletal materials and to capture and release live specimens for scientific purposes.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4871. Interested persons may comment on this application on or before December 17, 1979, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: November 8, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-35155 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Corps of Engineers, St. Louis District, ED-BA, 210 N. 12th Street, Rm. 853, St. Louis, Missouri 63101.

The applicant requests a permit to capture and release the following species for scientific purposes: Indiana bat (*Myotis sodalis*), grey bat (*Myotis grisescens*), Curtis pearly mussel (*Epioblasma florentina curtisi*), Fat pocketbook pearly mussel (*Potamilus capax*), Pink mucket pearly mussel (*Lampsilis orbiculata*), and Higgins' eye pearly mussel (*Lampsilis higginsi*) and to take voucher specimens of mussels.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4857. Interested persons may comment on this application on or before December 17, 1979, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: November 7, 1979

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-35156 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Training and Qualification of Personnel in Well-Control Training

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Clarification of U.S. Geological Survey policy relative to Well-Control classes conducted outside the United States.

SUMMARY: The Federal Register Notice, Vol. 42, No. 251, published by the U.S. Geological Survey on December 30, 1977, set forth the U.S. Geological Survey Outer Continental Shelf (OCS) Training Standard No. T 1 (GSS-OCS-T 1), "Training and Qualification of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations." The purpose of this Notice is to set forth the U.S. Geological Survey policy regarding Well-Control classes conducted outside the United States.

FOR FURTHER INFORMATION CONTACT: Mr. R. B. Krahl, U.S. Geological Survey, National Center, Reston, Virginia 22092 (703/860-7531).

SUPPLEMENTARY INFORMATION: The U.S. Geological Survey has recently reassessed the scope of the Well-Control classes conducted outside the United States. The U.S. Geological Survey policy regarding Well-Control classes conducted outside the United States is as follows:

As of December 1, 1979, only Well-Control training classes conducted inside the United States by approved Well-Control training schools in accordance with GSS-OCS-T 1 and applicable Federal Register Notices will be recognized as having met the requirements of GSS-OCS-T 1.

The U.S. Geological Survey has adopted the above policy due to the inherent difficulty and expense with scheduling and monitoring Well-Control training conducted outside the United States.

Dated: November 7, 1979.

J. S. Cragwall, Jr.,

Acting Director.

[FR Doc. 79-35166 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m.

(PDT) on Saturday, December 8, 1979 at Fort Mason Visitor Center, Golden Gate National Recreation Area Headquarters, San Francisco, CA.

The Advisory Commission was established by Public Law 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items will be the review of public testimony on the General Management Plan for Golden Gate National Recreation Area and Point Reyes National Seashore, and an update from the Education/Recreation Committee.

This meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Lynn H. Thompson, General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123, telephone (415) 556-2920.

Minutes of the meeting will be available for public inspection by January 8, 1980 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: November 2, 1979.

John H. Davis,

Acting Regional Director, Western Region.

[FR Doc. 79-35221 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[516 DM 1-6]

National Environmental Policy Act Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Notice of proposed revised instructions for the Fish and Wildlife Service.

SUMMARY: This notice proposes an appendix to the Department's NEPA procedures for the Fish and Wildlife Service. The proposed Departmental procedures were published in the Federal Register on July 10, 1979 (44 FR 40436).

DATE: Comments due December 10, 1979.

ADDRESS: Comments to: Larry E. Meierotto, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-3891.

For Fish and Wildlife Service, contact Steven Taub, Telephone (202) 343-5685.

SUPPLEMENTARY INFORMATION: This proposed appendix to the Departmental Manual (516 DM 6) provides more specific NEPA compliance guidance to the Fish and Wildlife Service (Appendix 2). In particular it provides information about Service organizational responsibilities for NEPA compliance, advice to applicants, actions normally requiring the preparation of an environmental statement, and categorical exclusions. The appendix should be taken in conjunction with the proposed Departmental procedures (516 DM 1-6) which were published in the Federal Register on July 10, 1979 (44 FR 40436). In addition, the service will prepare a handbook(s) or other technical guidance on how to apply these procedures to its principal programs.

Previously published proposed appendices include the Bureau of Reclamation (Appendix 9) (44 FR 47627) and the Heritage Conservation and Recreation Service (44 FR 49523). Appendices for other bureaus will be published as notices during the next few weeks for 30-day public comment.

Comments on this proposed appendix (516 DM 6, Appendix 2) are invited. To be considered in the preparation of the final appendix, comments must be received by December 10, 1979.

Dated: November 7, 1979.

James Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

2.1 *Responsibilities for NEPA matters.*

A. *Washington, D.C. Office.* The Director is responsible for overall management and guidance of FWS NEPA-related involvement. Each Associate Director (Wildlife Resources, Fishery Resources, Research, Federal Assistance and Environment) is responsible for general guidance and compliance in their respective areas of responsibility. In addition the Associate Director—Environment has been delegated oversight responsibility for FWS NEPA compliance. The Office of Environmental Coordination, which reports to the Associate Director—Environment, is responsible for internal control of both environmental reviews of documents prepared by other agencies, and environmental statements prepared by the various FWS divisions. The Office of Environmental Coordination is also responsible for preparing FWS NEPA procedures, guidelines and instructions, and for supplying technical assistance in NEPA matters to FWS entities.

B. *Regional Offices.* An individual in each Regional Office and the Alaska Area Office, named by title and reporting to the Regional or Alaska Area Director, will have NEPA coordination duties at the regional level similar to those of the Office of Environmental Coordination. In addition each Area Office will have an individual with similar responsibilities. The Regional Offices addresses are listed below.

Region 1: U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232.
Region 2: U.S. Fish and Wildlife Service, 500 Gold Avenue, SW., Room 10102, Post Office Box 1306, Albuquerque, New Mexico 87103.
Region 3: U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
Region 4: U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303.
Region 5: U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.
Region 6: U.S. Fish and Wildlife Service, Denver Federal Center, Post Office Box 25486, Denver, Colorado 80225.
Alaska: U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

2.2 *Permit Regulations and Guidance for Applicants.*

A. *Permits and Licenses Reviewed by FWS under the Fish and Wildlife Coordination Act (FWCA).* Under provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; 48 Stat. 401, as amended), the U.S. Fish and Wildlife Service investigates and reports on all proposals for work and/or other activities in or affecting the waters of the United States that are sanctioned, permitted, assisted or conducted by the Federal Government. The non-Federal works and activities reviewed under the authority of the Fish and Wildlife Coordination Act include:

(1) Works and activities in navigable waters of the United States, permitted by the

Corps of Engineers (Corps) or the Coast Guard (CG) under Sections 9 and 10 of the River and Harbor Act of March 3, 1899 (1899 Act).

(2) Works secondarily permitted by the Corps, such as mineral exploration and development on the Outer Continental Shelf (OCS) and other public lands, rights-of-way on public lands and activities in wetlands in Guam, the Virgin Islands and American Samoa.

(3) Discharge of pollutants and the disposal of materials, including:

(a) Discharge of pollutants permitted by the Environmental Protection Agency (EPA) under Section 402 of the Clean Water Act (CWA).

(b) Disposal of dredged and fill material permitted by the Corps under Section 404, CWA.

(c) Ocean dumping of dredged material permitted by EPA under Section 102 of the of the Marine Protection, Research and Sanctuaries Act of 1972.

(d) Disposal of sewage sludge permitted by EPA under Section 405, CWA.

(4) Construction of powerplants and related facilities permitted or licensed by the Federal Energy Regulatory Commission or the Nuclear Regulatory Commission.

(5) Other federally sanctioned works that affect streams or other water bodies and therefore require a permit from the Corps, CG or EPA. These include most channels, highways, airports, and transmission lines, and dredging, filling, discharge, or disposal related to hydro, steam, and nuclear electric generating plants. It also includes OCS and public lands leases for oil and mineral exploration and development, permits for drilling and other mineral developments, and rights-of-way and other permits issued for works involving Federal lands.

B. *FWS Permits.* The FWS also has responsibility for issuing certain permits to Federal and State agencies and private parties for actions which would involve certain wildlife species and/or use of FWS-administered lands.

(1) *FWS Permits for the Taking, Possession, Transportation, sale, Purchase, Barter, Exportation, or Importation of Certain Wildlife Species.* The Code of Federal Regulations, part 13, Title 50 (50 CFR 13) contains regulations for General Permit Procedures. Section 13.3 lists types of permits and the pertinent Parts of 50 CFR. These include: Import and Marking (part 14), Feather Imports (Part 15), Injurious Wildlife (part 16), Endangered Species (Part 17), Marine Mammals (Part 18), Migratory Birds (Part 21), eagles (Part 22), and Endangered Species Convention (Part 23). Potential applicants should request information from the Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

(2) *Federal Lands Managed by the FWS.* The Refuge Administration Act (Administration of National Wildlife Refuge System, 16 U.S.C. 668dd–668ee) allows the granting of easements and rights-of-way across lands in the National Wildlife Refuge System only when the Regional Director, FWS, determines that such use is compatible with the purposes for which the area was established. detailed procedures an applicant must adhere to are contained in the Code of Federal Regulations, Title 50, Part 29 (50 CFR 29). These rules and regulations apply to all FWS-administered lands.

C. *Federal Aid to States.* The FWS administers funds to States under the Anadromous Fish and Conservation Act (CFDA #15.600), Fish Restoration Act (CFDA#15.600), Wildlife Restoration Act (CFDA #15.611), and the Endangered Species Conservation Act (CFDA #16.612). Information on how States may request funds through the FWS under these Acts is contained in the Federal Aid Manual. Copies of this Manual have been provided to all State fish and wildlife agencies and are regularly updated. Current copies are also available for inspection in each FWS Regional Office as well as the Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

2.3 *Major Decision Points Normally Requiring an EIS*

In accordance with 516 DM 2.3E, following is a list of proposed FWS actions that will normally require the preparation of an EIS:

A. Establishment of new refuges, fish hatcheries, or research stations and major additions to existing installations.

B. Master plans for major new installations.

C. Master plans for established installations where major new developments or substantial changes in management practices are proposed.

2.4 *Categorical Exclusions.* Listed below are Categorical Exclusions specific to FWS programs. This list was developed pursuant to 516 DM 2.3A, and supplements those exclusions listed by the Department in Appendix 1 to 516 DM 2. These exclusions replace those listed in Federal Register, Vol. 44, No. 112, June 8, 1979, pp. 33160–33162.

A. *Surveys, Inventories and Monitoring Activities.* These excluded activities are undertaken to determine the numbers and conditions of fish and wildlife, endangered plants, their habitats, or the harvest or other uses of these resources. Surveys range from direct observation of animals or measures of habitat conditions to indirect determinations relying on proven sampling procedures. While most surveys will employ direct or indirect counts of fish or wildlife, some may require capture for more complete identification or examination for age, condition, productivity, health and general fitness. Population estimates may require the capture, tagging and release of some animals. Monitoring activities include sampling fish and wildlife to determine contaminant residue trends as part of the Toxic Substances Control Act. Surveys of wildlife users to determine their desires and needs may further show economic, sociological, aesthetic, or scientific values. The data acquired from surveys and inventories generally form the basis for management recommendations. While the actual surveys and inventories are categorically excluded, the recommended management actions will be separately subject to environmental analysis to evaluate the possible need for further environmental documentation.

B. *Routine Operation and Maintenance.* Routine maintenance is defined as the repair, renovation, and upkeep of facilities and improvements at the same location for the same purpose. Excluded activities include work on existing drainage ditches, roads, bridges, small dams, water control structures, dikes, and levees unless such activities would alter or expand the existing capacity, use or purpose. Routine maintenance of habitat conditions to include minor, short-term modifications in vegetative cover is excluded, unless management activities would substantially alter the dominant vegetation on substantial acreage over a longer period of time. Also excluded are maintenance of fish cultural raceways, nesting structures, parking lots, building, target ranges, picnic and camping areas, fences, signs, trails, boat ramps, and major equipment items.

C. *Service Training Activities, Conservation and Hunter Education, and Public Information and Interpretation Activities.* Excluded are training activities for FWS personnel, and activities to make the public more knowledgable about fish and wildlife resources and their values, and which will promote fuller and safer outdoor experiences without unnecessarily detracting from the enjoyment of others. Not excluded are activities that involve a significant long-term commitment of environmental resources.

D. *Research Studies.* Research studies are excluded except:

(1) Studies which involve significant animal mortality or experimental introduction of nonindigenous plants and/or animals; and

(2) Studies that require significant disruption of the physical environment or the introduction of significant amounts of pesticides or other contaminants into the environment.

E. *Consultation and Technical Assistance.* Excluded are consultation and technical guidance and assistance, including reports or recommendations provided to other Federal and State agencies, public corporations or individuas to assist them in their planning actions to either benefit or minimize harm to fish and wildlife resources.

F. *Migratory Bird Banding Projects.* Banding activities undertaken or funded by the FWS to obtain information on waterfowl and other migratory birds are excluded.

G. *Removal of Non-Valuable, Recent Structures and Materials.* Removing discarded or abandoned materials and structures, including dumps, automobiles, fences, and building to restore a natural appearance is excluded, after establishing that the materials or structures have no significant historical, archeological, or architectural value.

H. *Annual Issuance of Public Use Rules.* Promulgation of routine annual special regulations for hunting, fishing, and public use are excluded, *unless* they involve a significant change from the previous year, in which case appropriate environmental documents will be prepared.

I. *Federally-Aided Planning Projects.* State Planning Projects funded by FWS for future actions are categorically excluded. However, when the plan is submitted to Federal officials for approval, the program proposed by that plan must be in compliance with NEPA and be accompanied by appropriate NEPA documentation.

J. *Coordination Projects.* Coordination projects provided for administrative and clerical services over the States' Federal Aid projects are categorically excluded. This administrative function involves the development of work plans and provisions for technical direction of program employees, correlating Federal Aid-financed activities with other State operations, and maintaining records essential to the program.

[FR Doc. 79-35225 Filed 11-14-79; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on November 27 and 28, 1979, from 9:00 a.m. to 5:00 p.m., at the El Tropicano Hotel, 110 Lexington Avenue, San Antonio, Texas 78205.

The Advisory Committee will discuss the role of small, new, and minority-based voluntary agencies in overseas development. Also under discussion will be the Committee's Agenda for 1980 and related matters.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

Mr. John A. Ulinski will be the A.I.D. representative at the meeting. It is suggested that those desiring further information contact Mr. Ulinski at 202-632-8937, or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Calvin H. Raullerson,

Assistant Administrator, Bureau for Private and Development Cooperation.

November 5, 1979.

[FR Doc. 79-35165 Filed 11-14-79; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-59]

Pump Top Insulated Containers; Commission Determination, Order, and Opinion

The U.S. International Trade Commission conducted an investigation under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the unauthorized importation into or sale in the United States of pump top insulated containers[1] by reason of the infringement of U.S. Letters Patent No. 4,113,147, the unlawful copying of trade dress, and the failure to indicate the country of origin.[2] On November 1, 1979, the Commission unanimously determined that there was a violation of section 337 and ordered that pump top insulated containers which infringe U.S. Letters Patent No. 4,113,147 be excluded from entry into the United States for the term of that patent (until September 25, 1995) unless the importation is licensed by the patent owner.

The purpose of the Commission determination and order which follow is to provide for the final disposition of the Commission's investigation of pump top insulated containers.

Determination

Having reviewed the record compiled in this investigation, the Commission on November 1, 1979, determined—

1. That with respect to Apollo Limited, a respondent in this investigation, there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into and sale in the United States of pump top insulated containers by the owner, importer consignee, or agent of either, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States;

2. That the appropriate remedy for such violation is to direct that pump top insulated containers manufactured abroad which infringe U.S. Letters Patent No. 4,113,147 be excluded from entry into the United States for the term of said patent, except where such importation is licensed by the owner of said patent;

3. That, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such pump top insulated containers should be excluded from entry; and

4. That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930, as amended, be in the amount of 63 percent ad valorem (ad valorem to be determined in accordance with section 402 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a)) of the imported article.

Order

Accordingly, it is hereby ordered that:

1. That pump top insulated containers which infringe U.S. Letters Patent No. 4,113,147 are excluded from entry into the United States for the term of said patent, except where such importation is licensed by the owner of said patent;

2. That pump top insulated containers ordered to be excluded from entry are entitled to entry into the United States under bond in the amount of 63 percent ad valorem (ad valorem to be determined in accordance with section 402 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a)) from the day after this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves or disapproves this action, but, in any event, not later than 60 days after such date of receipt;

3. That this order be published in the Federal Register and that this order and the opinion in support thereof be served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

4. That the Commission may amend this order at any time.

By the order of the Commission.

Issued: November 9, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-35284 Filed 11-14-79; 8:45 am]

BILLING CODE 7020-02-M

[1] Pump top insulated containers are vacuum bottles fitted with a pumping mechanism which allows the user to pump the liquid from inside the container without opening it. This helps to keep the liquid at the desired temperature and to eliminate most spills. These containers are known as "air pots" within the industry.

[2] This last allegation was withdrawn by Aladdin.

[TA-201-39]

Report to the President

November 5, 1979.

To The President:

In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation relating to nonelectric cooking ware.

The investigation to which this report relates (investigation No. TA-201-39) was undertaken to determine whether—

Nonelectric cooking ware, provided for in items 533.77, 546.38, 546.56, 546.59, 653.85, 653.93, 653.94, 653.97, 654.05, 654.10, and 654.15 of the Tariff Schedules of the United States (TSUS),

is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission instituted the investigation under the authority of section 201(b) of the Trade Act of 1974 on May 15, 1979, following receipt of a petition on May 4, 1979, filed on behalf of the General Housewares Corp., Terre Haute, Ind. The investigation as originally instituted concerned only cooking ware of steel, enameled or glazed with vitreous glasses, provided for in item 653.97 of the TSUS. On June 25, 1979, the Commission expanded the scope of its investigation by adding to it nonelectric cooking ware, provided for in items 533.77, 546.38, 546.56, 546.59, 653.85, 653.93, 653.94, 654.05, 654.10, and 654.15 of the TSUS.

Notice of the institution of the porcelain-on-steel cooking ware investigation and the public hearing to be held in connection therewith was given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the Federal Register of May 22, 1979 (44 FR 29740). The notice expanding the scope of the investigation and changing the hearing date was published in the Federal Register of July 5, 1979 (44 FR 39316). A third notice postponing the hearing date from August 14, 1979, to September 6, 1979, was published in the Federal Register of August 9, 1979 (44 FR 46955).

The Commission held a public hearing in connection with the investigation on September 6 and 7, 1979, in the Commission's Hearing Room in Washington, D.C. All interested parties were afforded an opportunity to be present, to present evidence, and to be heard at the hearing. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.[1]

The information in this report was obtained from fieldwork and interviews by members of the Commission's staff, from other Federal agencies, from responses to the Commission's questionnaires, from information presented at the public hearing, from briefs submitted by interested parties, and from the Commission's files.

By order of the Commission.

Issued: November 5, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-35283 Filed 11-14-79; 8:45 am]

BILLING CODE 7020-02-M

[1] Attached to the original report sent to the President, and available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

[Investigation No. 337-TA-68]

Certain Surveying Devices; Change of Commission Investigative Attorney

Mr. Robert M. M. Seto is designated Commission Investigative Attorney for Investigation No. 337-TA-68, Certain Surveying Devices, replacing Mr. David J. Dir. The service of all papers on the Commission investigative attorney should henceforth be served upon Mr. Seto, effective Tuesday, November 6, 1979.

The Secretary is requested to publish this notice in the Federal Register.

Dated: November 6, 1979.

Earl Levy,

Deputy Director, Office of Legal Services.

[FR Doc. 79-35282 Filed 11-14-79; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Panel (Production Aid); 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 Media Arts Panel (Production Aid) to the National Council on the Arts will be held December 10, 1979, from 9:00 a.m.-6:00 p.m.; December 11, 1979, from 9:00 a.m.-6:00 p.m.; and December 12, 1979, from 9:00 a.m.-6:00 p.m. in the 12th Floor Screening Room, Columbia Plaza Office Building, 2401 E St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 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 9, 1979.

[FR Doc. 79-35258 Filed 11-14-79; 8:45 am]

BILLING CODE 7537-01-M

National Council on the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on November 30, 1979, from 9:00 a.m.-5:30 p.m.; December 1, 1979, from 9:00 a.m.-5:30 p.m.; and December 2, 1979, from 9:00 a.m.-1:00 p.m. at the Four Seasons Hotel, 2800 Pennsylvania Avenue, N.W., Georgetown, Washington, D.C.

A portion of this meeting will be open to the public on Fri., Nov. 30, 1979, from 9:00 a.m.-4:00 p.m. and Sat., Dec. 1, 1979, from 9:00 a.m.-3:00 p.m. Topics for discussion will include Guidelines for Expansion Arts, Media Arts, Literature, Visual Arts, and Jazz Programs; proposed research plan for FY 1980; reports from the Council's Policy/Planning Committee and the joint National Council/National Assembly of State Arts Agencies Committee: and a special report by the National Association of Community Arts Agencies. The remaining sessions of this meeting on Fri., Nov. 30, 1979, from 4:00 p.m.-5:30 p.m.; Sat., Dec. 1, 1979, from 3:00 p.m.-5:30 p.m.; and Sun., Dec. 2, 1979, from 9:00 a.m.-1:00 p.m. are for the purpose of Council 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 may 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 9, 1979.

[FR Doc. 79-35257 Filed 11-14-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to incorporate limiting conditions for operation, surveillance requirements and associated bases for the Reactor Building Purge Filtration System.

This application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application for amendment dated March 28, 1977, (2) Amendment No. 44 to License No. DPR-51, and (3) the Commision's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas. A copy of items (2) and (3) may obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of November 1979.

For the Nuclear Regulatory Commission.

Morton B. Fairtile,

Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-35250 Filed 11-14-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, OH 905-4, is entitled "Calibration and Error Limits of Air Sampling Instruments for Total Volume of Air Sampled" and is intended for Division 8, "Occupational Health." It identifies methods for calibrating air sampling instruments used to assess the air concentration of radioacative materials and provides guidance for measuring within certain limits the volume of air sampled. This proposed guide endorses and supplements a manual, "Air Sampling Instruments for Evaluation of Atmospheric Contaminants," 5th Edition, 1978, published by the American Conference of Governmental Industrial Hygienists.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by January 7, 1980.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Reguatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of November 1979.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Siting, Health and Safeguards Standards, Office of Standards Development.

[FR Doc. 79-35252 Filed 11-14-79; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos.: 50-219, 50-220, 50-237, 50-245, 50-249, 50-254, 50-259, 50-260, 50-263, 50-265, 50-271, 50-277, 50-278, 50-293, 50-296, 50-298, 50-321, 50-324, 50-325, 50-331, 50-333, 50-341, 50-354, 50-355, and 50-366]

Issuance of Criteria for the Mark I Containment Long-Term Program

The Nuclear Regulatory Commission (NRC) staff has completed its review of the proposed suppression pool hydrodynamic load assessment criteria submitted by the General Electric Company on behalf of the licensees of Boiling Water Reactor (BWR) facilities with the Mark I pressure-suppression containment design. As a result of this review, the staff has developed requirements by which the proposed criteria are to be implemented, and has issued these requirements to the affected utilities. This action represents a key milestone in the NRC's Generic Technical Activity A-7 (Mark I Containment Long Term Program), which has been designated an "Unresolved Safety Issue" pursuant to

Section 210 of the Energy Reorganization Act of 1974.

This generic study originated from concerns raised during the course of the NRC staff's review of test results for an advanced pressure-suppression containment design (Mark III) and operating experience related to the pressure-suppression concept. The specific concern was the capability of the containment structure (i.e., suppression chamber) to withstand the effects of suppression pool hydrodynamic loads which had not been explicitly considered in the original design of the structure.

A short-term assessment was conducted, from which the NRC staff concluded that continued operation of the licensed BWR/Mark I facilities would not jeopardize the public health and safety. However, the containment design safety margins were found to be less than that required by the commission's regulations in General Design Criterion 50 of Appendix A to 10 CFR Part 50. Accordingly, exemptions from this requirement were issued to the licensed BWR/Mark I facilities in March and April 1978, which permitted continued plant operation until a more comprehensive long-term program could be completed. The bases for these exemptions are described in NUREG-0408, "Mark I Containment Short Term Program Safety Evaluation Report," dated December 1977. The purpose of the long-term program is to restore the original intended containment design safety margins.

The NRC staff's requirements for the long-term program define the generic methodology that is to be used by the affected utilities to design any additional structural and/or operational modifications which will restore the margins of safety, as determined by a plant-specific analysis. These criteria were issued to the affected utilities in letters dated October 31, 1979, to commence the implementation of this program. Copies of the criteria are available for public inspection at the NRC Public Document Room 1717 H Street, NW., Washington, D.C. and the Commission's Local Public Document Room located in the vicinity of the affected nuclear power plants. In addition, these criteria will be appended to the NRC staff's generic Safety Evaluation Report for the Mark I Containment Long Term Program, which is currently scheduled to be issued in December 1979.

For further information, contact Mr. Christopher Grimes, A-7 Task Manager, Division of Operating Reactors, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 31st day of October, 1979

For the Nuclear Regulatory Commission.

Darrell G. Eisenut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 79-35251 Filed 11-14-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-46]

Reports, Safety Recommendation Letters and Responses; Availability

Pipeline Accident Report

Philadelphia Gas Works Natural Gas Pipeline Rupture, Explosion, and Fire, Philadelphia, Pennsylvania, May 11, 1979 (NTSB-PAR-79-3).—Seven persons, including a Philadelphia Gas Works employee, were killed, 19 persons were injured, and several adjacent rowhouses were damaged when, at 3:05 p.m. last May 11, two almost simultaneous explosions and an ensuing fire destroyed three buildings near the intersection of Tacony and Margaret Streets in Philadelphia. The explosion also caused a section of Margaret Street to cave in, exposing a large cavern under the paved surface. The National Transportation Safety Board's report issued November 6.

The Safety Board determined that the probable cause of the accident was the sagging and breaking of an 8-inch, cast-iron gas main, due to the undetected erosion of the soil support under it, resulting in the migration of leaking gas into adjacent buildings where it was ignited by an undetermined source.

As a result of its investigation of this accident, the Safety Board on October 4 recommended that the American Gas Association advise its member companies of the circumstances of this accident and of the prompt and effective coordination between the gas company and the fire department and urge them to review their emergency practices and procedures, particularly those concerning evacuation and liaison with fire and police departments to insure that coordination is planned adequately for similar accidents. (See also 44 FR 60183, October 18, 1979.)

Railroad Safety Report

Progress of Safety Modification of Railroad Tank Cars Carrying Hazardous Materials (NTSB-SR-79-2).—This report, made available to the public November 2, indicates that despite significant progress in improving the safety of transportation of hazardous materials by rail, serious safety problems remain. As a direct result of Safety Board efforts, the Department of Transportation in 1978 adopted an accelerated schedule for retrofitting tank cars carrying hazardous materials with safety equipment to protect against tank-head puncture and thermal rupture in accidents. One of the Board's safety objectives during FY 1979 was to monitor the retrofit program to see that the safety modifications are completed as soon as possible. Review and monitoring of the tank car safety retrofit program indicate that:

1. The shelf coupler retrofit for DOT 112/114 tank cars was virtually completed within 6 months of the announcement of the accelerated schedule.
2. Headshields are not being retrofitted as rapidly as possible.
3. As a result of retrofit problems and the structure of the regulations, headshield installations on more than 1,000 tank cars may be delayed up to 1 year.
4. Shelf couplers and/or headshields performed effectively in protecting against tank-head puncture in two derailments investigated by the Safety Board in FY 1979.
5. On one recommendation, the Department of Transportation has exceeded the statutory time limit on responding to Safety Board recommendations.
6. The Federal Railroad Administration agrees that DOT 105 tank cars should also be equipped with shelf couplers, but is unnecessarily delaying rulemaking action.

In light of the problems revealed in the course of its review, the Safety Board has concluded that until all tank cars which are subject to shelf coupler and headshield requirements are so equipped, trains transporting these tank cars should be operated at reduced speeds in order to reduce the risk of a potentially catastrophic accident. The Department of Transportation has failed to act on or to respond to the Safety Board's recommendation in this area.

The Board also concludes that the rate of completion of tank car headshield installations in the T retrofit continues to be unacceptably slow. Because many tank car owners have changed their plans from the T to the J retrofit, the number of tank cars which are not required to have tank head protection until December 31, 1980, has increased by 1,100 to more than 4,400 tank cars. With installation of shelf couplers on all DOT 112/114 tank cars virtually complete, the Safety Board states that this safeguard should now be applied to DOT 105 tank cars.

In view of these conclusions, the Safety Board on October 18 issued three new recommendations to the Secretary, Department of Transportation. (For recommendations R-79-65 through 67,

see 44 FR 62973, November 1, 1979.) With respect to recommendation R-79-28 issued last March 20 (44 FR 18749, March 29, 1979), the subject safety report notes that the Department of Transportation exceeded the 90-day statutory time limit established by the Independent Safety Board Act of 1974 for responding to the Board's recommendations. The Safety Board believes the time limits established in the law are reasonable and that its recommendations warrant reasonably timely review and a response indicating the Department of Transportation's intent to either implement or not implement the recommendations and their reasons therefor. The Safety Board will keep the Congress advised should this problem not improve in the near future.

This railroad safety progress report is one of the first three in a new reporting category which enhances the reporting of the Board's safety oversight and accident prevention activities, such as its safety objective efforts. A marine safety report and a pipeline safety report were released to the public in late October; see 44 FR 64930, November 8, 1979. Safety reports will be issued periodically to provide the public, as well as public and private officials, information on significant transportation problems, issues, and activities.

Railroad Accident Report and Recommendation Letters

National Railroad Passenger Corporation (Amtrak) Head-end Collision of Train No. 111 and Plasser Track Machine Equipment, Edison, New Jersey, April 20, 1979 (NTSB-RAR-79-10).—The Safety Board's formal investigation report on this accident was released on November 7. As a result of the collision, the track machine was destroyed and the locomotive was heavily damaged. The lead truck of the passenger car behind the locomotive derailed. Seventy-one persons were treated for minor injuries, and one passenger and one onboard attendant were admitted to the hospital. Total property damage was about $353,600.

The Safety Board determined that the probable cause of the accident was the failure of (1) the train dispatcher to issue proper orders and to secure the route for the movement of the track machine and (2) a block operator to secure the traffic direction and route for the movement of the track machine. Contributing to the accident was the failure of several block operators to comply with operating instructions by permitting the track machine to proceed without securing proper authority. Also contributing to the accident was the operation of a passenger train with an inoperative radio.

Investigation showed that this accident occurred when the passenger train was permitted to enter a signaled block of track No. 3 that was occupied by the track machine. The track machine was not insulated; therefore, it could not shunt the track circuits and activate the signal system.

As a result of its investigation, the Safety Board on November 1 issued the following safety recommendation letters:

R-79-68 through 72 to the National Railroad Passenger Corporation:

Conduct an audit of its train operations to determine the extent of noncompliance with its operating rules and instructions, and provide the Board with a report of its findings. (R-79-68)

Provide adequate supervision to arrange and monitor the movement of insulated track machines which eliminate the protection of the automatic block signal system on the Northeast Corridor. (R-79-69)

Establish procedures to require that pilots employed in the movement of track machines are fully experienced with all rules and instructions relating to such movements. (R-79-70)

Require that all trains operating on a main track be equipped with an operable radio. (R-79-71)

Require that the seats of all Amfleet equipment are maintained in proper condition to insure that the seats are locked securely in place. (R-79-72)

R-79-73 to the Federal Railroad Administration:

Establish regulations that would require all trains operating on a main track to be equipped with an operable radio. (R-79-73)

R-79-74 to the Association of American Railroads:

Promote the use by all railroad systems of operable radios for the operation of trains as an additional safety requirement. (R-79-74)

Responses to Safety Recommendations

Aviation

A-79-61.—Letter of October 26 from the Federal Aviation Administration is in response to a recommendation issued July 30 following investigation of the crash of an Allegheny Airlines BAC 1-11 accident at Rochester, N.Y., on July 9, 1978. The recommendation asked FAA to amend 14 CFR 61.3 to include an implied consent clause as a condition for issuing Class I and Class II airman medical certificates, such clause to require the holder to submit to any nonpsychiatric medical evaluation included in 14 CFR Part 67 deemed necessary by the Safety Board following any accident/incident and to biochemical testing essential to establish the absence of alcohol, drugs, or suspected metabolic disorders; medical examination should be performed by a Regional Flight Surgeon or by an Aviation Medical Examiner designated by a Regional Flight Surgeon. (See 44 FR 46963, August 9, 1979.)

FAA does not concur with this recommendation. Under the Federal Aviation Act of 1958, as amended, FAA requires that an individual possess a valid airman medical certificate to act as pilot-in-command or as a required pilot flight crewmember of civil aircraft. The medical examination required for issuance of an airman medical certificate is to determine that the applicant is physically able to perform the applicable duties and will not constitute an aviation safety hazard because of medical deficiencies. FAA has neither the primary statutory responsibility for investigating aircraft accidents nor the authority to demand medical examinations of airmen for the sole purpose of determining accident causation.

Further, FAA states that when the continued medical qualification of an airman is reasonably questioned, FAA can and does ask that an appropriate reexamination be conducted by a physician who is chosen and paid by the airman (§ 67.31). Medical certificates are revoked if the reexamination reveals that the airman is no longer medically qualified. FAA notes that under current Safety Board precedent, the Administrator's authority to reexamine an airman's medical qualification is limited to cases in which a "reasonable basis" exists to question such qualifications (*Administrator v. Mayfield,* NTSB Order No. EA-606 (September 26, 1974)). An airman contesting FAA's determination that a reasonable basis exists may appeal that issue to the Safety Board. FAA states, "If we were to require reexamination of an airman upon a request by the Board (as proposed) and that airman appealed our action, this would pose a clear-cut conflict between the Board's investigatory and adjudicatory functions. In effect, the Board would be adjudicating the reasonableness of its own request."

While FAA agrees that the medical investigation of surviving crewmembers involved in aircraft accidents may be of value in determining the accident cause and in developing possible preventive measures, FAA does not believe that it has authority to order medical examinations of airmen for the sole purpose of Safety Board accident investigation or to make prior consent to such examinations a prerequisite for airman medical certification. FAA

states, "If considered necessary, it would appear more appropriate that the Board seek such authority through the legislative process."

Highway

H-79-12.—On October 22 the National Highway Traffic Safety Administration provided the Safety Board with a prepublication copy of its Evaluation Plan for Safety Standard 208 (Occupant Crash Protection). The Plan was published at 44 FR 60771 on October 22. NHTSA states that its evaluation program addresses all aspects of automatic restraints, including the issues raised in the Safety Board's recommendation H-79-12. The Plan addresses the time before, as well as after, September 1981, thereby providing continuity for the evaluation activities. NHTSA points to Chapter 5 for a projection of resources needed to accomplish the evaluation, although these are not yet part of any formal budget. H-79-12 was issued last March 20 in connection with the Board's safety effectiveness evaluation of NHTSA's "Passive Restraint Evaluation Program." (See 44 FR 18749, March 29, 1979.)

H-79-32.—Federal Highway Administration's letter dated August 8, 1979 (received by the Safety Board on October 11) provides a response to a recommendation issued May 25 following investigation of the 8,000-gallon gasoline tank semitrailer tire fire which occurred last November 30 while the truck was stopped in the right curb lane of Interstate 95 on the Woodrow Wilson Memorial Bridge over the Potomac River. (See 44 FR 31331, May 31, 1979.)

The recommendation asked FHWA and NHTSA to cooperate in the promulgation of vehicle safety regulations to require, over the wheels of trailers transporting hazardous materials subject to adverse actions of heat or fire, fenders or other devices that are fabricated of fire-resistant materials and that are designed in such a way as to resist any wheel or tire fire. FHWA received the recommendation on June 29 and will act as the lead agency for the Department of Transportation.

FHWA states that it has studied in detail the subject recommendation in conjunction with accident reports submitted to the Bureau of Motor Carrier Safety by motor carriers performing transportation in interstate of foreign commerce. The accident reports numbered 30,563 in 1977 and 34,877 in 1978. There were 700 incidents involving fire in 1977 and 789 in 1978. Of the 700 fires in 1977, 45 involved tank vehicle tires or wheels. The reports do not indicate whether the fires were on the semitrailer. For 1978, 56 of the 789 fires involved tank vehicle tires and wheels; it was not possible to determine whether or not the tire or wheel fires were on the towed vehicle.

According to FHWA, protection of the tank from tire fires would require enclosing most of the wheel, which would give rise to overheating of brakes and improper tire maintenance. FHWA presented cost figures of an estimated $500 per vehicle for retrofit plus further costs for added weight and reduction of payload. While rulemaking action is not justified at this time, FHWA said it will monitor commercial vehicle fires to ensure that the tire fire problem is not expanding.

Marine

M-79-49.—Ocean Drilling & Exploration Company (ODECO) on October 18 responded to the Safety Board's October 2 inquiry as to status of implementation of this recommendation, issued April 17, 1979, following investigation of the capsizing and sinking of the self-elevating mobile offshore drilling unit OCEAN EXPRESS in the Gulf of Mexico on April 15, 1976. the recommmendation asked ODECO to review and revise the operating manuals for its existing self-elevating mobile offshore drilling units to include guidance regarding: (1) the stability of the unit for the complete range of mat-platform separations; (2) the number of tugs and the horsepower required for arrangements and equipment; (3) contingency plans for emergencies afloat, including towing mishaps and severe weather; (4) transit preparations, including an appropriate checklist; (5) the expected results of exceeding the design limits for jacking operations; and (6) the minimum wind speeds, sea conditions, and unit motions which would result in instability or structural failure. (See 44 FR 24657, April 26, 1979.)

In response, ODECO reports that for the past 13 months it has been involved in a comprehensive program of stability analysis and review and revision of operations manuals for its drilling units. ODECO notes that the operations manuals for the Bethlehem mat supported jack-ups such as OCEAN EXPRESS were prepared by Bethlehem Steel Corporation as a part of the initial purchase of the units. Bethlehem has advised ODECO that certain modifications to the manuals are recommended. As to the specific points in the recommendation, ODECO has:

(1) Included an analysis of the effects of mat separation on the unit's intact stability and a determination of the direction of the unit's weakest intact stability in their stability study.

(2) Revised the number of tugs and horsepower requirements shortly after April 15, 1976. This information has and will be included in the revised operations manuals.

(3) and (4) Included this information in the revised operations manuals.

(5) Provided in the revised manuals an absolute prohibition on exceeding the design limitations of the unit in question. (ODECO believes it would be impossible to foresee and provide for all contingencies which might call for exceeding the design limitations in a given situation. The interest of safety would be served by the prohibition. Drilling unit operation supervisors have full and ready access to ODECO staff experts for guidance in emergencies.)

(6) Provided in the revised manuals maximum limits on wind speeds, sea conditions, and critical motions as established by the stability and structural limitations, the maximum limits to be those beyond which instability or structural failure might be encountered.

ODECO reports that other safety precautions which it has taken are the use of private meteorologists and the provision of a full time safety representative on board each drilling unit.

Railroad

R-77-13.—The Federal Railroad Administration on October 12 responded to the Safety Board's letter of March 19 which commented on FRA's previous response of last January 19 (44 FR 8046, February 8, 1979). The recommendation, issued following investigation of the rear-end collision of Conrail commuter trains at New Canaan, Conn., on July 13, 1976, asked FRA to promulgate regulations for railroad commuter lines that will (1) establish standards for the interior design of commuter cars to prevent and reduce injuries from accidents; (2) insure that when the cars' power source fails, emergency lighting is adequate and doors can be operated easily from inside and outside; (3) establish standards for the evacuation of passengers; and (4) prevent a passenger train from entering an occupied block.

With respect to parts (1), (2), and (3) of this recommendation, the Safety Board's March 19 letter noted that on December 5, 1975, the Board was advised of FRA's research in rail passenger vehicle crashworthiness as well as crash injury protection for passengers. The final report of occupant protection was expected in September 1977, and the final report of vehicle structure integrity was expected in June 1978. The Board noted with come concern that still more research and testing is contemplated, possibly extending to the first quarter of 1981.

The Board said that FRA's approach in addressing numerous

recommendations in a single comprehensive program may ultimately offer overall remedial action; however, interim developments, such as luggage retention, emergency lighting, and other passenger protection information should be promulgated into regulatory form when the data becomes known. The Board said it would retain these parts of R-77-13 in an open status, awaiting issuance of passenger protection regulations, but urged FRA to consider the building block approach in appropriate areas.

Regarding (4), concerning the prevention of a passenger train from entering an occupied block, the Safety Board said it is not inflexible in the method used to fulfill the objective of this part of the recommendation. While an automatic train stop installation has definite merits, the Board is willing to consider other approaches to prevent collisions, particularly those collisions involving passenger trains.

The Board's March 19 letter particularly noted FRA's statement of intention to initiate efforts in developing minimum training and testing programs for operating employees. This remedial intent was expressed in FRA responses to several recommendations: letters of July 26, 1976, and May 13 and August 22, 1977, commenting on R-76-3, R-76-50, and R-76-29 and 30. Additionally, employee training and testing were discussed in the FRA/NTSB Quarterly Meeting of October 27, 1977, at which time the Board was advised that FRA's target date for analyzing carrier responses addressing this subject was the second half of 1978. The Board also asked FRA about its present schedule of proposed rulemaking for employee training and testing, and said that this part, (4), of R-77-13 would also remain in an open status.

In its October 12 response, directed to part (4) of R-77-13, FRA states that the role of Government is not to promulgate forced training standards but to work cooperatively with rail unions and rail companies in identifying training needs, developing quality training curricula and assisting in the delivery of such training. In light of this approach, FRA encourages the Board to reconsider its recommendations regarding regulations while FRA works toward the same end but in a different manner.

R-79-42 through 52.—On October 15 the Bay Area Rapid Transit District (BART) provided a response to the Safety Board's recommendations issued August 2 following investigation of the fire which occurred last January 17 on two cars of a seven-car train while the train was moving through the tunnel between Oakland and San Francisco, Calif. The recommendations sought review or revision of BART emergency procedures and improved equipment which would permit uncoupling of cars from within a train in an emergency. (See 44 FR 46964, August 9, 1979.)

BART's response included a 40-page attachment, "Transbay Tube Emergency Plan," and a 39-page attachment, "Berkeley Hills Tunnel Emergency Plan," which spell out the responsibilities of key personnel in the event of a Transbay Tube fire or tunnel emergency. Duties are specified for the Control Center, Train Operators, Police Services, Central Supervisor, Power Controller, Train Controller, Power and Way Coordinator, Communication Specialist, Trouble Desk, and Vehicle Desk. BART notes that the San Francisco, Oakland, and Orinda Fire Departments and the California Public Utilities Commission have concurred with these plans.

Upon knowledge of a report of smoke/fire on a train in or entering the Transbay Tube, provision is made to immediately notify *both* the San Francisco and Oakland Fire Departments, using the fire department direct telephone (red phone). At the request of local fire departments, BART plans to participate in a test program to assess the limitations existing regarding portable radios when used on the scene. Also, BART police officers are presently being trained in the use of 4-hour closed circuit breathing apparatus, and it is BART's intention to provide six such units in the police van for emergency response. All emergency vehicle operators have been trained in the use of demand breathing apparatus and such equipment has been placed on the emergency vehicle for their use.

BART further reports that a second train radio frequency has been approved by the Federal Communications Commission for use on the BART system. BART is presently working on designs and cost estimates for modification of all train radio equipment to use this second frequency. BART is now testing seat materials to determine which materials provide the most acceptable flame-retardant/toxicity characteristics. A decision on the design of the placement seat cushions was to have been made in October 1979, with replacement to proceed shortly thereafter. Concurrent with the seat replacement, a program to coat or replace interior fiberglass liners and coat critical underside floor areas with fire retardant coatings is in the design/test stage with implementation to follow seat replacement. Undercar equipment has been reviewed and evaluated to determine which areas are most likely to produce enough heat to cause fires. In some cases, plans are to modify electronic circuitry to preclude the buildup of heat. In others, heat shields will be installed. Finally, BART plans to coat areas along the sidewall floor juncture with fire retardant materials to slow fire progress through this location.

BART engineers have designed and tested on one car a modification which will allow vehicle uncoupling circuitry to be electrically isolated from other vehicles in the consists. This modification is presently undergoing design review to make sure that it does not pose a safety problem during normal operations. California Public Utilities Commission approval of the final design will then be sought.

R-79-53.—Also as a result of the BART fire investigation, the Safety Board recommended that the American Public Transit Association (APTA) review and revise as necessary vehicle inspection procedures and emergency evacuation guidelines for Association members to correct deficiencies noted in this investigation.

APTA's response letter, dated October 30, speaks of reviews and revisions made to its publication, *Moving People Safely*, which provides safety guidelines for rail transit, including vehicle inspections, emergency evacuation procedures, and related safety measures. APTA notes that this publication can only suggest what safety-related areas should be considered. It is the responsibility of each rail transit system to interpret guidelines as they deem appropriate.

Further, APTA notes that there are several means through which each transit system can avail itself of improved vehicle maintenance and emergency evacuation procedures. One is a system safety program plan. Through this a transit can document all safety-related procedures and implement a comprehensive safety program. The Transportation Safety Institute (TSI) in Oklahoma City is currently developing safety training courses for FY 1980, one of which is an emergency procedures seminar. APTA is cooperating with TSI in this effort. Transit system personnel will participate in this. Also, transit industry representatives communicate individually or collectively through APTA in areas of mutual interest.

R-79-54 and 55.—These recommendations were also directed on August 2 to the Urban Mass Transportation Administration (UMTA), U. S. Department of Transportation, as a result of the BART fire investigation. Recommendation R-79-54 called on

UMTA to promulgate regulations establishing minimum fire safety standards for the design and construction of Rapid Transit Vehicles, and R-79-55 to establish overview of Bay Area Rapid Transit District procedures to ensure that the emergency deficiencies noted in this investigation received appropriate remedial action.

In response to R-79-54, UMTA reports working to establish such requirements and planning to officially promulgate its fire safety design standards early in 1980. A preliminary set of UMTA sponsored guidelines has already been in widespread use in rail car specifications on a voluntary basis. All rail cars currently being procured will comply with these guidelines. In a related activity, UMTA is establishing standard specifications for both rapid rail and light rail vehicles. These specifications will be completed by early 1980 and will contain UMTA's fire safety design standards.

With respect to R-79-55, UMTA says it has already taken action on this recommendation. On September 11, 1979, the UMTA Director of Safety and Product Qualification met with BART's General Manager and the Director of Safety for a preliminary review of all of their fire safety improvement actions. These include the Safety Board's recommendations. UMTA will maintain close surveillance over this program, including on-site reviews, to ensure that the safety improvements are promptly and satisfactorily enacted. UMTA's monitoring will continue until all these safety actions are closed out.

UMTA suggests that both of these activities be placed on the agenda for the next quarterly meeting between the Safety Board and UMTA.

Note.—Single copies of the Safety Board's reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of reports issued by the Safety Board may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22151.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

November 9, 1979.

[FR Doc. 79-35263 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

November 1, 1979.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of November 1, 1979 of one rescission proposal and 31 deferrals contained in the first special message of FY 1980. This message was transmitted to the Congress on October 1, 1979.

Rescission (Attachment A)

Attachment A reflects the rescission proposal of $114 thousand contained in the first special message for FY 1980.

Deferrals (Table A and Attachment B)

As of November 1, 1979, $587.0 million in 1980 budget authority was being deferred from obligation and another $2.0 million in 1980 obligations was being deferred from expenditure. Table A summarizes the status of deferrals reported by the President, and Attachment B shows the history and status of each deferral reported during FY 1980.

Information From Special Messages

The special message containing information on the rescission and the deferrals covered by the cumulative report is printed in the Federal Register of Friday, October 5, 1979 (Vol. 44, No. 195, Part IX).

Table A.—*Status of 1980 Deferrals*

	Amount (in millions of dollars)
Deferrals proposed by the President	$1,003.2
Routine Executive releases (−21.0 million) and adjustments (−$393.1 million) through November 1, 1979	−414.1
Overturned by the Congress	0
Currently before the Congress	589.1 [1]

[1] This amount includes $2.0 million in outlays for a Department of the Treasury deferral (D80-23).

James T. McIntyre, Jr.,

Director.

BILLING CODE 3110-01-M

PAGE 1 ATTACHMENT A' STATUS OF RESCISSIONS FISCAL YEAR 1980 AS OF 11/02/79 14:36

AS OF NOV. 1, 1979
AMOUNTS IN
THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
OTHER INDEPENDENT AGENCIES							
International Communication Agency							
Special international exhibitions							
BA							
	R80- 1		114	10 1 79			
TOTAL BA			114				

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 11/05/79 10:48

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 11-01-79
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund	BA	D80 1	100,000		10 1 79				100,000
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sale	BA	D80 2	9,298		10 1 79				9,298
Expenses, brush disposal	BA	D80- 3	32,060		10 1 79				32,060
Restoration of forest lands	BA	D80- 4	38		10 1 79				38
DEPARTMENT OF AGRICULTURE TOTAL	BA		41,396						41,396
DEPARTMENT OF COMMERCE									
National Oceanic and Atmospheric Administration									
Construction	BA	D80 5	7,000		10 1 79				7,000
Coastal zone management	BA	D80- 6	20,000		10 1 79				20,000
Promote and develop fishery products and research	BA	D80- 7	2,400		10 1 79	-2,400			
Fisheries loan fund	BA	D80- 8	5,300		10 1 79				5,300

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 11/05/79 10:48

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 11-01-79
DEPARTMENT OF COMMERCE								
TOTAL BA		34,700			-2,400			32,300
DEPARTMENT OF DEFENSE-MILITARY								
Military Construction								
Military construction, all services								
BA	D80- 9	31,386		10 1 79	-12,000			19,386
DEPARTMENT OF DEFENSE-CIVIL								
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services								
BA	D80-10	595		10 1 79				595
DEPARTMENT OF ENERGY								
Energy Programs								
Fossil energy construction								
BA	D80-11	50,000		10 1 79				50,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital								
BA	D80-12	23,314		10 1 79				23,314
Human Development Services								
White House Conference on Aging								
BA	D80-13	4,649		10 1 79				4,649
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
TOTAL BA		27,963						27,963

PAGE 3 ATTACHMENT B STATUS OF DEFERRALS FISCAL YEAR 1980 AS OF 11/05/79 10:48

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 11-01-79
DEPARTMENT OF THE INTERIOR									
Heritage Conservation and Recreation Service									
Land and water conservation fund	BA	D80 14	30,000		10 1 79				30,000
Geological Survey									
Payments from proceeds, sale of water	BA	D80-15	39		10 1 79				39
Bureau of Mines									
Drainage of anthracite mines	BA	D80-16	1,137		10 1 79				1,137
DEPARTMENT OF THE INTERIOR TOTAL	BA		31,176						31,176
DEPARTMENT OF JUSTICE									
Federal Prison System									
Buildings and facilities	BA	D80-17	22,853		10 1 79				22,853
DEPARTMENT OF STATE									
Other									
Emergency refugee and migration assistance fund	BA	D80-18	5,650		10 1 79	-5,000			650
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D80-19	5,004		10 1 79				5,004
Facilities & equip (Airport & airway trust fund)	BA	D80-20	138,211		10 1 79				138,211

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS FISCAL YEAR 1980 AS OF 11/05/79 10 48

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 11-01-79
Urban Mass Transportation Administration									
Urban mass transportation fund	BA	D80-21	393,076		10 1 79			-393,076a	
DEPARTMENT OF TRANSPORTATION TOTAL	BA		536,291					-393,076	143,215
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D80-22	79,548		10 1 79	-5			79,543
	O	D80-23	2,735		10 1 79	-686			2,049
Bureau of the Mint									
Construction of mint facilities	BA	D80-24	3,230		10 1 79				3,230
DEPARTMENT OF THE TREASURY TOTAL	BA		82,778			-5			82,773
TOTAL	O		2,735			-686			2,049
OTHER INDEPENDENT AGENCIES									
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization	BA	D80-25	80		10 1 79				80
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	BA	D80-26	1,800		10 1 79	-940			860
International Communication Agency									
Acquisition & construction of radio facilities	BA	D80-27	10,973		10 1 79				10,973

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 11/05/79 15:41

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 11-01-79
National Alcohol Fuels Commission									
Salaries and expenses	BA	D80-28	250		10 1 79				250
National Commission on Social Security									
Salaries and expenses	BA	D80-29	250		10 1 79				250
Navajo & Hopi Indian Relocation Commission									
Salaries and expenses	BA	D80-30	5,300		10 1 79				5,300
Tennessee Valley Authority									
Tennessee Valley Authority fund	BA	D80-31	17,000		10 1 79				17,000
OTHER INDEPENDENT AGENCIES TOTAL	BA		35,653			-940			34,713
TOTAL	BA		1,000,441			-20,345		-393,076	587,020
TOTAL	O		2,735			-686			2,049

FOOTNOTES

a. Congressional action on the 1980 Transportation and Related Agencies Appropriation Bill (H.R.4440) provides for the rescission of these funds

[FR Doc. 79-35207 Filed 11-14-79; 8:45 am]
BILLING CODE 3110-01-C

Meeting; President's Commission for a National Agenda for the Eighties

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given that the first meeting of the President's Commission for a National Agenda for the Eighties is scheduled to be held from 9 a.m. to 6 p.m., November 26, 1979, in the 6th Floor Conference Room, Federal Home Loan Bank Building, 17th and G Streets, Northwest, Washington, D.C.

The purpose of the initial meeting is to begin formulation of a preliminary agenda identifying issues for further study by the Commission.

Because of limited space, those interested in attending are asked to call the Commission's office beforehand. Available seats will be assigned on a first-come basis

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Cramer, President's Commission for a National Agenda for the Eighties, 744 Jackson Place., NW., Washington, D.C., (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 79-35266 Filed 11-14-79; 8:45 am]

BILLING CODE 3110-01-M

Federal Employee Parking Facilities

ACTION: Circular A-118, Transmittal Memorandum No. 1, dated November 8, 1979.

SUMMARY: The definition of those handicapped personnel exempt from a fee for parking at Federal facilities has been modified based on consultation with the President's Committee on Employment of the Handicapped and the Architectural and Transportation Barriers Compliance Board. The previous definition would have had the unintended effect of excluding some severely handicapped individuals.

November 8, 1979.

Circular No. A-118.
Transmittal Memorandum No. 1.

To the Heads of Executive Departments and Establishments

Subject: Amendments to Circular A-118—Federal Employee Parking Facilities

1. *Purpose.* This transmittal memorandum provides several changes to definitions or requirments contained in Circular A-118.

2. *Handicapped personnel.* In lieu of paragraph 5(i), substitute the following new definition:

5(i), *Handicapped Employees:* Employees who have a severe, permanent physical or mental impairment which, for all practical purposes precludes use of public transportation, and employees unable to operate a car as a result of a permanent impairment (e.g., the blind) and are driven to their place of employment by someone else, shall receive a parking space assignment without charge. Individuals who temporarily qualify for a handicapped parking space (e.g., due to a strained back, during convalescence from an illness or a broken leg) are not exempt. Personnel who qualify for handicapped parking are encouraged to sponsor and participate in a carpool which could use the space assigned. Agency heads may exercise discretion in the application of this provision to special circumstances.

Any parking payments collected after November 1, 1979, from personnel who qualify under this definition should be refunded.

3. *Reporting.* The reporting requirement of section (3) in paragraph 14 is rescinded. Other reporting requirements remain in effect.

4. *Parking Control Devices.* The procurement and installation by agencies of parking area control devices such as fences, guard rails, electronically-actuated gates and similar devices is to be discouraged pending several months experience with the fee parking policy. Premature actions are to be avoided because such devices may not be needed, or may be inappropriately located if installed without the benefit of experience. Administrative techniques of permit issuance and spot enforcement are preferred control methods.

James T. McIntyre, Jr.,

Director.

[FR Doc. 79-35265 Filed 11-14-79; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Report of Staff Contacts

The President's Commission on Pension Policy has directed its staff to maintain and publish for the public record a listing of contacts of a substantive nature made with individuals, organizations, and groups interested in the activities of the Commission.

The following is the staff report of such contacts for the month of October.

Hay Associates, Inc.
Jack Carroll, Social Security Administration
Malcolm Morrison, U.S. Department of Labor
Arnold Strasser, Office of Management and Budget
Mike Romig, U.S. Chamber of Commerce
American Society of Pension Actuaries (annual conference)
Dan Halperin, U.S. Department of the Treasury
John Magruder, Office of Management and Budget
Andrea Ball and Al Ehrbar, *Fortune* Magazine
Don Hodgman and Bob Shriner, Chase Econometrics
Claudia Chesler, National Association of Manufacturers
National Commission on Social Security
Joe Anderson, Scientific Time Sharing Corporation
Teamsters Pension Fund (Western Conference)
Paul Fisher, independent consultant
Al Fischer, Hay Associates
Market Facts, Inc.
SRI International, Inc.
Peat, Marwick and Mitchell
Martha Yohalem and Lois Alexander, Social Security Administration
Mathematica Policy Research, Inc.
Urban Institute
Emerson Beier, Pension Benefit Guaranty Corporation
Joe Stahl and Robert Moore, Alexander and Alexander
Michigan Chapter, Midwest Pension Conference
Judith Selvidge, Universal Coverage Study Group
Dave Mathieson, Office of Management and Budget
Employee Benefit Group
Paul Wachtel, Federal Reserve Bank, New York City
Edith Fierst, White House Task Force on Women
Brad Schiller, American University
Tom Borozelli, National Association of Retired Persons
Bryant Robeley, editor of *Demographics*
Nelson McClung, U.S. Department of the Treasury
Dallas Salisbury, Employee Benefit Research Institute
Linda Taylor, United Mine Workers Pension Fund
Vince Cicconi, Pension Benefit Guaranty Corporation
Randy Barber, Peoples Business Commission
Elsie Hoexter, Pension Benefit Guaranty Corporation
Karen Ferguson, Pension Rights Center
Judy Wolfson, Connecticut General Life Assurance
Ron Timms, U.S. League of Savings Associations
Chuck Genrich, Genrich Corp.
Rick Cooper, Coopers & Lybrand
Doug Sorenson, U.S. Department of the Treasury
Tom Hickey, attorney.

Signed at Washington, D.C., this 9th day of November 1979.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 79-35302 Filed 11-14-79; 8:45 am]

BILLING CODE 6820-99-M

SECURITIES AND EXCHANGE COMMISSION

Bradford Securities Processing Service, Inc. ("BSPS"); Order Approving Proposed Rule Change

[SR-BSPS-79-2; Release No. 16324]

November 6, 1979.

On August 28, 1979, BSPS filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change establishing a rule defining the term "participant."

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16204, September 14, 1979) and by publication in the Federal Register (44 FR 54654, September 20, 1979). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35186 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

General Electric S & S Long-Term Interest Fund; Notice of Filing of Application for Exemption From the Act as Employees' Securities Company

[813-48; Ref. No. 10929]

Notice is hereby given that General Electric Company ("Applicant") filed an application on August 17, 1979, for an order of the Commission pursuant to Section 6(b) of the Investment Company Act of 1940 ("Act"), exempting the General Electric S & S Long Term Interest Fund ("LT Fund") 112 Prospect Street, Stamford, Conn. 06904, to be organized under the General Electric Savings and Security Program ("Program"), from certain provisions of the Act. Specifically, Applicant requests that LT Fund be exempted from the following sections of the Act and the Rules and Regulations promulgated thereunder: Section 8(b); Section 10(a); Section 13(a)(4), with the proviso that termination of LT Fund by Applicant shall not deprive participants in the Program of Applicant's contributions which have been credited to their account but which have not then vested; Section 15; Section 16(a); Section 18(i); Sections 22(e) and (f); Section 24; Section 30(d) to the extent that a report to participants more than once a year may be required; and Section 32(a)(1). 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:

The Program was instituted on January 1, 1959, in order to provide employees of Applicant and its participating affiliates an opportunity for regular personal savings.

The Program applies, in addition to Applicant itself, to any corporation 50% or more of whose voting stock is owned directly or indirectly by Applicant, and to Electric Mutual Liability Insurance Company and any of its affiliates, if such company or corporation elects to participate and such participation is approved by Applicant. Applicant states that Electric Mutual Liability Insurance Company is a mutual insurance company organized under the laws of Massachusetts, and that Applicant is the principal policy holder in that company. Applicant undertakes not to approve participation in the Program by any affiliate of Electric Mutual unless that company is an affiliate of Electric Mutual within the meaning of Sections 2(a)(2) and 2(a)(3) of the Act.

Employees, other than an officer or director, may enroll in the Program by contributing, through payroll deductions, up to 7 percent of earnings. Union-represented employees are eligible only if an agreement with the Union permits Applicant to offer the Program to such employees. For certain employees (primarily non-exempt salaried and hourly-rated employees to whom general pay raises apply) there are differences in pay rates depending on whether the employee elects to participate in the Program. Applicant makes a proportionate payment for the account of the employee equal to fifty percent of the employee's contribution. An employee presently has investment choices permitting the total amount credited to his account to be invested in (i) United States Savings Bonds, (ii) units of participation in the General Electric S & S Program Mutual Fund (the "Mutual Fund"), (iii) General Electric Common Stock and (iv) Life Insurance. Securities credited to a participating employee are retained by the Savings and Security Trust, which has been organized to implement the Program, for a period which ends on the first day of January three years after the end of the year in which such securities are initially credited ("Holding Period"). At the end of the Holding Period, such securities are distributed to the employee. Prior to the expiration of a particular Holding Period, an employee may elect to leave all securities and cash, or only a portion thereof relating to the proportionate payment by Applicant, in a Retirement Option Account in the Savings and Security Trust ("Retirement Option Account") until termination of employment. Amounts in the Retirement Option Account may be withdrawn in certain cases specified under the Program prior to termination of employment. The Savings and Securities Trust has qualified under Section 401(a) of the Internal Revenue Code of 1954 as exempt from federal income taxes under Section 501(a) of the Code. Thus, the Savings and Security Trust is excepted from the definition of an "investment company" by virtue of the provisions of Section 3(c)(11) of the Act.

Applicant states that on August 3, 1979, pursuant to negotiations with the labor unions representing its employees, certain principal changes in the Program were approved, as of July 1, 1979. Applicant further states that these changes will go into effect on January 1, 1980 and will be made available to non-represented employees as well as union employees. Applicant states that one of the principal modifications is the following: two additional investment media have been established for Program participants: (a) The General Electric S & S Holding Period Interest Fund ("HP Fund"), and (b) LT Fund. Applicant states that HP Fund will, as a separate investment medium within the Savings and Security Trust, be operative only during the Holding Period. Applicant further states that upon expiration of the Holding Period, units of participation in HP Fund ("HP Fund Units") will automatically be converted into an equivalent number of units of participation in LT Fund and either distributed to the participating employee or held in the Retirement Option Account pursuant to a previous election of such employee.

LT Fund will be a trust created pursuant to the Program by an agreement between Applicant and the LT Fund Trustees. It is intended that LT Fund come within the definition of an "employees' securities company" as

defined in Section 2(a)(13) of the Act. Specifically, units of participation in LT Fund ("LT Fund Units") (i) shall be acquired at the expiration of the Holding Period with respect to amounts previously invested in HP Fund Units, and (ii) may be acquired in the Retirement Option Account under the Program through certain other features of the Program more fully described in the application.

With respect to LT Fund Units converted from HP Fund Units at the expiration of the Holding Period, such LT Fund Units will be distributed to the participating employee at the expiration of the correlative Holding Period. LT Fund Units elected for retention in the Retirement Option Account will be distributed to the participating employee upon termination of employment unless such participating employee has elected to have amounts in the Retirement Option Account distributed in cash installments or in the form of an annuity distribution. LT Fund Units will be transferable only to members of the participating employee's immediate family. LT Fund Units will only be made available to eligible employees who have elected to participate in the Program and to the immediate families of such employees. Like the Mutual Fund, LT Fund will not qualify as an exempt trust under the Code because employees may receive distributions of LT Fund Units from the Savings and Security Trust prior to retirement and may retain such units after retirement, thereby continuing their interest in the LT Fund outside of the Savings and Security Trust (which is qualified under Section 401 of the Code). Applicant state that, absent this feature, LT Fund would be exempt from the Act pursuant to Section 3(c)(11). The principal purpose of the proposed new LT Fund is to broaden the investment opportunities available to Applicant's employees under the Savings and Security Program by offering them the possibility of achieving in a fund holding debt securities, a high rate of return on their investment over a long-term period.

In accordance with the investment objectives of LT Fund and various restrictions on investments by it, as set forth in the Rules of the Funds ("Rules"), LT Fund may invest in a portfolio consisting generally of debt securities, including contracts with insurance companies, corporate bonds, preferred stock, real estate mortgages, U.S. Government obligations and other types of fixed income investments. Applicant will attempt to qualify LT Fund as a "regulated investment company" within the definition of the Code. Dividends of net investment income from the LT Fund will be declared and allocated each day and distributed as of the last day of each month. Distributions of net capital gains realized from the sale of LT Fund portfolio securities will be distributed early in the year following the year in which such amounts are realized. Distributions from LT Fund to the Savings and Security Trust will be in the form of additional LT Fund Units; the Savings and Security Trust is exempt from Federal income taxes on these distributions. Distributions to persons holding LT Fund Units outside of the Savings and Security Trust ("Holders") will be in the form of additional LT Fund Units unless the Holder elects to receive cash.

The LT Fund Trustees will be employees of Applicant designated by the General Electric Benefit Plan Investment Committee, which consists of senior officers of Applicant selected by Applicant's Board of Directors. It is expected that initially the LT Fund Trustees will be the same persons now serving as Trustees of the Savings and Security Trust, which persons have extensive experience in investment and financial affairs. The LT Fund Trustees are expected to meet monthly and will provide review of LT Fund's investment program.

It is expected that LT Fund Trustees will contract with General Electric Investment Corp. ("GEIC"), a registered investment adviser and a wholly-owned subsidiary of Applicant, to provide investment management services for LT Fund. Except with respect to custodial services which will be arranged by the LT Fund Trustees, the investment manager will also perform investment administrative services for LT Fund.

As indicated, Applicant contends that LT Fund meets the definition of an "employees' security company" contained in Section 2(a)(13) of the Act and should, as such, be exempted from certain provisions of the Act pursuant to Section 6(b). Section 2(a)(13) provides that, " 'Employees' securities company' means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employees, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons." Section 6(b) of the Act provides that, "Upon application by any employees' securities company, the Commission shall by order exempt such company from the provisions of the Act and of the rules thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization an the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

In support of the requested exemptions, Applicant points to the safeguards for employee interests inherent in the Program, the Rules and the LT Fund Trust Agreement. Applicant notes, for example, that the Program, one part of which will be LT Fund, is one of Applicant's principal employee benefit plans. Applicant emphasizes that it makes a contribution equal to one-half of the amount of each participating employee's contributions under the Program, and states that in 1978 Applicant's contribution under the Program amounted to approximately $88,000,000. Applicant states that when implemented, a significant portion of the amounts invested in LT Fund will be attributable to Applicant's contributions. Applicant thus asserts that the success of the Program and of LT Fund is of great importance to Applicant to assure that its contributions provide maximum benefit to participating employees. Applicant further states that in general there are no conflicts of interest between Applicant and employees participating in the Program. Applicant states in particular that (1) LT Fund will not be permitted to purchase securities of Applicant or its affiliates, or of GEIC; and (ii) will not, unless otherwise permitted by law, purchase from or sell directly to any of its officers or Trustees, or to GEIC or the officers or directors of GEIC, or any other affiliate of LT Fund or any affiliate of such affiliate, portfolio securities or other property of LT Fund.

Applicant further notes that there are no sales or redemption charges imposed upon employees with respect to the

Program, nor will any such charges be imposed by LT Fund. It is further stated that the investment management fee which will be paid by LT Fund will consist only of reimbursement of the investment manager's pro-rata costs of managing LT Fund and, together with the operational expenses of LT Fund, will be the only charges to be paid out of LT Fund assets. All other costs of Program administration (as distinguished from those costs relating exclusively to LT Fund operation), Applicant states, will be borne by Applicant.

Applicant points out, in addition, that the persons who will serve as LT Fund Trustees are experienced employees assigned to that segment of Applicant's business which involves the investment of assets held by Applicant's several employee benefit plans. Thus, Applicant states, such persons have extensive investment and financial experience. It is further noted that LT Fund Trustees will receive no compensation for their service as LT Fund Trustees. Applicant maintains that although GEIC, LT Fund's investment manager, is a wholly-owned subsidiary of Applicant and the prospective LT Fund Trustees are officers of GEIC, the LT Fund Trustees would, in exercising their fiduciary obligations with respect to LT Fund, review objectively and thoroughly the performance of GEIC on a monthly basis. Applicant further represents that the performance of the investment manager will be subject to annual review by LT Fund Trustees.

As additional safeguards for employee interests in LT Fund, Applicant cites the fact that the investment policies of LT Fund cannot be modified, except by a vote of the participating employee-investors; that units of participation in the Program, including the LT Fund Units, will continue to be registered under the Securities Act of 1933 ("Securities Act"), and a Securities Act prospectus describing the Program, including the investment policies of LT Fund, will be distributed annually to Applicant's employees; that Applicant will publish reports of LT Fund Unit valuations in plant newspapers, or through other media of communication, on a monthly basis; that the accounts maintained by the LT Fund Trustees will be subject to examination by Applicant and to annual audit by independent public accountants appointed by Applicant; and that the LT Fund Trustees will be required to submit an annual report, which will be distributed to all participating employees having LT Fund Units credited to their accounts, and to individual Holders of LT Fund Units. Finally, Applicant notes that participating employee-investors will have the protections afforded by Section 17 of the Act, the investment manager will not be promoting the sale of LT Fund Units and that neither Applicant nor GEIC stand to realize any profit as a result of the operation of LT Fund.

Notice is further given that any interested person may, not later than November 30, 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 the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35184 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16323; File No. SR-SCCP 79-3]

Stock Clearing Corp. of Philadelphia; 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. 94-29, 16 (June 4, 1975), notice is hereby given that on October 29, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed Rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP) proposes a Rule change establishing special clearing arrangements for C.O.D. purchases at a higher clearance charge than for CNS processing. The fee for this service is the regular $1.00 per item for trade recording plus a settlement charge of $0.75 per hundred shares. There is a minimum settlement charge of $4.50 and a maximum of $75.00 per item.

Statement of Basis and Purpose

The purpose of the proposed Rule change is to amend an existing fee schedule to make it more cost related.

The proposed Rule change provides equitable allocation of fees and other charges among members in accordance with standards set forth in section 17A(b)(3)(D) of the Act.

Formal comments were not solicited.

No burden on competition will be imposed by the proposed Rule change. The proposed rate schedule does not discriminate between marketplaces nor does it inhibit clearing interfaces.

The foregoing Rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed Rule change, the Commission may summarily abrogate such Rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 6, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 6, 1979.

[FR Doc. 79-35185 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[812-4538; Rel. No. 10933]

The Western Insurance Securities Co.; Notice of Application Pursuant to Section 3(b)(2)(B) of the Act for an Order Declaring That Company Is Not an Investment Company

November 7, 1979.

Notice is hereby given that The Western Insurance Securities Company ("Applicant"), 916 Walnut Street Building, Kansas City, Missouri 64106, a corporation incorporated under the laws of Delaware in October, 1925, filed an application on October 4, 1979, for an order of the Commission pursuant to Section 3(b)(2)(B) of the Investment Company Act of 1940 ("Act"), finding and declaring the Applicant to be primarily engaged, through controlled companies conducting similar types of business, in a business other than that of investing, reinvesting, owning, holding or trading in securities. 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.

According to the application, approximately 99.7% of the assets of the Applicant consists of its investment in the capital stock of Western Casualty and Surety Company (the "Casualty Company"). The Casualty Company and its two (directly and indirectly) wholly-owned subsidiaries are engaged in the property and casualty insurance business. The balance of the Applicant's assets (approximately .3 of 1%) consists of cash and commercial paper. According to the application, the Applicant owns 1,671,120 shares out of 3,975,600 shares of capital stock of the Casualty Company outstanding, or approximately 42.03% of the Casualty Company's outstanding capital stock. For the year ended December 31, 1978, the equity of the Applicant in the earnings of the Casualty Company was $12,775,380 and all other income of the Applicant consisted of interest from other sources in the amount of $27,834.

Applicant indicates that except as stated below, it has no knowledge of any person holding as much as 5% of the outstanding common stock of the Casualty Company. Officers and directors of the Applicant and members of their families and affiliated entities own an aggregate of approximately 44,233 shares or 1.1% of the outstanding capital stock of the Casualty Company, which, it is asserted, reinforces the dominant stock ownership position of the Applicant.

As of September 4, 1979, there were 364,532 shares of the capital stock of the Casualty Company held in the name of Cede & Co., a central depository for financial organizations.

Occidental Life Insurance Company of California ("Occidental") has filed a Schedule 13D and amendments thereto with the Commission with respect to the ownership by it and its affiliated persons of capital stock of the Casualty Company. According to its most recent amendment dated October 20, 1977, to its Schedule 13D, Occidental and its affiliates at that time owned an aggregate of 358,700 shares of capital stock of the Casualty Company. The application indicates that Occidental has stated that its purchases of Casualty Company capital stock were made solely as an investment and not for the purposes of changing or influencing the control of the Casualty Company. Occidental has no representation on the board of directors of or similar arrangements with the Casualty Company and pursuant to Kansas insurance regulations has filed a Disclaimer of Affiliation with respect to the Casualty Company.

The Applicant states that its principal asset has historically consisted of the stocks of the Casualty Company and its subsidiaries. At the annual meeting of the stockholders of the Applicant on November 7, 1928, it was reported that all of the outstanding stocks of the Casualty Company and of The Western Fire Insurance Company were owned by the Applicant. (Subsequently, The Western Fire Insurance Company became a wholly-owned subsidiary of the Casualty Company.) The percentage of ownership by the Applicant of the outstanding capital stock of the Casualty Company was gradually reduced over the decades, primarily by reason of underwritten public offerings of Casualty capital stock in 1954, 1959 and 1962, which were made in order to provide working capital funds for Casualty's expanding business. The Applicant states that its control and domination of the Casualty Company and its subsidiaries and their operations has not diminished over the past 50 years.

The application states that the President of the Applicant is the Chairman of the Board of the Casualty Company and its two subsidiaries (hereinafter sometimes collectively referred to as the "Western Insurance Companies"); the Secretary of the Applicant is the Secretary of the Western Insurance Companies; the Treasurer of the Applicant is the Assistant Secretary, Financial, of the Western Insurance Companies. The Applicant states that all three of these executiives are engaged virtually fulltime in directing the operations of the Western Insurance Companies and devote only a minimal amount of time to the affairs of the Applicant. The other officer of the Applicant is a director and the retired Secretary of the Casualty Company. Applicant states that it does not pay its officers for their services rendered to Applicant. The President, the Secretary and one other director of the Applicant comprise three of the five members of the Executive Committee of the Casualty Company. Of the ten directors of the Applicant, seven are active officers of one or more of the Western Insurance Companies and two of the remaining directors are retired officers of the Casualty Company. Five directors of the Applicant comprise one-half of the directors of the Casualty Company.

According to the application, the capital stock of the Applicant consists of 7,000 shares of authorized and issued 6% Cumulative Preferred Stock, 35,000 shares of authorized and issued Class A Stock and 500,000 shares of authorized and issued Common Stock. All voting powers are at present vested in the holders of Common Stock. The Applicant has approximately 166 Preferred stockholders, 243 Class A stockholders and 329 Common stockholders. No shares of any class of capital stock have been issued by the Applicant since 1929 except for a ten-for-one stock split of the Common Stock effected in 1964. Directors and officers of the Applicant and members of their families and affiliated entities own an aggregate of approximately 54.43% of the outstanding Common Stock of the Applicant.

The definition of an investment company as set forth in Section 3(a)(3) of the Act includes any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Investment securities are defined to include all securities except Government securities, securities issued by employee's securities companies, and securities

issued by majority-owned subsidiaries of the owner which are not investment companies.

Section 3(b) of the Act excepts from the definition of investment company set forth in Section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries, or (B) through controlled companies conducting similar types of business.

Section 2(a)(9) of the Act defines control to mean the power to exercise a controlling influence over the management or policies of a company, and states that any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such company.

Because the Casualty Company is not a majority-owned subsidiary of the Applicant, its securities owned by the Applicant are deemed for the purposes of Section 3(a)(3) of the Act to be investment securities. Securities of the Casualty Company held by the Applicant have a value exceeding 40% of the value of the Applicant's total assets so that the Applicant owns and holds "investment securities" which exceed in value more than 40% of the value of the Applicant's total assets.

Applicant requests that the Commission issue an order pursuant to Section 3(b)(2)(B) of the Act finding and declaring it to be primarily engaged, through controlled companies conducting similar types of business, in a business other than that of investing, reinvesting, owning, holding or trading in securities. Applicant asserts that it and its management are primarily engaged, through the Western Insurance Companies, in conducting a property and casualty insurance business. According to the Applicant, the Western Insurance Companies are presumed by the Act to be controlled companies of the Applicant by reason of stock ownership. It is stated that the interlocking directorates and substantially similar executive staffs of the Applicant and the Western Insurance Companies illustrate the extent to which the Applicant, historically and at present, has controlled and controls the Western Insurance Companies and their operations and through them is primarily engaged in the property and casualty insurance business.

Notice is further given that any interested person may, not later than December 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35183 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21292; 70-6358]

Allegheny Power System, Inc.; et al.

November 9, 1979.

In the matter of ALLEGHENY POWER SYSTEM, INC., 320 Park Avenue, New York, New York 10022; ALLEGHENY PITTSBURGH COAL COMPANY, Cabin Hill, Greensburg, Pennsylvania 15601; MONONGAHELA POWER COMPANY, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; THE POTOMAC EDISON COMPANY, Downsville Pike, Hagerstown, Maryland, 21740; and WEST PENN POWER COMPANY, Cabin Hill, Greensburg, Pennsylvania 15601; Notice of proposal to reorganize a wholly owned coal company subsidiary and to make open account advances to such subsidiary.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and its three electric utility subsidiaries, Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("Potomac") and West Penn Power Company ("West Penn"), and Allegheny Pittsburgh Coal Company ("AP Coal"), a jointly owned subsidiary of Monongahela, Potomac and West Penn, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10 and 12 of the Act 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.

AP Coal was organized under the laws of the Commonwealth of Pennsylvania in 1918 for, among other things, the purpose of developing, mining and selling coal.

AP Coal is authorized to issue 10,000 shares of $0.05 par value common stock. Since 1974 AP Coal's common shares have been owned as follows:

Monongahela—2,500 shares
Potomac—2,500 shares
West Penn—2,500 shares

The principal assets of AP Coal are a coal reserve acquired in 1971 and the Cowen coal mine acquired in 1974. Its principal liabilities are the amounts remaining to be paid pursuant to the long-term installment purchase agreement for the Cowen Mine, about $2.4 million each year for the next 6 years, and the interest bearing, open account cash advances which Monongahela, Potomac and West Penn have made primarily to enable AP Coal to finance the acquisition of the Cowen Mine. As of June 30, 1979, Monongahela, Potomac and West Penn have made open account advances aggregating $5,077,550, $5,077,550 and $10,155,100 respectively. Except for the coal reserves which it holds, AP Coal is an inactive company.

It is proposed that Monongahela, Potomac and West Penn, prior to December 31, 1979, transfer their respective shares of AP Coal stock to Allegheny either by sale or as a dividend payment by each of the companies to Allegheny. The value of the shares to be transferred on behalf of each company, would be equal to the transferring company's equity investment in AP Coal on the transfer date. After the proposed reorganization, Allegheny would own 100% of the common stock of AP Coal. Monongahela, Potomac and West Penn would indemnify Allegheny for any claims arising out of past operations of AP Coal in excess of the reserve for such claims on the books of AP Coal on the stock transfer date. After AP Coal's

reorganization, its liabilities would continue to include the obligation for the open account advances made by Monongahela, Potomac and West Penn unless they have been repaid or until such time as they are repaid from the proceeds of the open account advances described below or such other source of funds as may be available. The proposed transactions will have no effect on AP Coal's status as an inactive company.

It is further proposed that Allegheny make interest-bearing, open account cash advances to AP Coal from time to time as funds may be required, in an aggregate amount not to exceed $35 million outstanding at any one time. Such advances would be prepayable at any time without premium or penalty and would bear interest at any annual rate equal to the actual cost to Allegheny of short-term borrowings.

The proceeds of the open account advances will be used for installment payments of about $2.4 million each for the Cowen Mine, due on the first business day of January of each year through January 1985, to repay the open account advances from Monongahela, Potomac and West Penn, which as of August 31, 1979 total about $20,300,000 and to provide AP Coal with funds necessary to pay real estate taxes, licensing fees and other expenses. The open account advances will not be used to provide funds for equipment or other purposes necessary to commence mining operations if in the future it should prove necessary or desirable for AP Coal to commence operations.

Allegheny proposes to obtain the additional funds necessary to make open account advances to AP Coal from internal cash generation and other funds available to APS including short-term borrowings. As of August 31, 1979, Allegheny had approximately $1.1 million of short-term debt outstanding.

The fees, commissions and expenses to be incurred in connection with the proposed transactions are estimated at $3,000. Various aspects of the proposed transactions are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the Virginia State Corporation Commission and the West Virginia Public Service Commission. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 4, 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 the filing 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 applicants-declarants at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further 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. 79-35296 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16333; SR-Amex-79-18]

American Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

November 9, 1979.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on October 29, 1979, the American Stock Exchange, Inc. filed with the Commission copies of a proposed rule change which amends the definition of spread and straddles orders, defines combination orders, and accords to combination orders the same limited priority which is accorded to spread and straddle orders.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-79-18.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commisison's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the Commission, by publication of a Commission Release (Securities Exchange Act Release No. 16114, August 16, 1979) and by publication in the Federal Register (44 FR 49538, August 23, 1979) gave notice and opportunity to comment upon a similar rule proposal by the Chicago Board Options Exchange, Incorporated (SR-CBOE-79-8), which the Commission subsequently approved. No comments were received on the CBOE rule filing.[1]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35299 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16334/November 9, 1979; SR-Amex-79-19]

American Stock Exchange, Inc.; Self-Regulatory Organization; 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. 94-29,16 (June 4, 1975), notice is hereby given that on November 1, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

[1] *See* Securities Exchange Act Release No. 16127 (September 21, 1979), 44 FR 59413 (October 1, 1979).

Exchange's Statement of Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex") proposes to amend Exchange Rule 959.01 relating to accommodation trading of options. The Amendment to Rule 959.01 is set forth below (brackets indicate material deleted):

Rule 959. (a) No Change.

(b) No Change.

Commentary

.01 [*In the event any part of a closing sell order which has been placed in the cabinet pursuant to paragraph (a) of this rule cannot be immediately executed, such order shall be filed in time sequence with any order(s) to sell at* 1/16.]

[.02] No change.

Exchange's Statement of Basis and Purpose

The purpose of the proposed rule change is to delete Rule 959.01 which presently requires that closing sell orders which have been placed in the cabinet (and which cannot be immediately executed) also need to be filed in time sequence with orders to sell at 1/16 in the regular-way auction market.

Exchange Rule 959 permits the establishment of a cabinet to accommodate closing transactions in options series in which there is no auction market due to the absence of bids or offers at the lowest fractional price, 1/16 ($6.25), per contract. Only *closing* orders with a limit price of $1 per contract are acceptable in the cabinet. Although specialists have the obligation to supervise the operation of the cabinet in their specialty options, cabinet trading does not involve any of the principles of the regular-way Exchange auction market other than time priority.

No opening orders may be entered or executed in the cabinet; therefore, such orders may not be "matched" against closing cabinet bids or offers. Consequently, the lowest price at which an opening buy order can be executed is at a price of 1/16 in the auction market. In 1977, Rule 959 was amended in order to give cabinet sell orders an opportunity to participate in this auction market. (See SR-Amex-77-15). The amendment provided for closing sell orders which could not be immediately executed in the cabinet to be elevated from the cabinet and filed in time sequence with any order(s) to sell at 1/16.

However, the Exchange has found that, in practice, this procedure is confusing and operationally cumbersome. Until a closing sell order is executed—either in the cabinet or by its elevation to the auction market—it must be filed in time sequence in both places. During periods of heavy trading, the burden on the specialist to serve these orders does not appear justified by the execution of orders in the auction market at 1/16.

Cabinet trading was intended to be merely an accommodation to customers who wished to close out option positions and Exchange specialists have never charged any commissions for servicing such orders. Further, it was never intended that cabinet orders be part of the auction market. In addition, customers may always cancel their cabinet orders and enter them in the "regular way" auction market.

The Exchange has noted that the CBOE has filed comparable rule changes with the SEC so that cabinet orders no longer need to be elevated to the auction market. (See SR-CBOE-78-4).

The basis for the proposed rule change is found in Section 6(b)(5) of the Act, as amended, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

No comments on this proposed rule change have been solicited or received from members.

The Amex has determined that the proposed amendment will not impose any burden on competition.

On or before December 20, 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 available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 6, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 9, 1979.

[FR Doc. 79-35301 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21293; 70-6378]

Blackstone Valley Electric Co., et al.; Proposed Short-Term Borrowing

November 9, 1979.

In the matter of Blackstone Valley Electric Co., Washington Highway, P.O. Box 1111, Lincoln, Rhode Island 02865; Eastern Edison Co., 36 Main Street, Brockton, Massachusetts 02403; and Montaup Electric Co., P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Blackstone Valley Electric Company ("Blackstone"), Eastern Edison Company ("Eastern Edison") and Montaup Electric Company ("Montaup"), electric utility subsidiary companies of Eastern Utilities Associates, a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a)(1), 7 and 12(c) of the Act and Rules 42(b)(2) and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Declarants propose to make borrowings from banks in the following maximum amounts to be outstanding at any one time during the period December 24, 1979, to December 31, 1980: Blackstone, $3,200,000; Eastern Edison, $19,700,000; and Montaup, $63,500,000.

The borrowings will be evidenced by promissory notes dated the respective dates of issue, will have maximum maturities of nine months, will bear interest at the prime rate or at the prime rate plus a fraction thereof, will be issued no later than December 31, 1980 and will provide for prepayment at anytime without premium. Declarants have established credit lines with a number of banks and arrangements under such credit lines include, (1) borrowing at the prime rate with no formal compensating balances; (2) borrowing at the prime rate with

compensating balances not exceeding 20%; and (3) borrowing at the prime rate or the prime rate times a percentage thereof with a commitment fee based on a fraction of the prime rate. Assuming a prime rate of 15% and the maximum balance requirements of 20%, the effective interest rate would be 18.75%.

Proceeds of the borrowings are to be applied to (1) the renewal of notes payable as they become due, (2) finance their respective 1980 construction programs, which are estimated to be approximately $4,700,000 in the case of Blackstone, $10,600,000 in the case of Eastern Edison and $50,200,000 in the case of Montaup; and (3) provide funds to meet certain sinking fund requirements in the case of Eastern Edison. It is stated that the proposed issuance of notes is exempted from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(2) thereof.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at 3,200. It is stated that no state or federal commisison, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 4, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35295 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21291; 31-772]

Theo. H. Davies & Co., Ltd.; Application for Exemption

November 9, 1979.

Notice is hereby given that Theo. H. Davies & Company, Limited ("Davies"), 841 Bishop Street, Honolulu, Hawaii 96813, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 2(a)(3)(A) of the Act as applicable. All interested persons are referred to the application, which is summarized below, for a complete statement.

Davies, a wholly-owned subsidiary of Jardine, Matheson & Co., Ltd. ("Jardine"), engages through its Davies Hamakua Sugar Company ("Plantation") division in the business of planting, cultivating, growing and harvesting sugar cane and processing the same to produce raw sugar and molasses. As a necessary incident to its factory operations, the company owns and operates facilities for burning sugar cane trash and bagasse to produce steam and generate electricity. The company consumes a part of the electric energy produced in its factory operations and sells the rest to a local public utility, Hawaii Electric Light Company, Inc. ("Helco").

Davies now has two boilers installed at its Plantation factories for burning cane trash and bagasse and expects that all components of the related electric generating equipment will be fully operational in 1981. The company estimates that, when operated to capacity, about 20% of the electricity it generates will be used in its sugar cane plant operations and the balance sold to Helco under a power purchase agreement. On this basis, Davies anticipates that sales to Helco in 1981 will amount to 83,500,000 Kwh, producing revenue of $4,491,000 or about 4.4% of Davies' estimated operating revenue.

In the absence of an exemption, Davies would be deemed an "electric utility company" with the definition contained in Section 2(a)(3) of the Act. Davies states, however, that it is entitled to an exemption under clause (A) of Section 2(a)(3), inasmuch as it is primarily engaged in a business other than the business of a public utility company and sells only a small amount of electric energy to a single purchaser for resale.

Notice is further given that any interested person may, not later than December 7, 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 the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may 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 notice of 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. 79-35297 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21289; 70-6304]

Middle South Utilities, Inc.; Post-Effective Amendment Regarding Increase of Short-Term Borrowings

November 9, 1979.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed with this Commission a first post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

By order in this proceeding dated June 7, 1979, (HCAR No. 21093), Middle South entered into a revolving credit

agreement ("Credit Agreement") providing for the issuance and sale by Middle South of its unsecured short-term promissory notes to a group of banks headed by Manufacturers Hanover Trust Company. Under the terms of the Credit Agreement, Middle South is authorized to borrow and reborrow from the participating banks until June 27, 1980 up to an aggregate principal amount of $174,800,000 outstanding at any one time, to be evidenced by its unsecured promissory notes payable June 27, 1980 ("Notes"). As of October 31, 1979, the principal amount of Middle South's Notes issued and outstanding under the Credit Agreement aggregated $164,000,000.

Middle South now proposes to amend the Credit Agreement so as to increase from $174,600,000 to $226,820,000 the aggregate principal amount of Notes which Middle South may issue and sell to the participating banks thereunder. The reason for the proposed increase is to provide Middle South with the necessary financial flexibility in the event that proposed long-term financings are not obtainable by the company at planned dates due to unforeseen market conditions. Under the Credit Agreement, as proposed to be so amended, the Notes will be issued to participating banks to the extent of their revised participants (collectively, the "Commitments") as follows:

Name of bank	Maximum principal amount authorized to be borrowed under present commitments	Maximum principal amount proposed to be borrowed under revised commitments
Manufacturers Hanover Trust Company.	$49,040,000	$49,100,000
The First National Bank of Chicago.	28,000,000	40,000,000
Bank of America National Trust and Savings Association.	20,000,000	29,000,000
Continental Illinois National Bank and Trust Company of Chicago.	16,000,000	24,000,000
The First National Bank of Boston.	12,000,000	17,000,000
The Northern Trust Company.	8,880,000	10,000,000
Irving Trust Company	8,800,000	15,000,000
Morgan Guaranty Trust Company of New York.	8,000,000	13,000,000
North Carolina National Bank.	8,000,000	8,000,000
First Pennsylvania Bank, N.A.	4,000,000	5,720,000
The Fidelity Bank	4,000,000	5,000,000
Crocker National Bank	4,000,000	6,000,000
Hartford National Bank and Trust Company.	4,000,000	5,000,000
Total	174,800,000,000	226,820,000

In connection with the increase in the Commitments set forth above, Middle South will agree to pay to each of the participating banks a commitment fee on the proposed additional amounts of their respective Commitments for the period from November 1, 1979 to and including June 27, 1980 (or any earlier date of termination of the Commitments) computed at the rate set forth in the Credit Agreement, which is one-half of 1% per annum on the average daily unused portion of such Commitments in effect during the period for which payment is made.

Except as set forth above the terms and conditions of the borrowings by Middle South from the banks under the Credit Agreement, including the interest rate on and maturity date of the Notes, and right of prepayment, remain unchanged.

Based upon the prime commercial loan rate of Manufacturers Hanover Trust Company, 15% per annum in effect on October 31, 1979, the effective interest cost of borrowings by Middle South under the Credit Agreement as of the date would be 16.5% per annum.

It is stated that no special or separate expenses are anticipated in connection with the proposed transactions and that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 5, 1979, request in writing that a hearing be held on such a matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices 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. 79-35298 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 6146; 18-61]

Monroe & Lemann Retirement Plan; Application

November 8, 1979.

Notice is hereby given that Monroe & Lemann (hereinafter the "Firm" or "Applicant", 1424 Whitney Building, New Orleans, LA 70130, a law firm orgnized as a partnership under the laws of the State of Louisiana, has by letter dated August 27, 1979, applied for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for participations or interests issued in connection with the Monroe & Lemann Retirement Plan (the "Plan"). All interested persons are referred to that document, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. Introduction

Applicant's Plan provided that all employees and partners of the Firm are eligible to participate in the Plan as of the first day of any month following or coinciding with the completion of three consecutive years of employment. Applicant states that participation in the Plan by eligible partners and employees of the Firm is mandatory, except in the case of partners having a 10% or more interest in the Firm. The Plan is of the type commonly referred to as a "Keogh" Plan, which covers Applicant's partners and employees, some of whom are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended (the "Code"). As a result, the exemption provided by Section 3(a)(2) of the Act for interests or particpations in employee benefits plans of corporate employers is not available to the Plan.

In relevant part, Section 3(a)(2) of the Act provides that the Commission may exempt from the provisions of Section 5 of the Act any interests or particpations issued in connection with a pension plan that covers employees, some or all of whom are "employees" within the meaning of Code Section 401(c)(1), if and to the extent that the Commission determines such an 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.

II. Description and Administration of the Plan

Applicant represents that the Plan was originally established effective November 1, 1974, as a defined contribution plan for all employees and partners of the Firm. The Plan was originally written to conform with the requirements of the Employee Retirement Income Security Act of 1974 ("ERISA") to which the Plan is subject, and the Plan has been amended from time to time to comply with regulations interpreting ERISA. The Internal Revenue Service ("IRS") has issued a favorable determination letter to the effect that the Plan and its related trust agreement meet the requirements of Code Section 401(a). An Application will be filed with the IRS for a determination that the (2) amendments to the Plan are such that the Plan as amended continues to be qualified under Code Section 401(a). The Applicant has requested that the Commission assume, in considering the application, that the IRS will rule favorably as to the continued qualification of the Plan.

Applicant states that contributions to the Plan are made by the Applicant based on a percentage of each participan's annual compensation. The Plan is integrated with Social Security. Applicant states that a participant may make voluntary additional contribution to the Plan for the account of the participant, subject to limitations on the amount of voluntary contributions that are set forth in the Plan. No solicitation of voluntary contributions has been or is intended to be made and voluntary contributions may be withdrawn by a participant.

Applicant further states the Plan assets are invested in one of two funds maintained by the Plan trustee, Whitney National Bank of New Orleans. Each participant may designate annually whether contributions mase by and on behalf of the participant are to be invested entirely in the equity fund, entirely in the fixed income fund, or split evenly between the two funds. In addition, each participant may elect annually to transfer all or a part of the particpant's in one investment fund to the other investment fund. Plan assets are not commingled with the assets of any other plan.

Applicant represents that the Plan is subject to the fiduciary standards and reporting and disclosure requirements of ERISA. A summary plan description has been distributed to each participant and this practice will continue. The Applicant states that certain annual reporting forms must be filed with the IRS with respect to the Plan each year, and copies of these forms are available to the Department of Labor and to all Plan participants. Semi-annual reports of the Plan are also distributed to Plan participants each year.

Applicant represents that it is engaged in the provision of legal services involving sophisticated and complex financial matters and that it can adequately represent its own and its employees' interests in such matters.

Applicant further states that the Plan is administratered by a committee consisting of four individuals, each of whom may be a participant in the Plan. The committee has overall responsiblility and authority for administering the Plan, and has appointed an investment adviser registered under the Investment Advisers Act of 1940 to manage the investments of both funds. The committee has retained the responsibility for the day-to-day administration of the Plan, including the making and enforcement of rules and interpreting and construing the Plan with regard to all questions of eligibility, the status and rights of participants, beneficiaries, and other persons affected thereunder, and the disbursement of benefits.

The Applicant contends that if the Firm were a corporation, rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under Section 3(a)(2) of the Act and that merely because the Firm is unincorported is no reason to subject such interests or participations in the registration requirements of the Act.

Applicant concludes that since the Plan assets are not commingled in collective investment funds with the assets of any other plan; since the Plan is subject to the fiduciary standards and reporting and disclosure requirements of ERISA; since the Applicant has retained substantial administrative control of the Plan; since the Applicant is engaged in providing legal services involving sophisticated and complex financial matters and can adequately represent its and its employees' interests; and since no solicitation of voluntary contributions has been or will be made, granting the requested exemptive order would be 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 December 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement of the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: George A. Fitzsimmons, 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 above stated. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following December 3, 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 futher 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. 79-35293 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10936; 812-4362]

New York Municipal Trust, Series 4 (and Subsequent Series) and Bear, Stearns & Co.; Application

November 7, 1979.

Notice is hereby given that New York Municipal Trust, Series 4 (and Subsequent Series) ("Trust"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and its sponsor, Bear, Stearns & Co. ("Sponsor") (collectively, "Applicants"), 55 Water Street, New York, New York 10041, filed an application on May 29, 1979, requesting an order amending a prior order of the Commission (Investment Company Act Release No. 10475, November 8, 1978) ("Prior Order"), pursuant to Section 6(c) of the Act, to exempt Applicants from the provisions of Section 22(d) of the Act to enable them to offer holders of units of series of the Trust ("Certificateholders"), who have elected to receive distributions from the Trust annually, the opportunity to reinvest such distributions at a reduced sales charge in units of series of the Trust pursuant to Applicants' Total Reinvestment Plan

("Plan"). 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.

On November 8, 1978, the Commission issued the Prior Order exempting Applicants from the provisions of Sections 14(a) and 22(d) of the Act and Rules 19b-1 and 22c-1 thereunder. According to the application, the exemption from Section 22(d) of the Act enabled Applicants to offer Certificateholders, who elected to receive distributions from the Trust semi-annually, the opportunity to automatically reinvest such distributions at a reduced sales charge in units of series of the Trust. Applicants state that, although they originally contemplated offering Certificateholders monthly and semi-annual distribution plans, in Series 4 and subsequent series the Sponsor commenced offering an optional annual distribution plan. According to the application, such annual distribution plan will increase the estimated current return to Certificateholders electing to receive distributions on an annual basis ("Annual Certificateholders") due to the lower Trustee's fees and expenses associated with annual distributions.

Applicants propose to afford Annual Certificateholders the option to automatically reinvest interest and principal distributions at a reduced sales charge in units of series of the Trust to be offered in the future ("Future Series") or, if no Future Series is available, in units of a previously formed series which have been purchased by the Sponsor in the secondary market and with respect to which a registration statement is currently effective ("Secondary Series") (Future Series and Secondary Series are collectively referred to as "Available Series"). Under the proposal, an Annual Certificateholder will be able to join the Plan at any time by delivering an authorization form to the Trustee and may withdraw from the plan at any time upon written notice. The Plan provides for the purchase of fractional units ("Plan Units") from the Sponsor at a price equal to the aggregate offering price per unit of the debt obligations in the Available Series portfolio divided by 100, plus a sales charge equal to 3.627 percent of the offering side evaluation of such debt obligations (3½ percent of the offering price per Plan Unit), plus accrued interest. Applicants state that the customary sales charge applicable to all primary and secondary sales of units of series of the Trust (including Available Series) is 4½ percent. Applicants anticipate that the entire amount of a participating Annual Certificateholder's distributions will be reinvested.

Applicants state that Annual Certificateholders will have interest and principal distributions reinvested on each December 15 ("Annual Payment Date") in units of the Available Series. Available Series will be unit investment trusts similar to the other series of the Trust. Applicants further state that if the Sponsor does not have an Available Series on an Annual Payment Date, or if the Available Series materially differs in the Sponsor's opinion from the then outstanding series of the Trust, the Sponsor intends to suspend the Plan and to distribute to participating Annual Certificateholders their regular annual distributions. If the Plan is so suspended, Applicants represent that the Plan will resume on the next Annual Payment Date. The application states that on or about December 1 of each year ("Annual Record Date"), the Sponsor intends to offer an Available Series to Annual Certificateholders, and that on or about each Annual Record Date, a current prospectus relating to an Available Series will be mailed to each participating Annual Certificateholder with a letter stating that Plan Units will be purchased unless the Trustee is notified by the Annual Payment Date that such Certificateholder no longer wishes to participate in the Plan or in the particular transaction. Applicants state that Certificateholders may withdraw from the Plan: (1) as to any particular distribution; (2) as to less than all Series of the Trust in which the Certificateholder might own units; and (3) as to the reinvestment of distributions declared on Plan Units. Applicants further state that when an Annual Certificateholder elects to participate in the Plan, the Trustee will open an account for such Certificateholder who will then receive a confirmation of the opening of the account and confirmation statements of any other transactions which occur in the account.

According to the application, once delivered to the Trustee, an authorization form constitutes a valid election to participate in the Plan with respect to all subsequent distributions on all units of the fourth and subsequent series of the Trust held by the Certificateholder (and with respect to all Plans Units purchased pursuant to the Plan). However, should material change occur in the policies of the Trust which adversely affects participating Annual Certificateholders, the application states that authorizations will be voided and that participants will be provided with a notice of the policy change and a new authorization form which would have to be returned to the Trustee before the Annual Certificateholder could again participate in the Plan. The Sponsor anticipates that inclusion in the portfolio of the Available Series of a debt obligation which was not rated "A" or better by Standard & Poor's Corporation or Moody's Investors Services, Inc., would be a material change which would result in authorizations being voided. The Trustee and the Sponsor reserve the right to suspend, modify or terminate the Plan at any time.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) of the Act, provides, in pertinent part, that the Commission, by order upon application, may exempt any person, security or transaction, or any class of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an order pursuant to Section 6(c) of the Act amending the Prior Order to exempt from the provisions of Section 22(d) of the Act their proposal to offer the Plan to Annual Certificateholders. In support of their request, Applicants assert that applying a sales charge for Plan purchases of less than the customary 4½ percent sales charge is beneficial to Plan participants and warranted in light of cost savings. Applicants state that approximately 3 percent of the customary 4½ percent sales charge is attributable to the efforts initial soliciting brokers. They submit that because each Available Series will be substantially similar to the series of the Trust initially purchased by participants, selling and counseling efforts are reduced with respect to purchase pursuant to the Plan. Applicants state

that although a participant may seek professional advice from his broker with respect to participation in any particular Available Series, a charge of 1½ percent would be a reasonable and justifiable expense to be allocated by the Sponsor to the soliciting broker for his professional assistance. Applicants state that a participant may designate the broker entitled to receive such commission; if no broker is so designated, the Sponsor will retain the commission.

Applicants assert that the implementation and continuation of the Plan will also create special out-of-pocket costs which should be borne by Plan participants, and that the Sponsor believes such out-of-pocket expenses will amount to 1 percent of the price per Plan Unit. In addition, Applicants state that prior experience indicates that the out-of-pocket costs of establishing each Available Series will represent approximately 1 percent of the public offering price of the Units of such series. Applicants represent that all of the costs discussed above will be covered by the proposed 3½ percent sales charge that will be applicable to purchases of Plan Units. Thus, Applicants submit that the proposed reduced sales charge for Plan purchases not only passes through certain cost savings to Plan participants, but also charges such participants for the expenses related to the Plan.

Notice is further given that any interested person may, not later than November 29, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 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 Commision thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35260 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16332; SR-Phlx-79-9]

Philadelphia Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

November 9, 1979.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on October 31, 1979, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Commission copies of a proposed rule change which deletes a provision contained in Phlx Rule 1014, Commentary .15 regarding the permissible bid/ask differentials for expiring options which are in-the-money.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-79-9.

Copies of the submission, all subsequent amendments, all written statements, with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change deletes a provision which is no longer necessary in view of the Commission's approval of a previous Phlx rule proposal to increase the bid/ask spread parameters.[1]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35306 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

Presley Cos. and R B Industries, Inc.; Applications To Withdraw From Listing and Registration

November 8, 1979.

In the matter of The Presley Companies Common Stock, $.1875 Par Value File No. 1-6694 and R B Industries, Inc. Common Stock, $1.00 Par Value File No. 1-7528.

The above issuers have filed applications with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the applications for withdrawing these securities from listing and registration include the following:

1. The Presley Companies' ("Presley's") common stock was listed and registered for trading on the Amex on August 20, 1971.

2. R B Industries, Inc.'s ("RBI's") common stock was listed and registered for trading on the Amex on July 9, 1975.

3. Presley's common stock became listed and registered for trading on the New York Stock Exchange, Inc. ("NYSE") on August 20, 1979; RBI's common stock became listed and registered for trading on the NYSE on October 9, 1979. Simultaneously, Amex suspended trading in both issues pursuant to Rule 12d2-1 of the Act.

4. Presley and RBI have determined that the direct and indirect costs as well as the possibility of market fragmentation does not justify maintaining their respective common stock listings on both the Amex and NYSE.

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[1] *See* Securities Exchange Act Release No. 15886 (May 30, 1979), 44 FR 32500 (June 6, 1979).

These applications relate solely to withdrawal of the applicants' common stocks from listing and registration on the Amex and shall have no effect upon the continued listing of those common stocks on the NYSE. The Amex has posed no objections in these matters.

Any interested person may, on or before November 27, 1979 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the individual applications have been made in accordance with the Amex rules and what terms, if any should be imposed by the Commission for the protection of investors. An order granting each application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35259 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21288; 70-6379]

Yankee Atomic Electric Co.; Proposed Issuance and Sale of Short-Term Promissory Notes to a Bank and a Dealer in Commercial Paper and Request for Exemption From Competitive Bidding

November 8, 1979.

Notice is hereby given that Yankee Atomic Electric Company ("Yankee Atomic"), 20 Turnpike Road, Westborough, Massachusetts 01581, an electric utility subsidiary company of New England Electric System and Northeast Utilities, registerred holding companies, has filed an application-declaration with this commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7 and 9(a) of the Act and Rules 42(b)(2), 50(a)(2) and 50(a)(5) 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.

Yankee Atomic proposes to issue and sell from time to time, but not later than December 31, 1980, short-term promissory notes in order to finance the cost of nuclear fuel or for other corporate purposes. The notes are expected to be sold to the First National Bank of Boston, Massachusetts, or to A. G. Becker & Company, Inc. ("Becker"), a dealer in commercial paper, or to both, up to a mazimum aggregate principal amount of $21,000,000 to be outstanding at any one time. Yankee Atomic now has borrowing authority aggregating $16,000,000 through December 31, 1979 (File No. 70-6226) and expects to have about $14,000,000 of short-term debt outstanding at the end of 1979. During 1980 Yankee Atomic expects to spend approximately $6,600,000 for nuclear fuel and to make capital expenditures of approximately $8,100,000 for plant improvements.

The proposed short-term borrowing will be repaid from time to time in part from internally generated funds and the balance will be refinanced either through additional short-term borrowings or permanent financing.

The proposed borrowings from the First National Bank of Boston will be evidenced by notes payable maturing in less than one year from the date of issuance and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of 110% of the prime rate (plus a commitment fee of ⅝ of 1% of the line of credit). Based on a rate of 110% of prime rate and a commitment fee of ⅝ of 1%, the effective cost to Yankee Atomic would be appoximately 17.125% per annum assuming borrowings at the maximum amount of the lines of credit based on the current prime rate of 15%.

Yankee Atomic also proposes to issue and sell its commerical paper during the period through December 31, 1980, directly to Becker. Becker, as a principal, will reoffer such commercial paper to not more than 200 of its customers whose names appear on a nonpublic list prepared by Becker in advance. No additions will be made to such list of customers. It is expected that such commercial paper will be held to maturity by the purchasers, but, if any such purchaser wishes to resell prior to maturity, Becker, pursuant to an oral repurchase agreement, will repurchase the paper for resale to others on said list of customers. The commerical paper so issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditons, the effective interest cost to Yankee Atomic, and Yankee Atomic's cash requirements at the time of issuance. The commercial paper will be denominations of not less than $50,000 and not more than $1,000,000 and will not by its terms be prepayable prior to maturity. The commercial paper will be purchased by Becker from Yankee Atomic at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Becker will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1% per annum less than the prevailing discount to Yankee Atomic.

No commercial paper notes having a maturity of more than 90 days will be issued at an effective interest cost which exceeds the effective interest cost at which Yankee Atomic could borrow from the First National Bank of Boston.

Yankee Atomic claims an exemption from the competitive bidding requirements of Rule 50 with respect to proposed issuance and sale of notes to a bank pursuant to paragraph (a)(2) and requests an exemption with respect to the proposed issuance and sale of commercial paper pursuant to pargraph (a)(5) thereof.

The fees and expenses to be incurred with the proposed transaction are $3,000. Incidental services will be performed by New England Power Service Company at actual cost. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 7, 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 the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in

this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-35294 Filed 11-14-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1694; Amendment No. 1]

Alabama; Declaration of Disaster Loan Area

The above numbered Declaration (see 44 FR 61716) is amended by extending the filing date for physical damage until the close of business on December 13, 1979, and for economic injury until the close of business on July 14, 1980.

(Catalog of Federal Domestic Assistance Programs 59002 and 59008)

Dated: November 2, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-35227 Filed 11-14-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1729]

Louisiana; Declaration of Disaster Loan Area

Calcasieu Parish and adjacent Parishes within the State of Louisiana constitute a disaster area as a result of damage caused by tornado, which occurred on October 22, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 7, 1980, and for economic injury until the close of business on August 6, 1980 at: Small Business Administration, District Office, Plaza Tower—17th Floor, 1001 Howard Avenue, New Orleans, Louisiana 70113, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59022 and 59008)

Dated: November 6, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-35228 Filed 11-14-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1695; Amendment No. 1]

Declaration of Disaster Loan Area; Mississippi

The above numbered Declaration (See 44 FR 61719), is amended by extending the filing date for physical damage until the close of business on December 13, 1979, and for economic injury until the close of business on July 14, 1980.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: November 6, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-35229 Filed 11-14-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1730]

Texas; Declaration of Disaster Loan Area

Coryell County and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by tornadic winds, hail and rain which occurred on October 15, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 6, 1980, and for economic injury until the close of business on August 6, 1980, at: Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: November 6, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-35230 Filed 11-14-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP79-7; Notice 2]

Suzuki Motor Co. Ltd.; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition of Suzuki Motor Co., Ltd. of Santa Fe Springs, California to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205, *Glazing Materials*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published in the Federal Register on July 12, 1979, and an opportunity afforded for comment (44 FR 40756).

Paragraph S6.4 of Standard No. 205 requires that each manufacturer who cuts a section of glazing material for use in a motor vehicle shall mark the material to identify it. Suzuki manufactured 700 windshields in February and April 1979 for its Model GS1000S motorcycle that were not marked AS-6 in accordance with the standard. Suzuki argues that the noncompliance is inconsequential as the windshields are certified as meeting Standard No. 205 and, in fact, other than the omitted marking, comply with all requirements.

No comments were received on the petition. The NHTSA concurs with Suzuki's views that the failure to mark the windshields has no consequential effect since the glazing materials meet all appropriate performance requirements. Accordingly, petitioner has met its burden of persuasion that the noncompliance with Standard No. 205 herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on November 7, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-35146 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

[Docket No. 79-2W; Notice 2]

Transportation of Natural and Other Gas by Pipeline; Grant of Waiver

The Department of the Army, Alaska District, Corps of Engineers (Corps), petitioned the Materials Transportation Bureau (MTB) for a waiver from compliance with the low temperature limitation of minus 20 degrees Fahrenheit in 49 CFR 192.123(b)(1) to permit operation of a proposed plastic pipeline system down to minus 40 degrees Fahrenheit. The Corps is designing a buried gas distribution system to replace the present system in the community of Barrow, Alaska, for the Bureau of Indian Affairs. The completed gas distribution system is to be operated by the Barrow Utilities and Electric Cooperative.

The Corps is planning to use Driscopipe 7000 high density

polyethylene pipe manufactured by Phillips Products Company, Incorporated, for both mains and services that will be buried in permafrost in this gas distribution system. The petition contained evidence that Driscopipe 7000 will perform safely at temperatures far below those anticipated in the area.

In Notice 1 of this docket (44 FR 38693), interested persons were invited to submit comments on the proposed waiver before August 13, 1979. No comments have been received nor were there any requests for a public hearing on this petition. Therefore, for the reasons set forth in Notice 1 and the petition, MTB finds that:

1. While plastic pipe may not be used where operating temperatures are under minus 20 degrees Fahrenheit under § 192.123(b)(1), such a limitation does not appear appropriate for certain plastic pipe such as Driscopipe 7000, a polyethylene plastic pipe having unique high strength at such temperatures.

2. The Driscopipe 7000 material provides a safe, economic solution to the freeze-thaw condition anticipated for gas distribution systems buried in permafrost.

3. Unlike many other thermoplastic materials, ultra-high density polyethylene increases in strength with a decrease in temperature.

In consideration of the foregoing, effective immediately, the Barrow Utilities and Electric Cooperative is hereby granted a waiver from compliance with 49 CFR 192.123(b)(1) for operation of the replacement gas distribution pipeline system in the community of Barrow, Alaska.

(49 U.S.C. 1672; 49 CFR 1.53(a), Appendix A of Part 1 and Appendix A of Part 106)

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

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 79-35067 Filed 11-14-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Portable Electric Typewriters From Japan; Antidumping; Extension of Investigatory Period

AGENCY: United States Treasury Department.

ACTION: Extension of Antidumping Investigatory Period.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has concluded that a tentative determination as to whether sales at less than fair value of portable electric typewriters from Japan have occurred cannot reasonably be made within 6 months. The investigatory period therefore will be extended.

Sales at less than fair value generally occur when the price of the merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market.

EFFECTIVE DATE: November 15, 1979.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Trade Analysis Division, U.S. Customs Service 1301, Constitution Ave., NW., Washington, D.C. 20229; telephone (202) 566-5492.

SUPPLEMETARY INFORMATION: On April 9, 1979, information was received in proper form pursuant to § 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of the Smith-Corona Group, Consumer Products Division, S.C.M. Corporation, New Canaan, Connecticut, alleging that portable electric typewriters from Japan are being 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"). On the basis of this information, an "Antidumping Proceeding Notice" was published in the Federal Register on May 18, 1979 (44 FR 29191).

Pursuant to section 201(b)(2) of the Act (19 U.S.C. 160 (b)(2)), notice is hereby given that the Secretary concludes that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160 (b)(1)) cannot reasonably be made within six months. The investigatory period will therefore be extended by three months, although it is expected that the tentative determination will be reached before the end of 1979. However, because a three-month extension would make applicable section 102(b)(1) of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 189), if it becomes effective January 1, 1980, the statutory date for a tentative determination may be May 20, 1980.

This extension is based primarily on the complications created by the number and type of circumstance of sales adjustments requested by each of the three Japanese manufactuers being investigated. Furthermore, there are many calculations to be done, given the numerous models of typewriters being compared for fair value purposes.

This notice is published pursuant to section 201(b)(2) of of the Act (19 U.S.C. 160(b)(2).

Robert H. Mundheim,

General Counsel of the Treasury.

November 8, 1979.

[FR Doc. 79-35237 Filed 11-14-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

[AB 148 (SDM)]

Durham and Southern Railway Co.; Amended System Diagram Map

Notice is hereby given that pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Durham and Southern Railway Company, has filed with the Commission its amended color-coded system diagram map in docket No. AB 148 (SDM). The Commission on October 22, 1979, received a certificate of publication as required by said regulations which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets, by requesting docket No. AB 148 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-35207 Filed 11-14-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

November 8, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before December 30, 1979.

FSA No. 43766, Trans-Continental Freight Bureau, Agent's No. 543, rates on lumber and related articles (including shakes and shingles), in carloads, from stations in Oregon, Washington, Idaho, Montana, Northern California, also Canada, to stations in Arkansas, Louisiana, Oklahoma, Texas, Memphis, Tenn. and Natchez, Miss. Rates to be published in its Tariffs ICC TCFB 4517, 4518 and 4520. Grounds for relief-rate relationship.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-35204 Filed 11-14-79; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No 1398]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Authorization Order No. 9

Decided: November 6, 1979.

On September 26, 1979, the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. § 11125 over the lines of Chicago, Rock Island & Pacific Railroad Company, Debtor (Willam M. Gibbons, Trustee) ("RI"). *See* Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, I.C.C. 289 (1979), 44 FR 56343 (October 1, 1979).

RI owns a Pettibone crane (shop No. 76513) which is in need of repair. Supplemental Order No. 4 to DSO No. 1398 required the DRC to obtain prior Commission approval for all rehabilitation for freight cars and other non-locomotive equipment which exceeds $1,200 per unit. See Supplemental Order No. 4 (served October 15, 1979) [44 FR 61127, Oct. 23, 1979]. Accordingly, the DRC submitted an urgent request for authority to repair the crane, which is used in the heavy repair car program shop at Little Rock, AR, and is requiring repairs costing more than $1,200. *See* wire to A. Daniel O'Neal, dated October 31, 1979.

The DRC seeks Commission authorization to repair this on the following grounds: (1) it is needed to lift rail cars to allow truck removal, and truck work; (2) it is used to unload wheels and decking, and to hold metal sheets for welding; (3) it is used to unload program cars from flat cars (requiring two cranes); and (4) it is used to load wreck damaged cars to home shop or to scrap dealers when sold. The Pettibone crane is considered more reliable than other cranes in use and has greater lifting capacity.

The cost of materials and labor for repair of this crane to $1,847.35. This consists of $400 for labor and $1,447.35 for material, the largest single item being a broken pinion shaft which will cost $759 to replace. The KCT estimates that the crane can be repaired in seven days.

We find: 1. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered: 1. The DRC is authorized to make repairs to the Pettibone crane (shop No. 76513) located at Little Rock, Arkansas, at the maximum cost of $1,847.35.

2. The repairs authorized above shall be completed within 45 days or by the end of the directed-service period (whichever comes first) unless otherwise authorized by the Commission. *See* DSO No. 1398, 360 I.C.C. at 310 [44 FR 56350, columns 1 & 2].

3. This decision shall be effective on its service date.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington, and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-35200 Filed 11-14-79; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

November 6, 1979.

This notice is being issued to clarify the "effective" and "expiration" dates of the initial 60-day directed service period under DSO No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289 (1979) and 44 FR 56343 (October 1, 1979).

Pursuant to Supplemental Order No. 3 (decided and served October 5, 1979), the directed service order's "effective" date was 12:01 a.m. (central time) *Friday October 5, 1979*—the date upon which KCT commenced directed-service operations.

Further, the "expiration" date of the initial 60-day directed-service period shall be midnight (central time) *Tuesday December 4, 1979*—the 60th day after the decision's effective date. *See* Supplemental Order No. 3 and 49 CFR § 1100.19(a).

Any questions regarding the effective or expiration dates of Directed Service Order No. 1398 should be addressed to Deputy Director Erenberg, Section of Finance (Room 5417), Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Avenue, NW, Washington, DC 20423.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-35202 Filed 11-14-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: October 23, 1979.

Keller Transfer Line, Inc., (MC-82079) and Capital Express, Inc., commonly controlled, (MC-114608) have filed a petition for waiver of paragraph 1057.12(c) of the Lease and Interchange of Vehicles Regulations (49 CFR 1057).

Findings: 1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result with the waiver.

It is ordered: The petition of Keller Transfer Line, Inc., and Capital Express, Inc., for waiver of paragraph 1057.12(c), is granted with respect to equipment leased between them.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and W. F. Sibbald, Jr.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-35201 Filed 11-14-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 192]

Permanent Authority Decisions—Notice

Decided: October 5, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon,

including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the commission's regulation. Except where specifically noted, this decision is neither a major Federal action significanty affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an appliant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 2, Members, Boyle, Liberman, and Eaton.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 57697 (Sub-17F), filed May 5, 1979. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Transporting (1) *lumber, lumber mill products, wood products, and forest products,* from points in Davis County, UT, to those points in the United States in and west of OH, KY, TN and AL (execpt AK, HI, and UT), and (2) *lumber, lumber mill products, and forest products,* from points in ID and MT, to points in Davis County, UT. (Hearing site: Salt Lake City, UT, or Portland, OR.)

MC 95336 (Sub-11F), filed May 15, 1979. Applicant: J. B. WILLIAMS EXPRESS, INC., P.O. Box V, Williamsburgh Station, Brooklyn, NY 11211. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT, on the one hand, and, on the other, points in MA and RI. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 110686 (Sub-60F), filed May 1, 1979. Applicant: McCORMICK DRAY LINES, INC., Avis, PA 17721. Representative: David A. Sutherland, 1150 Connecticut Avenue NW., Suite 400, Washington, DC 20036. Transporting *general commodities* (except explosives, commodities in bulk, and those requiring special equipment), between points in Clinton, Lycoming and Northumberland Counties, PA, and Philadelphia, PA, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Scranton, PA.)

MC 110617 (Sub-28F), filed April 17, 1979. Applicant: E. L. FARMER & COMPANY, P.O. Box 3512, Odessa, TX 79760. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Transporting *petroleum products and paints,* in containers, from the facilities of Mobil Oil Corporation at Houston and Beaumont, TX, to points in TX, LA and MS. (Hearing site: Dallas or Houston, TX.)

MC 113666 (Sub-166F), filed May 10, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). Transporting *borate rock,* in bulk, from Dunn, CA, to points in OH. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114457 (Sub-504F), filed May 7, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St.

Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *Ground clay* (except in bulk; in tank vehicles), from the facilities of Waverly Mineral Products Company in Thomas County, GA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia, PA, or St. Paul, MN.)

MC 114457 (Sub-511F), filed May 7, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *electric ranges and microwave ovens,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Litton Microwave Cooking Products, Litton Systems, Inc., at Sioux Falls, SD, on the one hand, and on the other, points inthe United States (except AK and HI). (Hearing site: Minneapolis, or St. Paul, MN.)

MC 116947 (Sub-71F), filed May 10, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, GA 30310. Representative: Wm. Addams, P.O. Box 720434, Atlanta, GA 30328. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal containers, and metal container ends,* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of the National Can Corporation at or near Rockford, IL, on the one hand, and, on the other, points in AL, AR, FL, GA, IN, KY, KS, MD, MS, MO, LA, NC, OK, OH, SC, TN, TX, VA, and WV, under continuing contract(s) with National Can Corporation of Chicago, IL. (Hearing site: Atlanta, Ga.)

Note.—Dual operations may be involved.

MC 117686 (Sub-270F), filed May 18, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting *meats, meat products and meat byproducts, dairy products,* and *articles distributed by meat-packing houses,* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides, and commodities in bulk), from the facilities of John Morrell & Co., at or near (1) Sioux Falls, SD, to points in FL, GA, NC, and SC, (2) Sioux City, IA, to points in FL, NC, and SC, (3) Estherville, IA, to points in FL, and (4) Worthington, MN, to points in FL, GA, NC, and SC, restricted in each to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL, or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 117686 (Sub-2F), filed May 15, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting *meats, meat products* and *meat byproducts,* and *articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation at (a) Albert Lea, MN, and (b) Cedar Rapids, IA, to points in NC and SC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 119767 (Sub-358F), filed May 10, 1979. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr. 915 Pennsylvania Building, 425, 13th Street NW., Washington, DC 20004. Transporting *such Commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL AR, CT, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, MN, OH, PA, SC, SD, TN, TX, VT, VA and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 119777 (Sub-375F), filed May 10, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., HIGHWAY 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *salt and salt products,* from Manistee, MI, to points in IN, IL, OH, KY, PA, IA, MD, MO, NJ, NY, TN, WI, NC, VA and WV. (Hearing site: St. Louis, MO.)

MC 123387 (Sub-18F), filed May 10, 1979. Applicant: E.E. HENRY, 1923 Sparrow Road, Chesapeake, MD 23320. Representative: Dwight L. Koerber, Jr., 666 Eleventh Street NW., Suite 805, Washington, DC 20001. Transporting *malt beverages,* from points in the United States (except AK and HI) to Macon, GA. (Hearing site: Washington, DC).

Note.—Dual operations may be involved.

MC 124887 (Sub-79F), Filed May 10, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fl 32202. Transporting *fertilizer* (except in bulk), from Pascagoula, Meridian, and Yazoo City, MS, and Donaldsonville, LA, to points in AL, FL, and GA. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124887 (Sub-80F), filed May 10, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *iron and steel articles and pipe* (except commodities in bulk), between Conroe, TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 126327 (Sub-9F), filed May 15, 1979. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *paper, paper products,* and *wood pulp,* from Wallula, WA, to points in AZ and CA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 126327 (Sub-11F), filed May 15, 1979. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *foodstuffs* (except frozen, and commodities in bulk), from the facilities of Nabisco, Inc., at (1) Buena Park and Oakland, CA, to points in ID, NV, OR, and WA, and (2) at Portland, OR, to points in CA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 136786 (Sub-159F), filed May 15, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. Transporting *foodstuffs* (except frozen), from Middleboro, MA, Bordentown, NJ, and Northeast, PA, to points in AR, CO, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, TX, and WI. (Hearing site: Minneapolis, MN, or Boston, MA.)

MC 138157 (Sub-150F), filed May 10, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412.

Representative: Patrick E. Quinn (same address as applicant). Transporting *fruit juice and juice concentrate* (except in bulk), from Yakima, WA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: Portland, OR.)

Note.—Dual operations may be involved.

MC 138157 (Sub-151F), filed May 10, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *dehdrated noodles and soup* (except in bulk), from City of Industry, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138627 (Sub-72F), filed May 15, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting (1) *material handling equipment* and *material storage equipment*, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, between Stevens Point and New London, WI, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, and TN. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 139917 (Sub-8f), filed April 13, 1979. Applicant: SEARAIL, INC., P.O. Box 909, Mobile, AL 36601. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), between Pensacola, FL, on the one hand, and, on the other those points in FL west of the Apalachicola River, restricted to the transportation of traffic having an immediately prior or subsequent movement by water or rail. (Hearing site: Mobile, AL.)

MC 141197 (Sub-38F), filed May 15, 1979. Applicant: FLEMING-BABCOCK, INC. 41406 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *coke*, in dump vehicles, from Kansas City, MO, to points in IA. (Hearing site: Kansas City, MO.)

MC 141947 (Sub-4F), filed May 10, 1979. Applicant: GEORGE HALL, an individual d.b.a. GEORGE HALL TRUCKING CO., 8260 Berry Avenue, Sacramento, CA 95828. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass bottles and knocked-down cartons*, from the facilities of Thatcher Glass Manufacturing Company in Los Angeles County, CA, to Reno and Sparks, NV, under continuing contract(s) with Thatcher Glass Manufacturing Company. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 143276 (Sub-14F), filed May 10, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., 3355 Lenox Road #795, Atlanta, GA 30326. Transporting *roofing materials* (except in bulk), (1) from the facilities of Warrior Sales and Distributors of Alabama, Inc., in Gwinnett County, GA, to points in NC, SC and TN, and (2) from the facilities of Warrior Sales and Distributor of Alabama, Inc., in Tuscaloosa County, AL, to points in GA and TN. (Hearing site: Atlanta, GA.)

MC 143616 (Sub-18F), filed May 16, 1979. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ink, ink ingredients, pulp wallpaper, and chemicals* (except commodities in bulk), from Woodlawn, OH, to points in TX and CA, under continuing contract(s) with Borden Chemical Division Borden Inc.(Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 143846 (Sub-8F), filed May 10, 1979. Applicant: P. POSA, INC., 50 Van Kueren Avenue, Jersey City, NJ 07417. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail department stores (except commodities in bulk), between New York, NY, on the one hand, and, on the other, Miami and Tampa, FL, Chicago and Oak Brook, IL, Indianapolis, IN, Troy, MI, Minneapolis, MN, Nashville, TN, Dallas, Houston, and San Antonio, TX, Seattle, WA, and points in Suffolk County, NY, under continuing contract(s) with Allied Stores Marketing Corp., of New York, NY. (Hearing site: New York, NY.)

MC 144117 (Sub-40F), filed May 16, 1979. Applicant: TLC LINES, INC. 16666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Representative: Warren W. Wallin, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting (1) *raw iron castings*, from Kohler, WI, to Los Angeles, CA, and (2) *crankshafts and machined castings*, in the reverse direction. (Hearing site: Milwaukee, WI, or St. Louis, MO.)

MC 145636 (Sub-6F), filed May 16, 1979. Applicant: BOB BRINK, INC., 165 Stueben Street, Winona, MN 55987. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting (1) *iron chains and steel chains, and rubber chain tighteners*, and (2) *commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), when moving in mixed loads with the commodities named in (1) above, from Winona, MN, to points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Minneapolis or St. Paul, MN.)

MC 146536 (Sub-3F), filed May 16, 1979. Applicant: WALTER SHORT AGENCY, INC., 500 Wyoming Avenue, Dearborn, MI 48126. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company at Romeo, MI, to points in AL, FL, GA, KY, NC, SC, TN, and MS, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations (except traffic moving in foreign commerce). (Hearing site: Detroit, MI, or Chicago, IL.)

MC 146847 (Sub-1F), filed May 7, 1979. Applicant: PETER P. MARTINOVICH, d.b.a. L. M. TRUCKING, P.O. Box 28, Babcock, WI 54413. Representative: Michael J. Wyangaard, 150 East Gilman Street, Madison, WI 53703. Transporting (a) *such commodities* as are manufactured, dealt in, or used by manufacturers, coverters and printers of paper and paper products (except commodities in bulk), from the facilities of Riverside Paper Corporation at or near Appleton, WI, to points in IL, IA, MN, MI, IN and MO, and (b) *scrap paper*, in the reverse direction. (Hearing site: Madision or Milwaukee, WI.)

MC 146936 (Sub-3F), April 13, 1979. Applicant: WALT'S DRIVE-AWAY SERVICE, INC., Frank Hitchcock Road, Cairo, NY 12413. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *truck bodies*, between

Athens, NY, on the one hand, and, on the other, points in AL, CT, DC, FL, GA, ME, MD, MA, NH, NJ, NC, OH, PA, RI, SC, VT, VA and NY, under continuing contract(s) with Olson Bodies, Inc., of Athens, NY. (Hearing site: Albany or New York, NY.)

MC 146967F, filed April 13, 1979. Applicant: WILLIAMS TRUCK & TRAILER, INC., 451 U.S. 41-A South, Henderson, KY 42420. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *commodities*, in bulk, in dump vehicles, between the facilities of Henderson County Riverport Authority in Henderson County, KY, on the one hand, and, on the other, points in AL, AR, IL, IN, KY, MO, OH, TN, VA and WV. (Hearing site: Louisville, KY or Evansville, IN.)

MC 147157F, filed April 18, 1979. Applicant: MARTIN TRANSFER AND STORAGE, INC., 305 Broad St., East Dublin, GA 31021. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting (1) *newsprint paper*, from the facilities of Southeast Paper Manufacturing Company in Laurens County, GA, to points in AL, FL, KY, LA, MS, NC, SC, TN, VA, TX, AR, MO, IL, IN, OH, WV, PA, OK, KS and MD, and (2) *materials, equipment, and supplies* used in the manufacture of newsprint paper, in the reverse direction, under continuing contract(s) with Southeast Paper Manufacturing Company, of Dublin, GA. (Hearing site: Atlanta, GA.)

MC 148047F, filed March 8, 1979. Applicant: JAMES E. JARBOE, d.b.a. FLOORCO DISTRIBUTING CO., 8507 Brownsboro Road, Louisville, Ky 40222. Representative: Fredrick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *carpeting*, from points in GA, to points in KY and IN. (Hearing site: Louisville, KY.)

[FR Doc. 79-35205 Filed 11-14-79; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-7 (Sub-60F)]

Stanley E. G. Hillman, Trustee, of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor, Abandonment Near Iron Ridge and Fond du Lac, in Dodge and Fond du Lac Counties, WI; Correction

The above captioned proceeding published at 44 FR 62676 on October 31, 1979, should be disregarded. This document was prematurely published, as an exception to the decision served September 17, 1979, was timely filed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-35206 Filed 11-14-79; 8:45 am]
BILLING CODE 7035-01-M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC-115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before December 5, 1979. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the Federal Register, subject to its tariff publication effective date.

HG-33-79 (special certificate—used household goods), filed November 7, 1979. Applicant: TEXAS FIREPROOF STORAGE CO., INC., 11th St. and Mary Avenue, P.O. Box 369, Waco, TX 76703. Representative: M. E. Davis, Secretary-Treasurer (address same as applicant). Authority sought: Between points in Brown, Comanche, and Falls Counties, TX, serving Fort Hood, TX.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-35203 Filed 11-14-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 222
Thursday, November 15, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, November 23, 1979.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INVORMATION: Jane Stuckey, 254-6314.

[S-2224-79 Filed 11-13-79; 9:51 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Mondy, November 19, 1979, the Federal Deposit Insurance Corporations's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of title 5, United States Code, to consider the following matters:

Recommendation with respect to payment of expenses incurred by Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,079-L—American Bank & Trust, Orangeburg, South Carolina.

Case No. 44,123-L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 44,124-L—First State Bank & Trust Co., Rio Grande City, Texas.

Memorandum re: Watkins Banking Company, Faunsdale, Alabama.

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of a request for records.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 9, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2222-79 Filed 11-9-79; 4:52 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 19, 1979, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for report on the competitive factors involved in a proposed consolidation of Hickory National Bank of Michigan, Fawn River Township (P.O. Sturgis), Michigan, and Branch County Bank, Coldwater, Michigan.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Strasburger & Price, Dallas, Texas, in connection with the receivership of American Bank & Trust Company, New York, New York.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Memorandum and Resolution proposing the publication of the final amendments to Part 335 of the Corporation's rules and regulations governing securities of insured State nonmember banks (compliance with Section 12(i) of the Securities Exchange Act of 1934 and miscellaneous amendments).

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Excutive Secretary of the Corporation, at (202) 389-4425.

Dated: November 9, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2223-79 Filed 11-14-79; 4:52 pm]

BILLING CODE 6714-01-M

4

[USITC SE-79-44A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To FR November 7, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, November 20, 1979.

CHANGES IN THE MEETING: By action jacket SE-79-41, Commissioners Parker, Alberger, Moore, Bedell, and Stern determined by recorded vote that Commission business requires the addition of the following item to the agenda for the meeting of Tuesday, November 20, 1979:

4. Petitions and complaints, if necessary: b. Calcium pantothenate (Docket No. 604).

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-2225-79 Filed 11-13-79; 1:57 pm]

BILLING CODE 7020-02-M

5

[Meeting No. 1231]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 9:30 a.m., EST, Tuesday, November 20, 1979.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

DISCUSSION ITEM.

1. Preliminary rate review.

ITEMS FOR ACTION.

Old Business

1. Req. No. 585383—Indefinite quantity term contract for contemporary steel office furniture for any TVA project.

New Business

A—Personnel Action

1. Change of status for Bevan W. Brown, Jr., from Director, Division of Natural Resources Services, to Deputy Manager of Natural Resources, Office of Natural Resources, Norris, Tennessee.[1]

B—Consulting and Personal Services Contracts

1. Renewal of consulting contract with Mine Reclamation Consultants, Inc., Laramie, Wyoming, for services in connection with the environmental assessment of uranium mining and milling projects, requested by the Office of Natural Resources.

C—Purchase Awards

1. Amendment to contract 75P-81-T11 with Old Ben Coal Company for reduction in contract commitment.

2. Req. No. 163380—Management services for coal washing plant at Fabius Mine located in Jackson County, Alabama.

3. Req. No. 590466—Indefinite quantity term contract for word processing equipment and software for Computing Operations Branch.

F—Power Items

1. License agreement with Electric Power Research Institute covering arrangements for licensing to TVA of a computer code for analyses of nuclear reactor system transients.

G—Real Property Transactions

1. Deed of exchange of land rights among TVA, State of Tennessee, and Fort Loudoun Association for preservation of Fort Loudoun.

2. Filing of condemnation suits.

H—Unclassified

1. Designation of Maureen H. Dunn as an Assistant Secretary of TVA.

2. Designation of James O. Ford and Jacqueline B. Jenkins as certifying officers.

3. New TVA policy code on adjustment contracts relating to highway, railroad, and bridge facilities affected by TVA projects.

CONTACT PERSON FOR MORE INFORMATION: Lee C. Sheppeard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: November 13, 1979.

[S-2228-79 Filed 11-13-79; 3:27 pm]

BILLING CODE 8120-01-M

[1] This item was approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Thursday
November 15, 1979

Part II

Department of Agriculture

Office of the Secretary

Improving Government Regulations; Semiannual Agenda of Regulations

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR, Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR, Chs. I-IV

36 CFR, Ch. II

41 CFR, Ch. 4

Semiannual Calendar of Significant Actions and Regulation Review Activity Pending and Planned for December 1979 Through May 1980

AGENCY: U.S. Department of Agriculture, Office of the Secretary.

ACTION: Semi-Annual Agenda of Regulations and Other Actions.

SUMMARY: This calendar provides a summary of significant regulations and other actions being developed in all agencies of the U.S. Department of Agriculture in the next 6 months under the procedures described in the report "Improving USDA Regulations" (published at 43 FR 50988 on November 1, 1978). The purpose of this calendar is to inform the public of all significant actions and regulation review activities so interested individuals or groups may plan to provide comments and identify new information to be used as part of the basis for Departmental decisionmaking.

FOR FURTHER INFORMATION CONTACT: The name of an individual who can answer questions and provide further information about specific decisions listed in this Agenda is identified for each decision in its individual listing. Suggestions or inquiries of a general nature about this Agenda should be directed to: Mr. Linley E. Juers, OBPE, Office of the Secretary, Room 117-A, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6667

SUPPLEMENTARY INFORMATION: This decision calendar is an update of the calendar published in the Federal Register on May 15, 1979. The calendar contains a listing of each significant action under development or expected to be initiated between December, 1979, and May, 1980, as well as those which have been completed in the last 6 months. All regulations under review are also identified, whether significant or not, so that interested parties can see the full picture of items being reviewed.

The purpose of publication of the decision calendar is to provide the public with an overview of pending major actions under consideration by USDA. This provides an overall context for Departmental decisionmaking. The projected schedules shown for each action under development makes it possible for interested individuals or groups to prepared to provide inputs to decisionmaking at the appropriate stages (i.e., when proposals are published for comment, or when pre-notices are published).

To facilitate public understanding of the status of USDA decisions the calendar is organized into 4 sections including:

- A list of actions completed, withdrawn or redesignated not significant since publication of the last calendar;
- A list of actions under development organized under headings identifying the USDA agency responsible and including descriptions, projected schedules, etc. for each action;
- A list of regulations scheduled for review by each USDA agency including all regulations for which review is ongoing or will be initiated between now and May, 1980; and
- A list of regulations proposed for review by each USDA agency on which public comment is solicited as to the appropriateness of reviewing the listed regs during the next calendar period.

USDA encourages the public to review each of these sections to identify entries made by agencies of interest to them. If additional information is desired on specific entries the USDA contacts identified in those entries should be queried. Inquiries of a general nature or suggestions as to how the utility of this calendar could be improved should be addressed to Mr. Linley E. Juers as indicated in "Contact for Further Information", above.

This decision calendar is published and is updated every 6 months as part of USDA's response to Executive Order 12044, signed by President Carter on March 23, 1978, "Improving Government Regulations" (43 FR 12661, March 24, 1978). The Executive Order directs all executive branch departments and agencies to "adopt procedures to improve existing and future regulations." A description of USDA's overall Departmental Decision System was described in a report required by OMB and published at 43 FR 50988 on November 1, 1978.

In this calendar we have attempted to list all significant actions pending at the time of the calendar, but some may have been inadvertently missed. There is no legal significance to an item not appearing on this listing.

The dates shown for the various stages of each action are estimated and are not commitments to act on or by the date shown. The "pre-notice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking." Anyone desiring further information on an action should write or call the agency contact listed for the action.

Addition information on this calendar or on USDA regulation and decisionmaking procedures may be obtained from Mr. Linley E. Juers, OBPE, Office of the Secretary, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6667.

Dated: November 8, 1979.

Jim Williams,

Acting Secretary.

Summary of Actions Completed, Withdrawn, or Redesignated Not Significant Since the Last Calendar

AMS 1081; Completed; Beef Pricing Investigation.

AMS 1089; Completed; Proposed Revisions of U.S. Grade Standards for Feeder Cattle.

AMS 10814; Completed; Proposed New England Apple Marketing Agreement and Order.

AMS 12857; Completed; California Ruby Seedless Grapes Marketing Agreement and Order.

AMS 12859; Completed; Amendment of Indiana Milk Order.

AMS 12860; Completed; Changing License Fees and Requirements Under Perishable Agricultural Commodities Act.

AMS 4921; Withdrawn; Marketing Policy for California Dried Prunes.

AMS 4922; Completed; Marketing Policy Statement—1979-80 Crop Year—Olives Grown in California.

AMS 4923; Completed; Proposed Termination of Marketing Order 925 covering Idaho-Oregon Fresh Prunes.

AMS 4926; Completed; Marketing Policy Statement—1979-80 Crop Year—Lemons Grown in California and Arizona.

AMS 4927; Withdrawn; Marketing Policy Statement—1979-80 Crop Year—Tart Cherries Grown in Selected States.

AMS 4928; Completed; Marketing Policy Tomatoes Grown in Florida.

AMS 4929; Completed; Marketing Policy for Florida Celery.

AMS 4930; Withdrawn; Marketing Policy for California Almonds.

AMS 109-99; Redesignated; Proposed Free and Restricted Percentages for the 1979-80 Marketing Policy Year.

APHIS 10815; Completed; Revised Bird Quarantine Regulation.

APHIS 3911; Withdrawn; Revised Voluntary Inspection Regulations.

ASCS 1086; Completed; 1980 Crop Wheat.

ASCS 10819; Withdrawn; Emergency Feed Program.

ASCS 492; Completed; 1979 Crop Sugar Loan Program.

ASCS 497; Completed; 1980 Feed Grain Program.

ASCS 498; Completed; 1980 Feed Grain Program.
ASCS 499; Completed; 1980 Soybean Price Support Program.
ASCS 4922; Completed; Price Support Level for Milk, 1979–80 Marketing Year.
ENG 1082; Redesignated; Industrial Hydrocarbons and Alcohols, Pilot Projects.
ESCS 1082; Completed; Cost of Product—Methods, Procedures and Format.
ESCS 10824; Completed; Review of Cooperative Program.
ESCS 492; Completed; 1979 Rice 5-Month Price Computation.
FGIS 1082; Withdrawn; Weighing Handbook.
FGIS 1087; Withdrawn; Subpart J, Safety and Health Standards, Regulation Under the U.S. Grain Standards Act.
FMHA 1087; Completed; Procedure to Implement Section 525 of the Housing Act of 1949.
FMHA 10827; Completed; Assistance to Energy Impacted Areas.
FMHA 10828; Withdrawn; Small Communities Conferences.
FMHA 10842; Completed; Joint Memorandum of Agreement between FmHA and the Appalachian Regional Commission.
FMHA 10847; Completed; Rural Development Goals Report.
FMHA 10848; Completed; Refine Data Gathering to Aid State Directors in Development Strategy.
FMHA 108–53; Withdrawn; Business and Industrial Guaranteed Loan Program Evaluation.
FMHA 108–58; Withdrawn; Weatherization Program—A change in emphasis.
FNS 1186; Redesignated; State Plan for School Lunch Program (7 CFR 210).
FNS 11815; Redesignated; Especially Needy School Breakfast Program (7 CFR 220).
FNS 11852; Completed; Special Supplemental Food Program Regulations.
FNS 118–75; Completed; Food Stamp Program: Regulations concerning the participation of Indians.
FNS 6910; Completed; Emergency Rulemaking—Allotment Reduction Procedures.
FS 1081; Completed; National Forest System Land and Resource Management Planning.
FS 10814; Completed; Amendment to Regulation 36 CFR 222, Grazing and Livestock Use on the National Forest System.
FS 10816; Redesignated; Forest Service Manual 2351 Off-road Vehicle Management.
FSQS 10822; Completed; Antibiotic Residues.
FSQS 10834; Completed; Nitrates and Nitrites Regulation.
FSQS 10835; Completed; Standard for Turkey Ham.
OGSM 1082; Completed; Intermediate Credit Program for Breeding Stock.
OGSM 492; Completed; Pub. L. 480—CCC Docket.
REA 7910; Completed; Issuance by REA of Interim Regulations for Financing CATV Services or Facilities.
SCS 1083; Completed; Compliance with NEPA.
SCS 10810; Completed; Landrights, Water Rights and Construction Permits.
SCS 10818; Completed; Formulation of SCS Wetlands Protection Policy.
SCS 10819; Completed; Formulation of SCS Flood Plain Management Policy.
SCS 099–19; Completed; Black Creek Watershed, Mississippi.
SEA 392; Completed; Department's Position on Research Facility Program.
SEC 049–1; Completed; Enhancement, Protection and Management of Cultural Resources.
SEC 592; Completed; Departmental NEPA Regulations, Policies and Procedures.

BILLING CODE 3410-01-M

AGRICULTURAL MARKETING SERVICE

1. Calendar No: AMS 108-5

2. Title: Implementation of the Wheat and Wheat Foods Research and Nutrition Education Act.

3. Description: (Formal Rulemaking) A series of steps coordinated by the Dept. will be required to develop an appropriate Wheat and Wheat Foods Research and Nutrition Education order. A referendum of end product manufacturers (primarily wholesale bakers) would determine if the order is approved.

4. Authority: Wheat and Wheat Foods Research and Nutrition Education Act P. L. 95-113, Sections 1701-1719, 91 Stat. 1031 (1977).

5. Projected Schedule
   a. Date of pre-notice: 11/78
   b. Public hearing: 3/79
   c. Recommend Decision: 9/79
   d. Final Decision: 11/79

6. Contacts:

Agency: Ralph Tapp, Ext. (202) 447-3970
USDA, AMS, Room 2610S, Washington, D.C. 20250

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1. Calendar No: AMS 108-6

2. Title: Implementation of the amended Beef Research and Information (BRI) Act

3. Description: (Formal Rulemaking) A series of steps coordinated by the Dept. will be required to develop an appropriate BRI order. A referendum would determine if beef producers wish to assess themselves for the purpose of carrying out a BRI program.

4. Authority: Beef Research and Information Act (P.L. 94-294, Sections 2-21, 90 Stat. 529 (1976)) as amended by the Agricultural Credit Act of 1978, P.L. 95-334, Section 302, 92 Stat. 433 (1978)

5. Projected Schedule
   a. Date of pre-notice: 3/79
   b. Date of Hearing: 6/79
   c. Recommend Decision: 9/79
   d. Final Decision: 12/79

6. Contacts:

Agency: Ralph Tapp, Ext. (202) 447-3970
USDA, AMS, Room 2610S, Washington, D.C. 20250

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1. Calendar No: AMS 108-7

2. Title: Amendments to regulations under the Federal Seed Act. 7 CFR Part 201

3. Description: Update and clarify provisions such as definition of variety rules for assigning variety names, add new kinds, add new rules for testing, amend standards for certified seed, and amend rules for sampling unusual containers. Last major revision of regulations was in 1973.

4. Authority: Federal Seed Act, 7 U.S.C. 1551 et seq.

5. Projected Schedule
   a. Date of pre-notice: Summer 1980
   b. Date of proposal: Fall 1980
   c. Final Decision: Early 1981

6. Contacts:

Agency: Clyde Edwards, Ext. (202) 447-9340
USDA, AMS, Room 2611S, Washington, D.C. 20250

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1. Calendar No: AMS 108-43

2. Title: Amendment of Greater Kansas City Milk Order

3. Description: Key proposals would change the pooling standards for supply plants.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.); 7 CFR Part 1064

5. Projected Schedule
   a. Date of pre-notice: 7/78
   b. Date of proposal: 1/79
   c. Final Decision: 11/79

6. Contacts:

Agency: Maurice Martin, Ext. (202) 447-7183
USDA, AMS, Room 2751S, Washington, D.C. 20250

1. Calendar No: AMS 108-44

2. Title: Amendment of Nebraska-Western Iowa Milk Order

3. Description: Key proposals would change the pooling standards for supply plants and increase the Class I price at certain locations.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.); 7 CFR Part 1065

5. Projected Schedule
   a. Date of pre-notice 7/78
   b. Date of proposal: 7/79
   c. Date of revised proposal: 1/80
   d. Final Decision: 4/80

6. Contacts:

Agency: Maurice Martin, Ext. (202) 447-7183
USDA, AMS, Room 2751S, Washington, D.C. 20250

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1. Calendar No: AMS 108-49

2. Title: New Federal Milk Order for Boise, Idaho, Area 7 CFR Part (Pending)

3. Description: Establish a new Federal milk order covering 18 southwestern Idaho and 5 eastern Oregon counties. The principal cities in the proposed marketing area are Boise, Nampa, and Twin Falls, Idaho. The provisions of the order would be patterned after those commonly used in most other Federal orders.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. (7 U.S.C. 601 et seq.); 7 CFR Part (Pending).

5. Projected Schedule
   a. Date of pre-notice: 9/78
   b. Date of proposal: 8/79
   c. Final Decision: 12/79

6. Contacts:

Agency: Maurice Martin, Ext. (202) 447-7183
USDA, AMS, Room 2751S, Washington, D.C. 20250

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1. Calendar No: AMS 019-4

2. Title: California Grapefruit Marketing Agreement and Order. 7 CFR Part 909 (Pending)

3. Description: Assess proposed program to regulate grapefruit grown in California.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. 7 U.S.C. 601 et seq.

5. Projected Schedule
   a. Date of Hearing: 3/8/79
   b. Recommend Decision: 7/79
   c. Final Decision: 8/79
   d. Final Order: 11/79

6. Contacts:

Agency: M. E. McGaha, Ext. (202) 447-5975
USDA, AMS, Room 2532S, Washington, D.C. 20250

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1. Calendar No: AMS 019-5

2. Title: Arizona Grapefruit Marketing Agreement and Order 7 CFR Part 909 (Pending)

3. Description: Assess proposed program to regulate grapefruit grown in Arizona

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. 7 U.S.C. 601 et seq.

5. Projected Schedule
   a. Date of Hearing:
   b. Recommend Decision:
   c. Final Decision: 11/79

6. Contacts:

Agency: M. E. McGaha, Ext. (202) 447-5975
USDA, AMS, Room 2532S, Washington, D.C. 20250

1. Calendar No: AMS 049-25

2. Title: Marketing Policy Statement - 1979-80 Crop Year - Navel Oranges Grown in Arizona and California. 7 CFR Part 907

3. Description: The committee's marketing policy sets forth basis for regulations for 1979-80 year beginning November 1, 1979, and ending October 31, 1980.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. The order requires the Committee to consider marketing policy each crop year. 7 U.S.C. 601 et seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 11/79

6. Contacts:

Agency: M. E. McGaha, Ext. (202) 447-5975
USDA, AMS, Room 2532S, Washington, D.C. 20250

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1. Calendar No: AMS 049-31

2. Title: Marketing Policy for California Walnuts under M.O. No. 984. 7 CFR Part 984

3. Description: To set the volume regulation for California walnuts for the 1979-80 marketing year beginning August 1, 1979, and ending July 31, 1980.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. Recommended by the Walnut Marketing Board 7 U.S.C. 601 et seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 9/79
c. Final Decision: 11/79

6. Contacts:

Agency: William J. Higgins, Ext. (202) 447-5053
USDA, AMS, Room 2525S, Washington, D.C. 20250

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1. Calendar No: AMS 049-32

2. Title: Marketing Policy for California Raisins Under M.O. No. 989. 7 CFR Part 989

3. Description: To set the volume regulation for California raisins for the 1979-80 crop year beginning August 1, 1979, and ending July 31, 1980.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. Recommended by Raisin Administrative Committee. 7 U.S.C. 601 et seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/79
c. Final Decision: 12/79

6. Contacts:

Agency: William J. Higgins, Ext. (202) 447-5053
USDA, AMS, Room 2525S, Washington, D.C. 20250

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1. Calendar No: AMS 099-88

2. Title: Proposed Marketing Agreement and Order for Spearmint Oil Produced in the Far West

3. Description: The proposed program would regulate the handling of spearmint oil produced in the Far West production area. Seasonal regulations would limit the quantity of oil handlers may purchase from or handle on behalf of producers and provide for necessary expenses and administration.

4. Authority: Authorized by the Agricultural Marketing Agreement Act. 7 U.S.C. Sections 601-674; Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders, 7 CFR, Sections 900.1-900.1f; requested by a Committee of Spearmint Growers.

5. Projected Schedule

a. Date of pre-notice: 7/10/79
b. Date of proposal: 10/79
c. Final Decision: 3/80

6. Contacts:

Agency: William J. Higgins, Ext. (202) 447-5057
USDA, AMS, Room 2525S, Washington, D.C. 20250

1. Calendar No: AMS 099-90

2. Title: Regulatory Treatment of Reconstituted Milk in all Federal Milk Orders

3. Description: If a hearing is found to be warranted, a public hearing would be held on a proposal to have reconstituted fluid milk products removed from the Class I pricing provisions of all milk orders.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.); 7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011-1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1075, 1076, 1079, 1094, 1096-1099, 1102, 1104, 1106, 1108, 1120, 1124-1126, 1131-1134, 1136-1139.

5. Projected Schedule

a. Date of pre-notice: Undetermined
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

6. Contacts:

Agency: Robert F. Groene, Ext. (202) 447-4824
USDA, AMS, Room 2753S, Washington, D.C. 20250

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1. Calendar No: AMS 099-92

2. Title: Proposed California Desert Grape Marketing Agreement and Order, 7 CFR Part (Pending)

3. Description: Assess proposed program covering desert grapes grown in California.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601 et seq.

5. Projected Schedule

a. Invite Proposals: 8/17/79
b. Public Hearing: 12/15/79
c. Recommend Decision: 2/15/80
d. Final Decision: 4/1/80
e. Final Order: 5/1/80

6. Contacts:

Agency: M. E. McGaha, Ext. (202) 447-5975
USDA, AMS, Room 2532S, Washington, D.C. 20250

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1. Calendar No: AMS 109-100

2. Title: Set Annual Marketing Policy for Valencia Oranges Grown in California and Arizona

3. Description: The marketing policy includes an analysis of the supply and demand outlook for California-Arizona Valencia oranges. The marketing policy sets forth the basis for regulation of the 1980 crop of Valencia oranges.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. 7 U.S.C. 601-674; 7 CFR Part 908

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 3/80

6. Contacts:

Agency: M. E. McGaha, Ext. (202) 447-5975
USDA, AMS, Room 2532S, Washington, D.C. 20250

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1. Calendar No: AMS 109-101

2. Title: Marketing Policy for Hops of Domestic Production

3. Description: To set the volume regulation for hops of domestic production for the 1980-81 marketing year beginning August 1, 1980 and ending July 31, 1981. Recommended by the Hop Administrative Committee.

4. Authority: Agricultural Marketing Agreement Act of 1937, U.S.C. 601-674, as amended; 7 CFR Part 991. Recommended by Hop Administrative Committee.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: None
c. Final Decision: 3/80

6. Contacts:

Agency: William J. Higgins, Ext. (202) 447-5053
USDA, AMS, Room 2525S, Washington, D.C. 20250

1. Calendar No: AMS 109-102

2. Title: Set Annual Marketing Policy for Cranberries Grown in 10 Designated States

3. Description: The marketing policy includes an analysis of the supply and demand outlook for cranberries. The marketing policy sets forth the basis for regulation of the 1980 crop of cranberries.

4. Authority: Agricultural Marketing Agreement Act of 1937, as amended. 7 U.S.C. 601-674; 7 CFR Part 929

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 3/80

6. Contacts:

Agency: M. E. McGaha, Ext. (202) 447-5975
USDA, AMS, Room 2532S, Washington, D.C. 20250

1. Calendar No: AMS 109-105

2. Title: Amendment of Southern Michigan Federal Milk Order

3. Description: Producers propose that the shipping percentages for pooling supply plants be reduced and that a second advance payment during a month be provided for producers and cooperative associations.

4. Authority: Agricultural Marketing Agreement Act of 1937, 7 U.S.C. 601-674, as amended; 7 CFR Part 1040

5. Projected Schedule

a. Date of pre-notice: 10/79
b. Date of proposal: 4/80
c. Final Decision: 6/80

6. Contacts:

Agency: Martin Dunn, Ext. (202) 447-7311
USDA, AMS, Room 2761S, Washington, D.C. 20250

1. Calendar No: AMS 109-106

2. Title: Proposed suspension of some provisions of the Iowa Federal Milk Order

3. Description: A proprietary handler proposed that some of the diversion provisions of the order be suspended during the period October 1979 through August 1980, pending a hearing to amend the order.

4. Authority: Agricultural Marketing Agreement Act of 1937, 7 U.S.C. 601-674, as amended; 7 CFR Part 1079

5. Projected Schedule

a. Date of pre-notice: 10/79
b. Date of proposal:
c. Final Decision: 11/79

6. Contacts:

Agency: Martin Dunn, Ext. (202) 447-7311
USDA, AMS, Room 2761S, Washington, D.C. 20250

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

1. Calendar No: APHIS 108-1

2. Title: Revise Gypsy Moth and Brown-Tail Moth Quarantine and Regulations

3. Description: Would redirect Gypsy Moth and Brown-Tail Moth programs by adopting a pest management concept based on pest risk.

4. Authority: 7 U.S.C. 161, 162, 150ee. To change regulatory program. This would amend 7 CFR 301.45 et. seq.

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 5/4/79
c. Final Decision: 12/21/79 Estimated

6. Contacts:

Agency: H. Autry, Ext. (301) 436-8247 USDA, APHIS
Room 635, Federal Bldg., Hyattsville, Md. 20782

1. Calendar No: APHIS 108-9

2. Title: Revised Bird Quarantine Regulation

3. Description: Would add "smuggled birds" to definitions, and would provide for release when determined to be free of disease

4. Authority: 21 U.S.C. 111, 134a-c, and 134f. Provide method for quarantining "smuggled" birds. This would amend 9 CFR 92.1 and 92.2.

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 3/30/79
c. Final Decision: 11/30/79 Estimated

6. Contacts:

Agency: Dr. E. Sharman, Ext. (301) 436-8530 USDA, APHIS Room 821, Federal Bldg., Hyattsville, Md. 20782

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1. Calendar No: APHIS 108-10

2. Title: Revision of Export Livestock Handling Requirements

3. Description: Amendments would delete specific maximum length requirements for container pens for animals on ocean vessels and would relax restrictions on the type of roof which may be used to cover pens carrying animals on exposed decks aboard ocean vessels.

4. Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612-614, 618; 46 U.S.C. 466a, 466b. Research studies performed indicate that certain modifications in shipping practices would not result in relaxed humane handling standards or disease control measures. This would amend 9 CFR 91.8 through 91.32

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 2/15/80 Estimated
c. Final Decision: 6/15/80 Estimated

6. Contacts:

Agency: Dr. Harold Waters, Ext. (301) 436-8383 USDA, APHIS, Room 815A, Federal Bldg., Hyattsville, Md. 20782

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1. Calendar No: APHIS 039-12

2. Title: Revised Cattle Scabies Regulations (Docket 78-76)

3. Description: Revision would propose standards for approved facilities for the treatment of cattle required to be dipped before moving interstate, and would clarify conditions under which cattle may be moved interstate.

4. Authority: 21 U.S.C. 111-113, 115, 117, 120-1, 123-6/Revision would give added support to the State-Federal cooperative cattle scabies eradication efforts. This would revise 9 CFR 73.

5. Projected Schedule

a. Date of pre-notice: 1/26/78
b. Date of proposal: 12/1/79 Estimated
c. Final Decision: 5/1/80 Estimated

6. Contacts:

Agency: Dr. J. Hourrigan, Ext. (301) 436-8321, USDA, APHIS, Room 735, Federal Bldg., Hyattsville, Md. 20782

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1. Calendar No: APHIS 039-15

2. Title: Amendment to TB Indemnity Rates (Docket 78-107)

3. Description: This proposed amendment would raise the maximum indemnity rate for livestock destroyed because of tuberculosis. On tuberculin reactors and exposed animals the indemnity would be the difference between the appraised value and residual salvage value up to the new maximum.

4. Authority: 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b/To maintain a reasonable incentive for livestock owners to voluntarily cooperate in the TB Eradication Program, the indemnity would be raised to a level which will minimize the owner's loss for agreeing to depopulate the infected herd. This would amend 9 CFR 50.1 et. seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/30/79 Estimated
c. Final Decision: 3/1/80 Estimated

6. Contacts:

Agency: Dr. R. Bennett, Ext. (301) 436-8715, USDA, APHIS, Room 802, Federal Bldg., Hyattsville, Md. 20782

1. Calendar No: APHIS 039-25

2. Title: Revise Brucellosis Regulations to Parallel Uniform Methods and Rules

3. Description: To consider revision of the regulations to conform to the Uniform Methods and Rules as administered within the States.

4. Authority: 21 U.S.C. 111-114a-1, 115, 120, 121, 125, 134b, 134f/This action would be responsive to the Secretary's Brucellosis Technical Commission's Report recommending changes to the Uniform Methods and Rules. The recommended changes were adopted as Resolutions by the Brucellosis Committee of the USAHA. This would amend 9 CFR 78.1 et. seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 2/1/80 Estimated
c. Final Decision: 6/1/80 Estimated

6. Contacts:

Agency: Dr. A. D. Robb, Ext. (301) 436-8213, USDA, APHIS, Room 805, Federal Bldg., Hyattsville, Md. 20782

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1. Calendar No: APHIS 039-26

2. Title: Revise Brucellosis Indemnity Regulations

3. Description: Would authorize surveys of market values of cattle to determine flat rate indemnity maximums for each class and type. The combination of State indemnity/Federal indemnity and salvage value should give the producer a total return great enough to insure his participation in disease eradication, but not so great that he would live with the disease in order to collect indemnities.

4. Authority: 21 U.S.C. 111-113, 114, 114a-1, 120, 121, 125, 134b/This action is responsive to recommendations made by USAHA, the Secretary's Brucellosis Technical Commission and the National Cattleman's Association. The recommendations ask APHIS to evaluate the possibility of adopting an indemnity system keyed to replacement value which moves with the market. This would amend 9 CFR 51.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/1/79 Estimated
c. Final Decision: 4/1/80 Estimated

6. Contacts:

Agency: Dr. A. D. Robb, Ext. (301) 436-8213, USDA, APHIS, Room 805, Federal Bldg., Hyattsville, Md. 20782

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1. Calendar No: APHIS 039-29

2. Title: Imported Fire Ant (IFA) Revocation

3. Description: Proposal to revoke the imported fire ant quarantine and regulations which regulate the movement of articles to prevent artificial, long-range spread of the ant to noninfested areas. Federal regulatory activities would be terminated.

4. Authority: 7 U.S.C. 161, 162, 150ee/Control chemicals will soon be unavailable. No acceptable alternatives appear to exist. This would revoke 7 CFR 301.81 et. seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/4/80 Estimated
c. Final Decision: 4/4/80 Estimated

6. Contacts:

Agency: H. Autry, Ext. (301) 436-8247, USDA, APHIS, Room 635, Federal Bldg., Hyattsville, Md. 20782

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1. Calendar No: APHIS 049-35

2. Title: Quarantine 37 - Nursery Stock, Plants and Seeds (Docket 77-308)

3. Description: Complete revision of provisions relating to prohibition and restrictions on the importation of certain classes of nursery stock and certain other classes of plant roots, bulbs, seeds, and other plant products.

4. Authority: 7 U.S.C. 154, 159, 160, 162, and 150ee/Cyclical revision of entire subpart. This would amend 7 CFR 319.37 et. seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 6/15/79
c. Final Decision: 1/4/80 Estimated

6. Contacts:

Agency: H. Autry, Ext. (301) 436-8247 USDA, APHIS Room 635, Federal Bldg., Hyattsville, Md. 20782

1. Calendar No: APHIS 099-45

2. Title: Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry (Docket #79-95)

3. Description: This document amends the regulations to set forth Veterinary Services policy and procedures for the control and eradication of exotic Newcastle disease from populations of poultry and birds including the release of areas quarantined after the disease has been eliminated.

4. Authority: 21 U.S.C. 111-113, 114a, 115, 117, 120, 123-126, 134b, 134f. Amends regulations in 9 C.F.R. Part 82.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/1/80 Estimated
c. Final Decision: 4/1/80 Estimated

6. Contacts:

Agency: Dr. W. Pulsch, Ext. (301) 436-8091 USDA, APHIS, Room 746, Federal Bldg. Hyattsville, Md. 20782

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

1. Calendar No: ASCS 049-4

2. Title: 1980 Upland Cotton Program Provisions

3. Description: Announce the target price, national program acreage, voluntary reduction percentage, set-aside requirement, voluntary diversion requirement, and limitation on planted acreage.

4. Authority: Section 103(f) of the Agriculture Act of 1949, as amended, and Section 1001 of the Food and Agriculture Act of 1977, as amended. 7 U.S.C. 1444(e) 7 U.S.C. 1309. 7 CFR Part 713. 7 CFR Part 792

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 9/14/79
c. Final Decision: 12/15/79

6. Contacts:

Agency: Charles V. Cunningham, Ext. (202) 447-7873 USDA, ASCS, Room 3629S, Washington, D.C. 20250

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1. Calendar No: ASCS 049-11

2. Title: 1980 Rice Set-Aside and Land Diversion Payment Program

3. Description: Announce the national acreage allotment and the set-aside and the land diversion payment program determinations.

4. Authority: Section 101(h) of the Agricultural Act of 1949, as amended, and Section 1001 of the Food and Agriculture Act of 1977 as amended. 7 U.S.C. 1441. 7 U.S.C. 1309. 7 CFR Part 730. 7 CFR Part 792

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 10/19/79
c. Final Decision: 12/31/79

6. Contacts:

Agency: George H. Schaefer, Ext. (202) 447-8480 USDA, ASCS, Room 3619S, Washington, D.C. 20250

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1. Calendar No: ASCS 049-12

2. Title: 1980 Rice Loan, Purchase and Payment Program

3. Description: Determine and announce the loan and purchase rate and the target price for rough rice. Basically, the determinations are mathematical calculations specified by statute.

4. Authority: Section 101(h) of the Agricultural Act of 1949, as amended and Section 1001 of the Food and Agriculture Act of 1977 as amended. 7 U.S.C. 1441(h) 7 U.S.C. 1309. 7 CFR Section 1421.300 et. seq. 7 CFR Part 730

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 10/19/79
c. Final Decision: 12/31/79

6. Contacts:

Agency: George H. Schaefer, Ext. (202) 447-8480 USDA, ASCS, Room 3619S, Washington, D.C. 20250

1. Calendar No: ASCS 049-13

2. Title: 1979 Crop Wheat

3. Description: Proclaim final national program acreage for 1979 crop of wheat.

4. Authority: Section 107A of the Agricultural Act of 1949, as amended. 7 U.S.C. 1445b. 7 CFR Part 713

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/1/79

6. Contacts:

Agency: Bruce R. Weber, Ext. (202) 447-6688
USDA, ASCS, Room 3617S, Washington, D.C. 20250

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1. Calendar No: ASCS 049-20

2. Title: 1980 Crop Peanuts -- National Average Price Support Levels and General Program Provisions.

3. Description: Establish a 1980 national average support level for quota peanuts at not less than $420 a ton; a national average support level for additional peanuts; and CCC sales policy for sales of additional peanuts for edible export use.

4. Authority: Section 108 of the Agricultural Act of 1949, as amended. 7 U.S.C. 1445c, 7 CFR Part 1446. Section 358 of the Agricultural Act of 1938, as amended. 7 U.S.C. 1359

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/1/79
c. Final Decision: 2/15/80

6. Contacts:

Agency: Dalton Ustynik, Ext. (202) 447-6733
USDA, ASCS, Room 3758S, Washington, D.C. 20250

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1. Calendar No: ASCS 049-21

2. Title: 1980 Crop Peanuts - National Acreage Allotment and National Poundage Quota.

3. Description: Establish for 1980 crop peanuts a national acreage allotment which determines maximum planted acres, and a national poundage quota which determines the quantity of peanuts eligible for loans at the domestic edible support level.

4. Authority: Section 358 of the Agricultural Adjustment Act of 1938, as amended by the Food and Agriculture Act of 1977. 7 U.S.C. 1358. 7 CFR Part 729

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 9/28/79
c. Final Decision: by 12/1/79

6. Contacts:

Agency: Dalton Ustynik, Ext. (202) 447-6733
USDA, ASCS, Room 3758S, Washington, D.C. 20250

1. Calendar No: ASCS 109-2

2. Title: 1981- Crop Wheat

3. Description: Proposed notice of determination and final determination of national program acreage, set-aside and diversion levels, voluntary acreage adjustment, target price, loan levels, special wheat acreage grazing and hay program and acreage limitations for the 1981 crops of wheat.

4. Authority: Section 107A of the Agricultural Act of 1949, as amended, and Section 1001 of the Food and Agriculture Act of 1977, as amended. 7 U.S.C. 1445b. 7 CFR Part 713. 7 CFR 1309. 7 CFR Part 797.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 5/15/80
c. Final Decision: 8/15/80

6. Contacts:

Agency: Randy Weber, Ext. (202) 447-6688
USDA, ASCS, Room 3617S, Washington, D.C. 20250

1. Calendar No: ASCS 109-13

2. Title: Farmer-Owned Grain Reserve Program

3. Description: Propose amending regulations pertaining to following program provisions: Release level, call level, timing of release, timing of call, payment of storage and conversion of old agreements if program is revised.

4. Authority: Section 110 of the Agricultural Act of 1949, as amended. 7 U.S.C. 1445e. 7 CFR 1421-530 et. seq.

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 11/16/79
c. Final Decision: 2/29/80

6. Contacts:

Agency: Leslie Fredrickson, Ext. (202) 447-4208
USDA, ASCS, Room 3740S, Washington, D.C. 20250

OFFICE OF ENERGY

1. Calendar No: ENG 109-3

2. Title: Natural Gas Policy Act of 1978, Proposed Amendment to Certification of Essential Agricultural Uses and Requirements

3. Description: A proposed rule to include SIC No. 3466 Metal Crowns and Closures (food related only) as essential agricultural use for purposes of protection from curtailment of interstate natural gas under Section 401 of the Natural Gas Policy Act of 1978.

4. Authority: P. L. 95-621, Natural Gas Policy Act of 1978; 7 CFR Part 2900, Essential Agricultural Uses and Requirements.

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 10/19/79
c. Final Decision: 12/79

6. Contacts:

Agency: Weldon V. Barton, Ext. (202) 447-2455
USDA, Room 226E, Washington, D.C. 20250

ECONOMICS, STATISTICS & COOPERATIVE SERVICE

1. Calendar No: ESCS 108-1

2. Title: BLS Data Series

3. Description: The decision involves our adjustment to the new data series and evaluating its impact on our work in margins and cost components. Includes other possible sources of retail price data.

Mod: Bureau of Labor Statistics has dropped certain individual retail commodity price series and replaced them by composites series.

4. Authority: Agricultural Marketing Act of 1946, Section 203, 7 U.S.C. 1622

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: Fall 1978
c. Final Decision: 12/79

6. Contacts:

Agency: Bob Rohell, Ext. (202) 447-8666
USDA, ESCS, Room 200 GHI, Washington, D.C. 20250

1. Calendar No: ESCS 108-9

2. Title: Futures Trading in Potatoes

3. Description: Conduct a study of potato marketing and futures trading. Submit a report to the Secretary of Agriculture for response to requirements of P.L. 95-405, Sec. 27. The report is due to each House of Congress October 1, 1979.

4. Authority: The Futures Trading Act of 1978, P.L. 95-405, Section 27, 92 Stat. 877 (1978)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 11/15/79

6. Contacts:

Agency: Allen Paul, Ext. (202) 447-8168
USDA, ESCS, Room 245 GHI, Washington, D.C. 20250

1. Calendar No: ESCS 108-14

2. Title: Standby Authority for Mandatory Reporting of Data

3. Description: Determine possible ways industry could be required to submit monthly food sales, costs, profits, and related data and what legislation to propose

4. Authority: This is proposed legislation. GAO Report to Congress "What Causes Food Prices to Rise" CED-78-170, 9/7/78 recommends USDA develop legislation requiring firms to report data on margins.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/79
c. Final Decision: 12/79

6. Contacts:

Agency: Harry Harp, Ext. (202) 447-8489
USDA, ESCS, Room 112 GHI, Washington, D.C. 20250

FOREIGN AGRICULTURAL SERVICE

1. Calendar No: FAS 108-3

2. Title: Proposed Establishment of Selected Area Agricultural Trade Offices

3. Description: On-the-spot surveys are being made where necessary; and financial, personnel and overseas position limitations are being explored with a view to developing proposals for opening additional trade offices during 1980.

4. Authority: Agricultural Trade Act of 1978, P.L. 95-501, Section 401, 92 Stat. 1688 (1978). Amended Title VI of the Agricultural Act of 1954.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: by 9/30/80

Contacts:

Agency: Jimmy Minyard, Ext. (202) 447-4761
USDA, FAS, Rom 5089A, South Bldg., Washington, D.C. 20250

1. Calendar No: FAS 108-35

2. Title: Implementation of Public Law 88-482 Meat Import Law

3. Description: To estimate CY 1980 U.S. imports of meats subject to the Meat Import Act.

4. Authority: The Meat Import Act, P.L. 88-482, Section 2(b)(2), 78 Stat. 594 (1964).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/31/79

6. Contacts:

Agency: Lloyd Fleck, Ext. (202) 447-7199
USDA, FAS, Room 6616S, Washington, D.C. 20250

1. Calendar No: FAS 108-38

2. Title: Proposed designation of Agricultural Counselors

3. Description: Identify those positions in the field which should be upgraded from Attache to Counselor and submit to Department of State for concurrence. Select foreign country attache posts which will be upgraded during 1980.

4. Authority: Agricultural Trade Act of 1978, P.L. 95-501, Section 301, 92 Stat. 1687 (1978); Amended Title VI of the Agricultural Act of 1954.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 10/1/80

6. Contacts:

Agency: Alexander Bernitz, Ext. 202) 447-3253
USDA, FAS, Room 5092S, Washington, D.C. 20250

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1. Calendar No: FGIS 108-3

2. Title: Dust Particle Size Standards

3. Description: Establish dust particle size standards as guidelines on the grain dust that should be removed from grain and the size dust particles that may be allowed to remain within the grain.

4. Authority: U.S. Grain Standards Act, Section 4 and 24 (7 U.S.C. 76, 76 Note)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 2/80
c. Final Decision: 7/80

6. Contacts:

Agency: George Lipscomb, Ext. (202) 447-4851
USDA, FGIS, Room 3117 Auditors Bldg. Washington, D.C. 20250

FEDERAL GRAIN INSPECTION SERVICE

1. Calendar No: FGIS 108-1

2. Title: Export Shiploading Inspection Plans (Cu-Sum)

3. Description: Review present export shiploading inspection plans and develop an alternative. The current "Uniform Shiploading Plan" is complicated and difficult to apply. The "10 Percent Plan" allows too much off grade grain to be loaded aboard ship.

4. Authority: U.S. Grain Standards Act, Section 5, 7 and 16 (7 U.S.C. 77, 79, 87o).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 6/15/79
c. Final Decision: 12/1/79

6. Contacts:

Agency: John Marshall, Ext. (202) 447-8497
USDA, FGIS, Room 0624S, Washington, D.C. 20250

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1. Calendar No: FGIS 108-4

2. Title: Regulations Under the United States Grain Standards Act

3. Description: Regulations to implement new and amended provisions of the Act which was extensively amended by Congress in Oct 1976 and Sept 1977. Subpart A for administering and enforcing the Act; Subparts C & D contain performance requirements for inspection and weighing equipment and handling systems respectively. (Other subparts to be drafted separately)

4. Authority: U.S. Grain Standards Act of 1976 Sections 4, 7, 7A and 16. (7 U.S.C. 76, 79, 79a, 16).

5. Projected Schedule

a. Date of pre-notice: 7/31/78
b. Date of proposal: 3/2/79
c. Final Decision: 12/1/79

6. Contacts:

Agency: J. T. Abshier, Ext. (202) 447-8262
USDA, FGIS, Room 2405 Auditors Bldg. Washington, D.C. 20250

1. Calendar No: FGIS 108-5

2. Title: Expansion of Duties of Official Inspection Agencies

3. Description: A proposed rulemaking requiring all official inspection agencies to provide, upon request, official protein testing services for all classes of wheat using only FGIS approved protein testing equipment effective 5/1/79. However, on 5/1/80 FGIS will specify that only NIR equipment will be approved for protein testing. Exemptions provided for agencies where little or no wheat is marketed.

4. Authority: U.S. Grain Standards Act, Section 7(b) and 7 (f) (7 U.S.C. 79(b), 79(f))

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 3/8/79
c. Final Decision: Undetermined

6. Contacts:

Agency: Neil Porter, Ext. (202) 447-8262
USDA, FGIS, Room 2405 Auditors Bldg. Washington, D.C. 20250

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1. Calendar No: FGIS 108-6

2. Title: Proposed Amendment to the Official U.S. Standards for Grain (Weevily)

3. Description: Presently the standards for various grains require varying sizes of samples used for determining infestation. We propose to provide uniform requirements as to sample size and procedures used; and to establish a zero tolerance on live insect infestation before certificates identify involved grain as infested.

4. Authority: Section 4 of U.S. Grain Standards Act. (7 U.S.C. 76)

5. Projected Schedule

a. Date of pre-notice: November 1979
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

6. Contacts:

Agency: James L. Driscoll, Ext. (202) 447-9329
Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030

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1. Calendar No: FGIS 049-6

2. Title: Eliminate Analysis for Dark, Hard, and Vitreous Kernels in Hard Red Winter Wheat

3. Description: Elimination of quality analysis for Dark, Hard, and Vitreous (DHV) Kernels in Hard Red Winter (HRW) Wheat effective May 1, 1980. Provide for quicker, more reliable objective testing (protein content) as a better indicator of baking quality.

4. Authority: U.S. Grain Standards Act. Section 7(b) (7 U.S.C. 79(b)).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/24/79
c. Final Decision: Undetermined

6. Contacts:

Agency: John Marshall, Ext. (202) 447-8497
USDA, FGIS, Room 0624S, Washington, D.C. 20250

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1. Calendar No: FGIS 109-61

2. Title: Review of Regulations Under the Agricultural Marketing Act of 1946

3. Description: Review and propose amendments or revisions as necessary to the regulations governing inspection of commodities which include the grading of rice, pulses and hay/straw; factor analysis of hops, and the certification of processed grain products for contract compliance.

4. Authority: 7 U.S.C. 1621 et. seq.; 7 CFR Part 68

5. Projected Schedule

a. Date of pre-notice: 3/31/80
b. Date of proposal: 9/30/80
c. Final Decision: 12/31/80

6. Contacts:

Agency: Edith Christensen, Ext. (202) 447-6801
USDA, FGIS, Room 0637S. Washington, D.C. 20250

FARMERS HOME ADMINISTRATION

1. Calendar No: FmHA 108-1

2. Title: Review of thermal insulation standards for masonry construction

3. Description: Review of technical and economic data on the effect of building mass upon energy consumption to determine the optimum level of thermal performance which should be required in FmHA financed masonry homes.

4. Authority: Action by House-Senate conference committee on FY 79 Agriculture Apropriations Act. The Housing Act of 1949, Section 510, 42 U.S.C. 1480; 7 CFR 1804, Subpart A, Exhibit D (proposed redesignation as 7 CFR 1924, Exhibit D, published at 44 F.R. 39432 (1979))

5. Projected Schedule

a. Date of pre-notice: 11/13/78
b. Date of proposal: 12/79
c. Final Decision: 2/80

6. Contacts:

Agency: Daniel J. Ball, Ext. (202) 447-3394
USDA, FmHA, Room 6309S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-2

2. Title: Planning and Performing Site Development Work in FmHA Instruction 424.5.(1924-D)

3. Description: Revision of requirements for site development in areas which have steep slopes. Standards apply to streets, grading, drainage, and other aspects of residential site development.

4. Authority: Requests by Appalachian Regional Commission, State agencies and FmHA field staff for more flexibility in standards. The Housing Act of 1949, Section 510, 42 U.S.C. 1480; 7 CFR 1804, Subpart D.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 2/80
c. Final Decision: 5/80

6. Contacts:

Agency: Frank Colon, Ext. (202) 447-4295
USDA, FmHA, Room 5343S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-3

2. Title: Solar Demonstration Retrofit

3. Description: Select 2 FmHA inventory houses in each of six regions for retrofit utilizing Wilke Solar collector and monitor system over 2 heating seasons. Houses similar in design and orientation - one as control, other for solar. Audio-visual aids for training and demonstration are planned.

4. Authority: Departmental initiative to offset high cost of heating Sec. 502 housing through application of low-cost solar energy hardware. The Housing Act of 1949, Section 506, 42 U.S.C. Section 1476.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 4/81
c. Final Decision: 6/81

6. Contacts:

Agency: Carl Larson, Ext. (202) 447-7595
USDA, FmHA, Room 5420S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-4

2. Title: Change in FmHA 430.2 Exhibit F - Rural Rental Housing "Rent Increase."

3. Description: Change FmHA Procedure to require that before granting rent increases to RRH owners that are receiving interest credit, the owner must request Rental Assistance when a substantial number of tenants are paying more than 25% of their income for rent.

4. Authority: Departmental initiative to enable RRH tenants who are paying more than 25% of their income for rent to receive Rental Assistance. The Housing Act of 1949, Section 510, 42 U.S.C. 1480.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 6/79
c. Final Decision: 3/80

6. Contacts:

Agency: Thomas Maxwell, Ext. (202) 447-7207
USDA, FmHA, Room 5323S, Washington, D.C. 20250

1. Calendar No: FmHA 108-6

2. Title: Revision of Rural Rental Housing (RRH) Procedures (FmHA 444.5)

3. Description: Clarify application and preapplication requirement for RRH projects, including requirements for previous participation, evaluation of the market survey of demand and need, and to make other policy changes to shore up possible misuse of the program. Also, this action will incorporate the Rural Cooperative Housing program.

4. Authority: Departmental initiative to clarify procedure and to curb possible misuse of the program. The Housing Act of 1949, Sections 510 and 515, 42 U.S.C. 1480 and 1485.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 7/79
c. Final Decision: 11/79

6. Contacts:

Agency: Lynn Voight, Ext. (202) 447-7207
USDA, FmHA, Room 5327S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-10

2. Title: Consideration of Limited Assistance Self Help Housing Approach

3. Description: Review the policy and procedure concerning the minimum hours of participation on self help projects. Ask public interest groups for comment concerning the advisibility of limiting the family's labor contribution.

4. Authority: Housing Act of 1949, Section 510(j), 42 U.S.C. 1480(j).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/79
c. Final Decision: 3/80

6. Contacts:

Agency: John Pentecost, Ext. (202) 447-7207
USDA, FmHA, Room 5323S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-12

2. Title: Home Ownership Assistance Program

3. Description: Development and promulgation of instructions to implement a Home Ownership Assistance subsidy program as requested by the Administration and passed by Congress.

4. Authority: Housing and Community Development Amendments of 1978. The Housing Act of 1949, Sections 510 (j) and 521 (a)(1)(c); 42 U.S.C. 1480(j) and 1490a(a)(1)(c).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 3/80
c. Final Decision: 8/80

6. Contacts:

Agency: Matt Felber, Ext. (202) 447-4295
USDA, FmHA, Room 5339S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-14

2. Title: Coordinated Use of Loan and Grant Programs to Meet Low-Income Needs

3. Description: Deny community program assistance in prescribed circumstances, and to accelerate repayment in certain instances when communities arbitrarily prohibit or restrict low-income housing.

4. Authority: Consolidated Farm and Rural Development Act, Section 339; 7 U.S.C. Section 1989; Housing Act of 1949, Section 510(j), 42 U.S.C. Section 1480(j); 7 CFR 2.23; 7 CFR 2.70.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/79
c. Final Decision: 3/80

6. Contacts:

Agency: Art Collings, Ext. (202) 447-8448
USDA, FmHA, Room 5303S, Washington, D.C. 20250

1. Calendar No: FmHA 108-18

2. Title: Review of Present Priorities for B&I Loans

3. Description: Review will include consideration of lines of credit, small loans, limited partnerships, interim financing and other matters

4. Authority: Consolidated Farm and Rural Development Act, Sectin 310B, Public Law 92-419, 7 U.S.C. 1932. May affect 7 CFR 1980, Subpart E.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/79
c. Final Decision: 2/80

6. Contacts:

Agency: Robert Butler, Ext. (202) 447-5243
USDA, FmHA, Room 5420S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-23

2. Title: Revise FmHA instructions to permit certain energy producing projects to be funded under B&I Program

3. Description: Departmental initiative to amend B&I regulations to permit certain energy projects to be approved.

4. Authority: Consolidated Farm and Rural Development Act, Section 310B, Public Law 92-419; 7 U.S.C. 1932. May affect 7 CFR 1980.411.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/79
c. Final Decision: 2/80

6. Contacts:

Agency: Robert Butler, Ext. (202) 447-5243
USDA, FmHA, Room 5420S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-22

2. Title: Proposed change in B&I Program to broaden eligibility for foreign-owned applicants.

3. Description: Completed survey of states to determine significance of impact, published proposed change to permit foreign applicants if 85% of employees are U.S. citizens, and prepared option paper for decision.

4. Authority: Consolidated Farm and Rural Development Act, Section 310B; Public Law 92-419, 7 U.S.C. 1932. May affect 7 CFR 1980.403.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 5/79
c. Final Decision: 11/79

6. Contacts:

Agency: Robert Butler, Ext. (202) 447-5243
USDA, FmHA, Room 5420S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-26

2. Title: Community Facility loans for electric and telephone facilities

3. Description: Consider making FmHA loans for electric and telephone facilities to communities not eligible for REA assistance.

4. Authority: To provide a complete spectrum of loan assistance to rural communities in need. Consolidated Farm and Rural Development Act, as amended, Section 306(a)(14), 7 U.S.C. 1926.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/80
c. Final Decision: 3/80

6. Contacts:

Agency: John Bowles, Ext. (202) 447-7667
USDA, FmHA, Room 6334S, Washington, D.C. 20250

1. Calendar No: FmHA 108-44

2. Title: Phase II, National Rural Community Facilities Assessment Study.

3. Description: Major feasibility study currently underway with ABT Assoc. to determine the data requirements, collection and analysis plans for making the assessments. Performance criteria and types of communities to be included will be presented to FmHA prior to the initiation of Phase II. Supplemental study to be conducted by Agency.

4. Authority: The Consolidated Farm and Rural Development Act, as amended, Secton 331(c), 7 U.S.C. 1981(c). Agency initiative to develop national and state assessments of the current status of community facilities relative to acceptable performance standards.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 11/79

6. Contacts:

Agency: Vince Rock, Ext. (391) 436-7725, USDA, FmHA, Presidential Bldg., Hyattsville, Md. 20852

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1. Calendar No: FmHA 108-56

2. Title: Needs Assessment Capability Study

3. Description: The Needs Assessment Component will be designed to be nationally applicable, to be used at the national level in assessing the relative needs of States, and within assessing the relative needs of counties. Center for Census Use Studies has contracted to develop a Needs Assessment Component to help FmHA assess relative levels of need for its loan programs.

4. Authority: Rural Development Act of 1972, P.L. 92-419, Section 603, 86 Stat. 1675 (1972).

5. Projected Schedule

a. Date of pre-notice: Completed
b. Date of proposal: Completed
c. Final Decision: 3/80

6. Contacts:

Agency: Mark Nestle, Ext. (301) 436-7748, USDA, FmHA Room 539A, Presidential Bldg. Hyattsville, Md. 20852

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1. Calendar No: FmHA 108-66

2. Title: Section 502 Loans Income Limitations

3. Description: To adjust current limits for inflation.

4. Authority: The Housing Act of 1949, Section 510(j); 42 U.S.C. 1480(j).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision:

6. Contacts:

Agency: Byron Fischer, Ext. (202) 447-4295 USDA, FmHA, Room 5351S, Washington, D.C. 20250

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1. Calendar No: FmHA 108-83

2. Title: Small Business Enterprise Loans

3. Description: Issue regulations for implementation of program.

4. Authority: Section 304 (b) of the Consolidated Farm and Rural Development Act, 7 U.S.C. Section 1924 (b).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 4/80
c. Final Decision: 7/80

6. Contacts:

Agency: Carl Opstad, Ext. (202) 447-4572 USDA, FmHA, Room 5330S, Washington, D.C. 20250

1. Calendar No: FmHA 178-91

2. Title: Demonstration Program to improve coordination and upgrade the water and sewer assistance FmHA and EDA provide rural communities.

3. Description: Implement six month pilot program led by the EDA in the states of Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Louisiana and Texas. Joint program involves needs assessment, new screening procedures, single application for assistance, contract in engineering fees, and other streamlined features.

4. Authority: Interagency agreement, (EDA, FmHA, EDA, CSA, and HUD) initiated by White House. The Consolidated Farm and Rural Development Act, as amended, Section 331(b), 7 U.S.C. 1981(b) and Section 347, 7 U.S.C. 1995.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 11/79

6. Contacts:

Agency: Glenn F. Walden, Ext. (202) 447-4307 USDA, FmHA, Room 6320S, Washington, D.C. 20250

1. Calendar No: FmHA 069-37

2. Title: Instruction for Floodplain Management and Wetlands Protection

3. Description: Initial procedure FmHA 1940 H was published in the Federal Register on September 14, 1978, for public comment. This is the final rule.

4. Authority: This procedure has been written to comply with Executive Order 11988, 42 F.R. 26951 (1977) and Executive Order 11990.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 11/79

6. Contacts:

Agency: Cecil W. Rose, Ext. (202) 447-3394 USDA, FmHA, Room 6305S, Washington, D.C. 20250

1. Calendar No: FmHA 053-79

2. Title: That part of Operating Loan Policies, Procedures and Authorization covering Youth Loans

3. Description: This action will insure that loan amounts that are larger than necessary for program purposes are not approved which can result in unnecessary reduction in the total number of eligible applicants served with limited loan funds.

4. Authority: Administrative change made because the Youth Loan Program needs to be revised to limit the size of individual loans. Authority to issue administrative changes found in the Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. 1989.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 6/79
c. Final Decision: 1/80

6. Contacts:

Agency: Leroy Jones, Ext. (202) 447-4669 USDA, FmHA, Room 5317S, Washington, D.C. 20250

1. Calendar No: FmHA 079-44

2. Title: Lender Eligibility and Qualifications for B&I Loans

3. Description: Revised FmHA regulation, Section 1980.13 (h) (1) and (2) to reclassify insurance companies as eligible lenders and eliminate certain lenders under present regulations which do not have the expertise or resources available to handle complex commercial loans.

4. Authority: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932. Agency experience with lenders which require approval indicates need to be more restrictive. Also insurance companies should be reclassified as eligible lenders.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 9/30/79
c. Final Decision: 2/80

6. Contacts:

Agency: Darryl H. Evans/Dean R. Moore, Ext. (202) 447-4150, USDA, FmHA, Room 5432S, Washington, D.C. 20250

1. Calendar No: FmHA 079-45

2. Title: Fees and Charges for R&I Loans

3. Description: Revise FmHA regulation, Section 1980.22 to provide for specific limits of fees, charges or yields that would be permitted for the R&I loan. Requirement for full disclosure at application and loan closing time would be established.

4. Authority: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932. Considerable experience at this time indicates that lenders and other interested parties are charging expensive fees on R&I loans.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 10/30/79
c. Final Decision: 4/80

6. Contacts:

Agency: Dean Moore/Darryl H. Evans Ext. (202) 447-4150, USDA, FmHA, Room 5432S, Washington, D.C. 20250

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1. Calendar No: FmHA 079-46

2. Title: Restricting the Sale of the Unguaranteed Portion of Loans

3. Description: Revised FmHA regulations 1980-A&F, and Form FmHA 449-35, Lender's Agreement to set specific conditions for selling the unguaranteed portion of a loan.

4. Authority: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932. Many lenders do not have the interest in servicing loans when they are permitted to sell the entire loan off in the secondary market. Also we expect shortly policy decisions from the Comptroller of the Currency on this matter.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/79
c. Final Decision: 5/80

6. Contacts:

Agency: Darryl H. Evans Ext. (202) 447-4150 USDA, FmHA, Room 5432S, Washington, D.C. 20250

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1. Calendar No: FmHA 079-47

2. Title: Loan Policy Pertaining to Local Lender for R&I Loans.

3. Description: To revise FmHA regulations, Section 1980.13 (a) and (f). Such revision would establish certain parameters for lender eligibility, e.g. define local area, and set forth specific exemptions when a local lender cannot provide the required expertise or funding.

4. Authority: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932. To provide more definitive rules in handling lenders for the R&I program. Considerable administrative problems have developed over the past year and one half on this issue.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 8/30/79
c. Final Decision: 12/19/79

6. Contacts:

Agency: Darryl H. Evans, Ext. (202) 447-4150 USDA, FmHA, Room 5432S, Washington, D.C. 20250

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1. Calendar No: FmHA 089-53

2. Title: Review of Minimum Property Standards to assess applicability to rural housing.

3. Description: Conduct study of standards for housing in rural areas to determine if changes can be made which would permit the use of lower cost innovative technologies.

4. Authority: Housing Act of 1949, Sections 506 (a) and 510 (j), 42 U.S.C. Sections 1476(a), and 1480(j)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/1/79
c. Final Decision: 4/1/80

6. Contacts:

Agency: Dan Rail, Ext. (202) 447-3394 USDA, FmHA, Room 6309S, Washington, D.C. 20250

1. Calendar No: FmHA 099-59

2. Title: Develop improved loan servicing regulations and procedures.

3. Description: After the R&I division has analyzed a sampling of State Office operations and consolidated current administrative procedures, the division will develop procedures designed to more effectively monitor the program and provide for more contact with lenders and borrowers. This action will formalize and codify servicing procedures.

4. Authority: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/79
c. Final Rule: 3/1/80

6. Contacts:

Agency: Leigh Malley, Ext. (202) 447-4924
USDA, FmHA, Room 5428S, Washington, D.C. 20250

1. Calendar No: FmHA 099-63

2. Title: Review and Strengthen R&I Program Operations

3. Description: Revise procedures to strengthen the loan making, including such areas as equity, Personal/corporate guarantees and refinancing.

4. Authority: The Consolidated Farm and Rural Development Act, as amended, Section 310B, 7 U.S.C. 1932.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/30/79
c. Final Decision: 3/1/80

6. Contacts:

Agency: Darryl Evans, Ext. (202) 447-4150
USDA, FmHA, Room 5432S, Washington, D.C. 20250

1. Calendar No: FmHA 099-65

2. Title: Study of "Utilization of Fee Appraiser in conjunction with present Agency designated authorized appraisers for the rural rental housing (RRH) program."

3. Description: The evaluation will examine the issues involved in using fee appraisers and in continuing the present appraisal system. Issues to be considered are qualifications and selection of appraisers and the cost of appraisals. Other issues to be evaluated are training, cost date, and conflict of interest in being the appraiser and the loan processor at the same time. The possibility of a pilot program will be considered.

4. Authority: Housing Act of 1949, Section 510(j); 42 U.S.C. 1480(j)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision:

6. Contacts:

Agency: M. J. Pena, Ext. (202) 447-7207
USDA, FmHA, Room 5331S, Washington, D.C. 20250

1. Calendar No: FmHA 099-66

2. Title: Revision of Community Programs Loan and Grant approval authorities, FmHA Instruction 1901-A, Exhibit B

3. Description: Exhibit B will be revised to increase the loan limits for community facility loans requiring National Office concurrence, from $500,000 to $1,000 000.

4. Authority: 7 U.S.C. Section 1989, 7 CFR 2.23; 7 CFR 2.70

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 11/79

6. Contacts:

Agency: L. K. Rangna, Ext. (202) 447-7667
USDA, FmHA, Room 5433S, Washington, D.C. 20250

1. Calendar No: FmHA 099-67

2. Title: Implementation of the President's Water Policy, Message to Congress

3. Description: This proposed action will result in additions to FmHA Instruction 1942-A. The proposal includes: (1) the discouragement of luxury consumption of water by assuring equitable rate structures; (2) requiring recipients to educate users in regards to water conservation, (3) reduce water loss on existing systems, and (4) incorporate water conservation measure in the design and operation of facilities when feasible.

4. Authority: 7 U.S.C. Section 1989, 7 CFR 2.23; 7 CFR 2.70

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 10/1/79
c. Final Decision: 1/1/80

6. Contacts:

Agency: Byron F. Ross, Ext. (202) 447-5717
USDA, FmHA, Room 6316S, Washington, D.C. 20250

1. Calendar No: FmHA 099-73

2. Title: Establish Emergency Loan Ceilings

3. Description: Establish insured and guaranteed actual loss ceiling at $250,000 per disaster. Insured major adjustment and annual production ceiling of $500,000 principal balance outstanding of which a further limitation of $300,000 on major adjustment funds to refinance real estate is set. Guaranteed loans would be double the above $500,000 and $300,000 ceilings.

4. Authority: Administrative change under the Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. Section 1989. Reduce amount of additional FM loan funds an applicant/borrower can receive.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James E. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

1. Calendar No: FmHA 099-74

2. Title: Limit time span during which subsequent EM annual production and major adjustment loans can be made.

3. Description: Change the law to limit the time span during which present and future FM borrowers can be eligible for subsequent annual production and major adjustment loans. The time span for additional assistance will be limited to two full calendar years after the disaster.

4. Authority: The Consolidated Farm and Rural Development Act, Section 330, 7 U.S.C. Section 1971. Reduce amount of additional EM loan funds an applicant/borrower can receive.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James E. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

1. Calendar No: FmHA 099-75

2. Title: Eliminate the requirement that the FmHA County Committee must certify to the amount of each EM loan.

3. Description: Change the law to provide that the FmHA County Committee need certify only to each EM applicant's eligibility and not also the amount of each loan. This change is to be sought simultaneously with FmHA's legislative proposal to introduce credit ceilings on EM loans.

4. Authority: The Consolidated Farm and Rural Development Act, Section 333(b), 7 U.S.C. Section 1983(b). Eliminate a processing step and conform processing procedure with OL and FO loans.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James E. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

1. Calendar No: FmHA 099-76

2. Title: Limits uses of FF loan funds.

3. Description: Restrict insured FF funds from being used for totally refinancing an applicant's existing debt. This restriction would not apply to guaranteed FF loans.

4. Authority: Administrative change under the Emergency Agricultural Credit Adjustment Act of 1978, P.L. 95-334, Title II, Section 209(c), 92 Stat. 432 (1978).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James F. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

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1. Calendar No: FmHA 099-77

2. Title: Extension of FF loan program beyond May 15, 1980

3. Description: Conclude a study and submit a recommendation to the Program Budget Review Board on whether to continue the FF loan program beyond May 15, 1980, and, if so, under what conditions.

4. Authority: The Emergency Agricultural Credit Adjustment Act of 1978, P.L. 95-334, Title II, 92 Stat. 429-433 (1978). To place recommendation before the Program Budget Review Board for evaluation.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James F. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

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1. Calendar No: FmHA 099-78

2. Title: Establish negotiated interest rates for guaranteed EM annual production and major adjustment loans.

3. Description: Change the law to allow EM annual production and major adjustment guaranteed loans to be made at a negotiated rate of interest agreed upon by the applicant and the lender.

4. Authority: The Consolidated Farm and Rural Development Act, Section 324, 7 U.S.C. Section 1964. Make EM guaranteed loans more attractive to lenders.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James E. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

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1. Calendar No: FmHA 099-79

2. Title: Establish "formula rate" of interest for insured EM annual production and major adjustment loans.

3. Description: Change the law to require the treasury "formula rate" of interest (cost of money to the government plus up to 1%) for insured EM annual operation and major adjustment loans in lieu of using the "money market rate" presently required.

4. Authority: The Consolidated Farm and Rural Development Act, Section 324, 7 U.S.C. Section 1964. Conform EM interest rate to OL and FO rates to simplify administration of the program.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James F. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

1. Calendar No: FmHA 099-80

2. Title: Tighten "credit elsewhere" test for insured and guaranteed emergency loans.

3. Description: Requires applicants to present a written rejection from 3 or more conventional credit sources documenting to FmHA the unavailability of credit. This may be in the form of a new questionnaire the lending sources would complete. Also requires all assets of the applicant to be pledged as security before approval of the loan.

4. Authority: Administrative change under the Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. Section 1989. To strengthen documentation requirements of lenders and FmHA officials.

5. Projected Schedule

a. Date of pre-notice: 9/1/79
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James F. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

1. Calendar No: FmHA 099-81

2. Title: Change in FM major adjustment type loan terms

3. Description: Require that the terms of FM major adjustment loans for real estate purposes normally not exceed 30 years; however, in justifiable cases the terms may exceed 30 years but cannot exceed a maximum term of 40 years.

4. Authority: Administrative change under the Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. Section 1989. Restrict use of 40 year term to make terms more compatible with other local lenders.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/30/79

6. Contacts:

Agency: James F. Vollmer, Ext. (202) 447-6257
USDA, FmHA, Room 5336S, Washington, D.C. 20250

FOOD AND NUTRITION SERVICE

1. Calendar No: FNS 118-2

2. Title: Proposed and Final Regulations Part 226 - Child Care Food Program.

3. Description: The proposed rule provides for: administrative payments to sponsors of day care homes, a food service rate for family day care providers, start-up and advance payments, and alternative licensing procedures. Final rule will reflect comments received on proposed rule.

4. Authority: Child Nutrition Amendments of 1978, P.L. 95-627, Section 2, 92 Stat. 3603-3611 (1978).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 7/79
c. Final Decision: 12/79

6. Contacts:

Agency: Jordan Renderly, Ext. (202) 447-8211
USDA, FNS, Room 644 GHI, Washington, D.C. 20250

1. Calendar No: FNS 118-8

2. Title: School Breakfast Program: Grain-Fruit Product - Withdrawal of Approval, Part 220 to use the product in the School Breakfast Program.

3. Description: Elimination of formulated grain/fruit products from the Breakfast Program to promote development of good food habits in the furtherance of nutrition education through a well-balanced diet of conventional foods.

4. Authority: Child Nutrition Amendments of 1978, P.L. 95-627, Section 6(d), 92 Stat. 3621 (1978).

5. Projected Schedule

a. Date of pre-notice: None
b. Date of reproposal: 1/80
c. Final Decision: 5/80

6. Contacts:

Agency: Margaret Glavin, Ext. (202) 447-8130
USDA, FNS, Room 4122 Auditors Bldg., Washington, D.C. 20250

1. Calendar No: FNS-118-13

2. Title: Assessment, Improvement and Monitoring System for School Nutrition Programs

3. Description: A series of regulatory amendments for management, evaluation and monitoring designed to improve accountability. To assist State agencies, additional SAE funds will be provided. Removes Part 245 amendments from the PARS proposal and makes them a separate proposal.

4. Authority: Child Nutrition Amendments of 1978, P.L. 95-627, Section 7(a), 92 Stat. 3622 (1978).

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 10/79
c. Final Decision: 4/80

6. Contacts:

Agency: Margaret Glavin, Ext. (202) 447-8130
USDA, FNS, Room 4122 Auditors Bldg., Washington, D.C. 20250

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1. Calendar No: FNS 118-24

2. Title: Control on the Sales of Competitive Foods in Schools

3. Description: Regulations to implement that Section of P. L. 95-166 which requires that the Secretary approve those foods which may be sold in competition with the lunch and breakfast served under the National School Lunch and School Breakfast Programs, thereby placing controls on the sale of competitive foods at State and local levels.

4. Authority: National School Lunch Act and Child Nutrition Amendments of 1977, P.L. 95-166, Section 17, 91 Stat. 1345 (1977).

5. Projected Schedule

a. Date of pre-notice: 12/78
b. Date of reproposal: 7/79
c. Final Decision: 1/80

6. Contacts:

Agency: Margaret Glavin, Ext. (202) 447-8130
USDA, FNS, Room 4122 Auditors Bldg., Washington, D.C. 20250

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1. Calendar No: FNS 118-26

2. Title: Food Distribution Program: Review and republication of regulations (7 CFR Part 250)

3. Description: FDD to make a systematic review of regulations and recommend restructuring and consolidation

4. Authority: Executive Order No. 12044, 43 F.R. 50988 (1978).

5. Projected Schedule

a. Date of pre-notice: 5/79
b. Date of proposal: 2/80
c. Final Decision: 6/80

6. Contacts:

Agency: Darrel Gray, Ext. (202) 447-8362
USDA, FNS, Room 610 GHI, Washington, D.C. 20250

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1. Calendar No: FNS 118-42

2. Title: School Feeding Program: Definition of authorized milk products for use in food service.

3. Description: Develop definition for authorized milk products. This would clarify FNS policy pertaining to use of milkshakes. States are not interpreting requirement for "fluid" milk consistently as being synonymous with Class I dairy products.

4. Authority: National School Lunch Act, Section 9, 42 U.S.C. 1758; Child Nutrition Act of 1966, Section 4(e), 42 U.S.C. 1773.

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 3/80
c. Final Decision: 7/80

6. Contacts:

Agency: Jane Ross, Ext. (202) 447-6993
USDA, FNS, Room 790 GHI, Washington, D.C. 20250

1. Calendar No: FNS 118-69

2. Title: Food Stamp Program: Regulations concerning administrative cost allocations for States

3. Description: Regulations concern the reimbursement to States for administrative costs incurred in operating the Food Stamp Program.

4. Authority: Food Stamp Act of 1977, 91 Stat. 958.

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 11/79
c. Final Decision: 4/80

6. Contacts:

Agency: Alberta Frost, Ext. (202) 447-8982
USDA, FNS, Room 650 GHI, Washington, D.C. 20250

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1. Calendar No: FNS 118-70

2. Title: Food Stamp Program: Work Registration Joint Rulemaking

3. Description: Defines and assigns the responsibility for administering the food stamp work registration requirement, including job search activities, to the appropriate agencies within the Departments of Labor and Agriculture. Additionally the responsibilities and penalties for failure to comply with work requirements by participating households will be delineated.

4. Authority: The Food Stamp Act of 1977, P.L. 95-113, Section 6(d), 91 Stat. 958 (1977).

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 1/80
c. Final Decision: 7/80

6. Contacts:

Agency: Alberta Frost, Ext. (202) 447-8982
USDA, FNS, Room 650 GHI, Washington, D.C. 20250

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1. Calendar No: FNS 118-73

2. Title: Food Stamp Program: Regulations concerning the Performance Reporting System

3. Description: Regulations require that the existing system be continued and further refined to ensure that States assess themselves at the local level and report to the Department on their efficiency and effectiveness.

4. Authority: Food Stamp Act of 1977, 91 Stat. 988.; 7 U.S.C. 2011-2026

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 4/79
c. Final Decision: 12/79

6. Contacts:

Agency: Alberta Frost, Ext. (202) 447-8982
USDA, FNS, Room 650 GHI, Washington, D.C. 20250

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1. Calendar No: FNS 039-1

2. Title: Changes in WIC Food Packages

3. Description: Proposed regulations - Part 246.8 - changing the food packages for the WIC participants. Current research of the nutritional needs of the target population indicate some changes should be made in the nutrients and levels provided.

4. Authority: Child Nutrition Amendments of 1978, P.L. 95-627, Section 3, 92 Stat. 3616, (1978).

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 11/79
c. Final Decision: 4/80

6. Contacts:

Agency: Jane McNeil, Ext. (202) 447-8206
USDA, FNS, Room 4301 Auditors Bldg., Washington, D.C.20250

FOREST SERVICE

1. Calendar No: FS 108-2

2. Title: Title V Regulations of Federal Land Policy and Management Act of 1976

3. Description: Revise 36 CFR 251 regulations governing "Special Uses" to incorporate provisions of P.L. 94-579.

4. Authority: Federal Land Policy and Management Act of 1976, P.L. 94-579, Section 310, 90 Stat. 2743. (This section requires that regulations be promulgated.)

5. Projected Schedule

a. Date of pre-notice: 11/4/77
b. Date of proposal: 5/1/79
c. Final Decision: 1/1/80

6. Contacts:

Agency: Gerald Van Gilst, Ext. (703) 235-8212
USDA, FS, Box 2417, Washington, D.C. 20013

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1. Calendar No: FS 108-3

2. Title: Cost Recovery Policy Issue

3. Description: No uniform policy among Federal agencies on collecting costs incurred in processing applications for use of Federal lands. Upon advice of OMB, a uniform policy between FS/BLM will be developed for costs incurred in processing applications for use of Federal lands.

4. Authority: Federal Land Policy and Management Act of 1976, P.L. 94-579 Sections 304 and 504(g); 90 Stat. 2743. (1976).

5. Projected Schedule

a. Date of pre-notice: 4/1/80
b. Date of proposal: 7/1/80
c. Final Decision: 10/1/80

6. Contacts:

Agency: Gerald Van Gilst, Ext. (703) 235-8212
USDA, FS, Box 2417, Washington, D.C. 20013

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1. Calendar No: FS 108-5

2. Title: Implementation of P.L. 95-313. The Cooperative Forestry Assistance Act of 1978

3. Description: Update and clarify Forest Service Manual program guidelines and existing regulations.

4. Authority: The Cooperative Forestry Assistance Act of 1978, P.L. 95-313, 92 Stat. 365 (1978).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/1/79
c. Final Decision: 2/1/80

6. Contacts:

Agency: John C. Barber, Ext. (202) 447-3331
USDA, FS, Box 2417, Washington, D.C. 20013

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1. Calendar No: FS 108-6

2. Title: Draft 1980 RPA Assessment and Program

3. Description: The decision to release draft documents that assess the Nation's renewable resource situation and that describe Alternative Program Directions for the Forest Service for the next 50 years.

4. Authority: Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, P.L. 94-588, 90 Stat. 2949 (1976).

5. Projected Schedule

a. Date of pre-notice: 2/79
b. Date of proposal: 3/27/79
c. Final Decision: 11/13/79
d. Transmit to Congress 1/80

6. Contacts:

Agency: Tom Hamilton, Ext. (202) 447-5440
USDA, FS, Box 2417, Washington, D.C. 20013

1. Calendar No: FS 108-8

2. Title: Regulations for administering Forest Highways

3. Description: Update existing regulations required by Title 23 U.S.C. to reflect changed definitions for forest highways and to improve eligibility and selection criteria for projects. No change in cost, state cooperation, distribution of program, or funds. Change is related to non-federal aid highway eligibility for funding and RPA coordination.

4. Authority: The Surface Transportation Assistance Act of 1978, P.L. 95-599, 92 Stat. 2689 (1978). GAO Audit Report CED-77-130 B164497(3).

5. Projected Schedule

a. Date of pre-notice: 11/78
b. Date of proposal: 10/28/79
c. Final Decision: 1/1/80

6. Contacts:

Agency: Mike Howlett, Ext. (703) 235-8035
USDA, FS, Box 2417, Washington, D.C. 20013

1. Calendar No: FS 108-9

2. Title: Public Participation Procedures

3. Description: Establishment by regulation to give the Federal, State & local governments and the public adequate notice and opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

4. Authority: Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, P.L. 94-588, Section 14(a), 90 Stat. 2958 (1976).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 4/17/79
c. Final Decision: 11/15/79

6. Contacts:

Agency: Robert M. Lake, Ext. (202) 447-7013
USDA, FS, Box 2417, Washington, D.C. 20013

1. Calendar No: FS 108-11

2. Title: Secretary Review of Rate Redetermination for Alaska Lumber and Pulp Co. Sale

3. Description: Review, report, and recommendations from Board regarding rates for Alaska Lumber and Pulp Co. long-term timber sale contract.

4. Authority: Request to Secretary by purchaser to appoint special Board to review rates redetermined by the Forest Service.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/15/79
c. Final Decision: 1/1/80

6. Contacts:

Agency: Norm Gould, Ext. (202) 447-6893
USDA, FS, Box 2417, Washington, D.C. 20013

1. Calendar No: FS 108-13

2. Title: Amendment to Regulation 36 CFR 222, Management of Wild Free-Roaming Horses and Burros

3. Description: Amendments in Regulations are needed to implement provisions of the Act including: inventories, research, disposal of unadoptable animals, assigning of title of adopted animals. Regulations must be coordinated with efforts by U.S. Department of the Interior.

4. Authority: Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901

5. Projected Schedule

a. Date of pre-notice: 12/15/78
b. Date of proposal: 8/10/79
c. Final Decision: 2/15/80

6. Contacts:

Agency: William Evans, Ext. (703) 235-8139
USDA, FS, Box 2417, Washingtn, D.C. 20013

1. Calendar No: FS 128-17

2. Title: Shawnee Hills National Recreation Area

3. Description: Study area for possible designation as a National Recreation Area

4. Authority: An Act to authorize the study of certain areas by the Secretary of Agriculture and the Interior, Section 502.90 Stat. 2450 (1976). P.L. 94-518.

5. Projected Schedule

a. Date of pre-notice: 9/79
b. Date of proposal: 1/15/80
c. Final Decision: 11/1/80

6. Contacts:

Agency: Rex Hartgraves, Ext. (202) 447-6697
USDA, FS, Box 2417, Washington, D.C. 20013

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1. Calendar No: FS 049-3

2. Title: Cultural Resources Procedures

3. Description: Publish procedures to implement regulations as required by President's Water Resource Memorandum of July 12, 1978, ACHP regulations 36 CFR 800, and draft Secretary's regulation 7 CFR 3100, published July 9, 1979, in Federal Register.

4. Authority: Executive Order No. 12044, 36 CFR 800.10

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 9/18/79
c. Final Decision: 2/1/80

6. Contacts:

Agency: Roy Feuchter, Ext. (202) 447-3706
USDA, FS, Box 2417, Washington, D.C. 20013

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1. Calendar No: FS 049-2

2. Title: Evaluation of Forest Pest Management Programs

3. Description: Review the rationale for our present program direction and recommend program adjustments where appropriate. Will concentrate on examining operating procedures including: policy, decisionmaking processes, program management, adequacy of analysis, and program coordination.

4. Authority: Requested by Assistant Secretary M. Rupert Cutler.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 5/1/80
c. Final Decision: 7/1/80

6. Contacts:

Agency: Tom Rooderer, Ext. (202) 447-2775
USDA, FS, Box 2417, Washington, D.C. 20013

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1. Calendar No: FS 109-5

2. Title: 1980 Spruce Budworm Suppression Project

3. Description: The primary means of suppressing budworm populations in the past has been chemical insecticides and chemical insecticides will probably play a role in the 1980 project.

4. Authority: Cooperative Forestry Assistance Act of 1978, P.L. 95-313, 92 Stat. 365 (1978).

5. Projected Schedule

a. Date of pre-notice: 9/6/79
b. Date of proposal: 12/1/79
c. Final Decision: 2/1/80

6. Contacts:

Agency: Jim Stewart, Ext. (703) 235-1560
USDA, FS, Box 2417, Washington, D.C. 20013

1. Calendar No: FS 109-6

2. Title: 1980 Cooperative Gypsy Moth Suppression & Regulatory Activities

3. Description: Involves aerial treatment using insecticides.

4. Authority: Federal Insecticide Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136, 86 Stat. 975 (1947).

5. Projected Schedule

a. Date of pre-notice: 10/10/79
b. Date of proposal: 12/31/79
c. Final Decision: 3/31/80

6. Contacts:

Agency: Jim Stewart, Ext. (703) 235-1560
USDA, FS, Box 2417, Washington, D.C. 20013

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1. Calendar No: FSOS 108-4

2. Title: Poultry Chiller Water Regulation

3. Description: New regulation would permit operators of poultry establishments to reduce volume of replacement water in poultry chilling tanks by 50 percent providing chlorine is added to the water in the amount of 20 parts per million. Due to the nature of comments received on the proposal, a protocol is being prepared to restudy the issue. This must be accomplished before further action can be taken on the final regulation.

4. Authority: 21 U.S.C. 463. Additional information: This regulation will conserve water, reduce the energy necessary for chilling, and reduce waste water pollution. This would amend 9 CFR 381.66.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 4/4/78
c. Final Decision: Undetermined

6. Contacts:

Agency: V. H. Berry, Ext. (202) 447-3473
USDA, FSOS, Room 347E, Washington, D.C. 20250

FOOD SAFETY AND QUALITY SERVICE

1. Calendar No: FSOS 108-3

2. Title: Voluntary Quality Control Regulations - Sanitation and Carcass Cleanliness

3. Description: This proposal would permit firms to implement company-operated quality control programs regarding sanitation and carcass cleanliness. This would permit FSOS to shift more responsibility to industry with FSOS monitoring industry performance.

4. Authority: 21 U.S.C. 601 et seq.; 21 U.S.C. 451 et seq. Additional information: To supplement system of inspection while holding down costs as outlined in report on Strengthening Meat and Poultry Inspection. Would amend 9 CFR Parts 301-335 and 9 CFR Part 381.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 4/1/81
c. Final Decision: 12/15/81

6. Contacts:

Agency: V. H. Berry, Ext. (202) 447-3473
USDA, FSOS, Room 347E, Washington, D. C. 20250

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1. Calendar No: FSOS 108-6

2. Title: Revise $18,000 Limit on Retail Store Exemption from Routine Inspection

3. Description: A retail store is currently exempt from routine meat and poultry inspection provided, among other things, that its sales of meat items to consumers other than household consumers does not exceed $18,000 per year. The proposed amendment to the regulations would raise the $18,000 limit to account for the inflation that has transpired since 1973, when this limit became effective.

4. Authority: 21 U.S.C. 621; 21 U.S.C. 463. Additional information: This action is in response to a petition from retail stores, and would propose to amend section 303.1(d)(2)(iii) of the federal meat inspection regulations (9CFR 303.1(d)(2)(iii)) and section 381.10(d)(2)(iii) of the poultry products inspection regulations (9 CFR 381.10(d)(2)(iii)).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/30/79
c. Final Decision: 7/1/80

6. Contacts:

Agency: V. H. Berry, Ext. (202) 447-3473
USDA, FSOS, Room 347E, Washington, D.C. 20250

1. Calendar No: FSOS 108-7

2. Title: Regulatory Plan for Cured Pork Products

3. Description: Cured pork products contain varying amounts of water introduced with the curing agents. The amount of added water is limited by regulation. The new regulatory plan would establish a standard for these products based on protein content rather than added water, and establish more effective enforcement procedures. The protein content standard should provide useful information to consumers.

4. Authority: 21 U.S.C. 601 et seq. Additional Information: Better method to enforce added water requirements. Would amend 9 CFR Part 319.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 3/31/80
c. Final Decision: 9/30/80

6. Contacts:

Agency: L. L. Gast, Ext. (202) 447-8803
USDA, FSOS, Room 344E, Washington, D.C. 20250

1. Calendar No: FSOS 108-8

2. Title: Work Week Proposal

3. Description: This would propose to provide for uniform requirements and procedures in establishments operating under federal meat or poultry inspection relative to the days and hours inspectors may be engaged in the performance of duty, schedules of operations, number of shifts, overtime and holiday inspection service and charges, and billing.

4. Authority: 21 U.S.C. 621; 21 U.S.C. 463. Additional Information: This would propose to amend Sections 307.4, 307.5 and 307.6, and to add a new Section 307.7 to the federal meat inspection regulatinos (9 CFR 307.4-307.7). This would also propose to amend Sections 381.37, 381.38 and 381.39 and to add a new Section 381.40 to the poultry products inspection regs. (9 CFR 381.37-381.40)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/18/79
c. Final Decision: 3/15/80

6. Contacts:

Agency: V. H. Perry, Ext. (202) 447-3473
USDA, FSOS, Room 347E, Washington, D.C. 20250

1. Calendar No: FSOS 108-12

2. Title: Studies on Uniform Grade Nomenclature

3. Description: The Department is considering options to obtain information on the usefulness of the present grading system and nomenclature including an extensive educational/informational campaign involving hearings, demonstrations, and exhibits.

4. Authority: 7 U.S.C. 1621 et seq. 7 CFR Part 28.53

5. Projected Schedule

a. Date of pre-notice: 4/1/80
b. Date of proposal: 10/1/80
c. Final Decision: Undetermined

6. Contacts:

Agency: E. F. Kimbrell, Ext. (202) 447-5231
USDA, FSOS, Room 350E, Washington, D.C. 20250

1. Calendar No: FSOS 108-18

2. Title: Establish Microbiological Criteria for Meat & Poultry Products

3. Description: This proposal will establish guidelines and standards for microbiological agents that may be present in selected meat and poultry products and will describe enforcement procedures.

4. Authority: 21 U.S.C. 601 et seq.; 21 U.S.C. 451 et seq. Would amend 9 CFR Parts 301-335 and 9 CFR Part 381.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 4/1/80
c. Final Decision: 10/80

6. Contacts:

Agency: R. F. Engel, Ext. (202) 447-2326
USDA, FSOS, Room 402 Annex Bldg., Washington, D.C. 20250

1. Calendar No: FSOS 108-30

2. Title: Proteolytic Enzyme Proposal

3. Description: This document would propose two regulatory changes. One to permit the use of certain proteolytic enzymes to tenderize the muscle tissue of mature poultry; the other to extend current permission for the use of such enzymes to tenderize the muscle tissue of beef to other cuts of red meat species.

4. Authority: 21 U.S.C. 463 and 621. Additional Information: Request from poultry industry to use papain in fowl as tenderizer. Already permitted in beef. This would amend 9 CFR 317.8(b)(25) 318.7, 381.120 and 381.147.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 6/1/79
c. Final Decision: 2/15/80

6. Contacts:

Agency: L. L. Gast, Ext. (202) 447-8803
USDA, FSOS, Room 344F, Washington, D.C. 20250

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1. Calendar No: FSOS 108-37

2. Title: U.S. Ungraded Proposal

3. Description: The Department is considering a survey to determine consumer perceptions of USDA quality grades and the possible use of a meaningful term on meat that is inspected but not graded. The survey would include alternative terms and would provide the basis for decisions on whether to withdraw the proposal requiring the use of the term "Ungraded," substituting some other more meaningful term.

4. Authority: 21 U.S.C. 601 et seq. Additional Information: A previous proposal on the "Ungraded" designation was published on January 23, 1978. The comments raised significant questions concerning consumer perception of this term. This would amend 9 CFR 316.17, 317.20.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/23/78
c. Final Decision: Undetermined

6. Contacts:

Agency: L. L. Gast, Ext. (202) 447-8803
USDA, FSOS, Room 344F, Washington, D.C. 20250.

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1. Calendar No: FSOS 108-32

2. Title: Mechanically Processed Poultry Product

3. Description: A study on the safety of this product is now in the final stages of evaluation. Following this evaluation, the results of the study and a pre-notice will be published and the public's views will be solicited. A proposal, if necessary, will be published to establish standards and labeling requirements for the product that results from the mechanical separation of poultry tissue from bones.

4. Authority: 21 U.S.C. 451 et seq. This would amend 9 CFR Part 381.

5. Projected Schedule

a. Date of pre-notice: 6/29/79
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

6. Contacts:

Agency: L. L. Gast, Ext. (202) 447-8803
USDA, FSOS, Room 344F, Washington, D.C. 20250

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1. Calendar No: FSOS 108-42

2. Title: Revise Meat Grade Standards and Regulations

3. Description: This action would improve the system of grading determinations by making it more accurate and uniform and less subject to fraudulent practices. The rules for deciding upon quality and yield grades would be more objective.

4. Authority: Agricultural Marketing Act of 1946, 7 U.S.C. 1621 et seq. Additional Information: Proposal will make major revisions in grading proposal as published in the January 23, 1978, Federal Register. 7 CFR 2853

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 10/16/79
c. Final Decision: 3/4/80

6. Contacts:

Agency: H. Connor Kennett, Ext. (202) 447-4727
USDA, FSOS, 2nd Floor Mezzanine, Annex, Wash. D.C. 20250

1. Calendar No: FSOS 108-45

2. Title: Final Net Weight Regulation

3. Description: This action would make changes in net weight regulations to require that the net weight statements on meat and poultry products be accurate at all points in the distribution chain from processing plant to retail store.

4. Authority: Federal Meat Inspection Act, Sections 1(n)(5) and 21, 21 U.S.C. 601 (n)(5), 621; Poultry Products Inspection Act, Sections 4(h)(5) and 14, 21 U.S.C. 453(h)(5), 463. Would amend 9 CFR Parts 317.2, 317.18, 381.121, and 381.121a. Additional Information: Proposal was in response to petition from State Weights and Measures Officials.

5. Projected Schedule
   a. Date of pre-notice:
   b. Date of proposal: 12/77
   c. Solicitation of Information on ESCS Study: 10/30/79
   d. Reproposal: 11/30/79
   e. Final Decision: 9/30/80

6. Contacts:

Agency: V. H. Perry, Ext. (202) 447-3473
USDA, FSOS, Room 347-F, Washington, D.C. 20250

1. Calendar No: FSOS 009-4

2. Title: U.S. Standards for Grades of Major Canned Fruits

3. Description: This document would revise the standards for the major canned fruits. The purpose would be to improve the standards by including sampling plans based on attributes in order to make them equally applicable to lot or on-line inspection.

4. Authority: 7 U.S.C. 1622, 1624

5. Projected Schedule
   a. Date of pre-notice:
   b. Date of proposal: Indetermined
   c. Final Decision: 4/3/81

6. Contacts:

Agency: F. F. Kiabreil, Ext. (202) 447-5231
USDA, FSOS, Room 350E, Washington, D.C. 20250

1. Calendar No: FSOS 039-11

2. Title: Humane Slaughter Regulations

3. Description: This document would issue regulations implementing the Humane Methods of Slaughter Act of 1978. This Act requires all livestock slaughtered in slaughtering establishments inspected under the Federal Meat Inspection Act and all livestock whose products shall be imported into the U.S. to be handled and slaughtered humanely at the slaughter establishments.

4. Authority: Federal Meat Inspection Act (21 U.S.C. 601 et seq.). Would amend 9 CFR Parts 301, 304, 305, 313, 327, 335. See also The Humane Methods of Slaughter Act of 1978.

5. Projected Schedule
   a. Date of pre-notice:
   b. Date of proposal: 6/29/79
   c. Final Decision: 11/9/79

6. Contacts:

Agency: V. H. Perry, Ext. (202) 447-3473
USDA, FSOS, Room 347E, Washington, D.C. 20250

1. Calendar No: FSOS 039-13

2. Title: Change in Reporting Frequency (MP Form 404) from Weekly to Annually of Processing Operations at Official Establishments.

3. Description: This document would change the reporting frequency of meat processing operations at official establishments from weekly to annually. This proposal is based on an internal assessment of the Government's need for information, and is in support of the President's program to reduce the paperwork burden on the public and industry.

4. Authority: 21 U.S.C. 677; 15 U.S.C. 46; 9 CFR Part 320

5. Projected Schedule
   a. Date of pre-notice:
   b. Date of proposal: 11/30/79
   c. Final Decision: 1/80

6. Contacts:

Agency: J. A. Powers, Ext. (202) 447-4425
USDA, FSOS, Room 341F, Washington, D.C. 20250

1. Calendar No: FSOS 059-20

2. Title: Voluntary Meat and Poultry Plant Quality Control Systems

3. Description: To permit official meat and poultry establishments to implement their own total or partial plant quality control systems, providing such quality control programs are USDA approved.

4. Authority: Federal Meat Inspection Act (21 U.S.C. 601 et. seq.) would amend 9 CFR Part 318 and Poultry Products Inspection Act (21 U.S.C. 451 et. seq.) would amend 9 CFR Part 381.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 9/14/79
c. Final Decision: 2/28/80

6. Contacts:

Agency: V. H. Berry, Ext. (202) 447-3473
USDA, FSOS, Room 347F, Washington, D.C. 20250

1. Calendar No: FSOS 059-22

2. Title: Interchange of Meat Ingredients; Labeling Declaration

3. Description: Propose to permit names of meat ingredients to be interchanged in an ingredient statement if the names are separated by the word "and" (in lieu of a comma), if an appropriate parenthetical statement is included in the ingredient statement, if the two meat ingredients comprise at least 70 percent of the meat and meat byproducts used, and if neither of the two meat ingredients is less than 10 percent by weight of the total meat and meat byproducts used.

4. Authority: Federal Meat Inspection Act, Section 21, 21 U.S.C. 621 (Industry request due to beef shortage.)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: Indetermined
c. Final Decision: Indetermined

6. Contacts:

Agency: L. L. Gast, Ext. (202) 447-8803
USDA, FSOS, Room 344E, Washington, D.C. 20250

1. Calendar No: FSOS 079-27

2. Title: Sale, Transportation and Marking of Products

3. Description: This would propose to relieve certain certification requirements for the sale and transportation of both edible and inedible meat products and to modify certain labeling requirements for inedible meat products and pet foods.

4. Authority: Federal Meat Inspection Act, Section 21, 21 U.S.C. 621 (To reduce unnecessary paperwork and labeling burdens on the affected industry.)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/31/80
c. Final Decision: 7/1/80

6. Contacts:

Agency: V. H. Berry, Ext. (202) 447-3473
USDA, FSOS, Room 347E, Washington, D.C. 20250

1. Calendar No: FSOS 089-32

2. Title: Standards for Cooked Poultry Sausage

3. Description: This would reopen the comment period for a proposal of July 27, 1976 (41 FR 31226) to establish standards for cooked poultry sausage.

4. Authority: Poultry Products Inspection Act, Section 14, 21 U.S.C. 463. (To assure uniformity and consistency in such products.)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/9/79
c. Final Decision: 1/15/80

6. Contacts:

Agency: Irwin Fried, Ext. (202) 447-6042
USDA, FSOS, Room 202 Annex Bldg., Washington, D.C. 20250

1. Calendar No: FSOS 089-33

2. Title: Certified Laboratory Program

3. Description: This would propose to establish standards for the certification of private chemistry laboratories with respect to the testing of meat and poultry products under the FSOS Certified Laboratory Program.

4. Authority: Federal Meat Inspection Act, Section 21, 21 U.S.C. 621; Poultry Products Inspection Act, Section 14, 21 U.S.C. 463. (To offer public comment on proposed standards for certifying private laboratories.)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/30/79
c. Final Decision: 6/80

6. Contacts:

Agency: R. E. Engel, Ext. (202) 447-2376
USDA, FSOS, Room 402 Annex Bldg., Washington, D.C. 20250

OFFICE OF BUDGET, PLANNING AND EVALUATION

1. Calendar No: OBPE 039-1

2. Title: To establish USDA policies and procedures relating to reimbursement for public participation in Department rulemaking proceedings.

3. Description: Proposed regulations provide procedures for application, processing, and criteria for eligibility for those individuals or groups to be considered for reimbursement in a given rulemaking proceeding.

4. Authority: 5 U.S.C. 301 and implied authority in specific USDA program statutes.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 3/22/79
c. Final Decision: 12/79

6. Contacts:

Agency: Elizabeth Webber, Ext. (202) 447-2113
USDA, OBPE, Room 117A, Washington, D.C. 20250

OFFICE OF EQUAL OPPORTUNITY

1. Calendar No: OEO 089-1

2. Title: Age Discrimination

3. Description: Regulations to implement the Age Discrimination Act as it pertains to USDA programs.

4. Authority: Age Discrimination Act of 1975, 42 U.S.C. 6101 and 45 CFR 90

5. Projected Schedule

a. Date of pre-notice: 10/79
b. Date of proposal: 12/79
c. Final Decision: 4/80

6. Contacts:

Agency: William C. Payne, Jr., Ext. (202) 447-7327
USDA, OEO, Room 4119 Auditors Bldg., Wash. D.C. 20250

OFFICE OF GENERAL SALES MANAGER

1. Calendar No: OGSM 039-1

2. Title: Intermediate Credit for Market Facility Projects

3. Description: Develop program concept; draft CCC Board Dockets and obtain approval; develop and announce program rules and regulations.

4. Authority: Agricultural Trade Act of 1978, P.L. 95-501, Section 101, 92 Stat. 1685 (1978), as amended. Section 4 of the Food for Peace Act of 1966.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/1/80
c. Final Decision: 4/1/80

6. Contacts:

Agency: Fred Mangum, Ext. (202) 447-5693
USDA, OGSM, Room 4085S, Washington, D.C. 20250

RURAL ELECTRIFICATION ADMINISTRATION

1. Calendar No: REA 108-3

2. Title: Part 2 to Exhibit A of Bulletin 20-21; 320-21: Floodplain and Wetlands Procedures

3. Description: Addendum to REA Bulletin 20-21; 320-21, providing procedures with respect to protecting Floodplains and Wetlands.

4. Authority: Rural Electrification Act of 1936, 7 U.S.C. Section 901 et. seq.; National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 et seq.; Executive Order 11988, 42 F.R. 26951 (1977) and 11990, 42 F.R. 26961 (1977).

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 8/29/78
c. Final Decision: 12/79

6. Contacts:

Agency: Joseph R. Binder, Ext. (202) 447-5755
USDA, REA, Room 3863S, Washington, D.C. 20250

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1. Calendar No: REA 108-9

2. Title: Environmental Policies and Procedures, Bulletin 20-21; 320-21

3. Description: Revision of REA Bulletin providing REA policy and procedures implementing National Environmental Policy Act, Council on Environmental Quality Regulations, and related environmental statutes, Executive Orders, regulations and guidelines.

4. Authority: Rural Electrification Act of 1936; 7 U.S.C. Section 901 et. seq.; National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 et seq.; Council on Environmental Quality Regulations 43 F.R. 55978 (1978); and other Federal environmental statutes, regulations and Executive Orders.

5. Projected Schedule

a. Date of pre-notice: 1/79
b. Date of proposal: 5/79
c. Final Decision: 11/79

6. Contacts:

Agency: Joseph R. Binder, Ext. (202) 447-5755
USDA, REA, Room 3863S, Washington, D.C. 20250

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1. Calendar No: REA 049-2

2. Title: Endangered Species Procedures

3. Description: Addendum to REA Bulletin 20-21; 320-21, providing procedures with respect to protecting Endangered Species.

4. Authority: Endangered Species Act of 1973, 16 U.S.C. Section 1531 et seq.

5. Projected Schedule

a. Date of pre-notice: 5/80
b. Date of proposal: 6/80
c. Final Decision: 8/80

6. Contacts:

Agency: Joseph R. Binder, Ext. (202) 447-5755
USDA, REA, Room 3863S, Washington, D.C. 20250

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1. Calendar No: REA 049-4

2. Title: Protection of Historic and Cultural Properties

3. Description: Addendum to REA Bulletin 20-21; 320-21, providing procedures with respect to protecting Historic and Cultural Resources.

4. Authority: National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq., Advisory Council on Historic Preservation Regulations, 36 CFR 800; Executive Order 11593, 36 F.R. 8921 (1971).

5. Projected Schedule

a. Date of pre-notice: 1/80
b. Date of proposal: 2/80
c. Final Decision: 4/80

6. Contacts:

Agency: Joseph R. Binder, Ext. (202) 447-5755
USDA, REA, Room 3863S, Washington, D.C. 20250

SOIL CONSERVATION SERVICE

1. Calendar No: SCS 108-1

2. Title: 7 CFR Chapter VI, Part 624, and Watershed Memorandum No. 124, Emergency Flood Protection

3. Description: Review rules and regulations for Emergency Flood Protection under authority of Section 216, Public Law 81-516, 64 Stat 184.

4. Authority: Requested by the Secretary. The Flood Control Act of 1950, Section 216, 33 U.S.C. 701 b-1, 7 C.F.R. 620, 624, 654.

5. Projected Schedule

a. Date of pre-notice: 12/13/78
b. Date of proposal: 9/6/79
c. Final Decision: 12/1/79

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 108-2

2. Title: 7 CFR Chapter VI, Part 622, Watershed Projects

3. Description: Review rules and regulations for Watershed projects carried out under authority of Public Law 83-566, 68 Stat. 666, as amended

4. Authority: Selected pursuant to E.O. 12044, Improving Government Regulations. The Watershed Protection and Flood Prevention Act of 1954, as amended, Sections 1-12, 16 U.S.C. 1001-1009, E.O. 12044, 7 C.F.R. 622.1, et seq. (Improving Government Regulations)

5. Projected Schedule

a. Date of pre-notice: 5/80
b. Date of proposal: 10/80
c. Final Decision: 4/81

6. Contacts:

Agency: James W. Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 108-4

2. Title: SCS Public Participation Plan

3. Description: SCS will adopt the policy plan that will guide public participation activities related to making decisions.

4. Authority: Required by Secretary's Memorandum 1955 The Watershed Protection and Flood Prevention Act of 1954, as amended Section 3, 40 FR 12475 (1975), 7 C.F.R. 622.10(3); Soil and Water Resources Conservation Act of 1977, Section 4 (c) (3), 5 (c), 16 U.S.C. 2003, 04.

5. Projected Schedule

a. Date of pre-notice: 7/18/79
b. Date of proposal: 1/1/80
c. Final Decision: 4/1/80

6. Contacts:

Agency: Victor H. Barry, Jr., Ext. (202) 447-7245
USDA, SCS, P.O. Box 2870, Washington, D.C. 20013

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1. Calendar No: SCS 108-13

2. Title: Plan for Completing Soil Mapping Nationwide

3. Description: Evaulate workload remaining to complete the onceover soil mapping and set target date for completing. Evaluate soil survey publication needs in survey areas having few individual landowners with the objective of reducing publication costs.

4. Authority: Soil mapping nationwide is about 67% completed. Need a plan for orderly completion of remaining areas. The Soil Erosion Act of 1935, P.L. No. 74-46, 16 U.S.C. 590a-q; Soil Surveys, P.L. 89-560; 39 C.F.R. 7415 (1974).

5. Projected Schedule

a. Date of pre-notice: 11/15/78
b. Date of proposal: 9/80
c. Final Decision: 3/81

6. Contacts:

Agency: V. G. Link, Ext. (202) 447-4931
USDA, SCS, Room 5203, Washington, D.C. 20250

1. Calendar No: SCS 108-16

2. Title: Revision of SCS policy relating to Endangered Species.

3. Description: The current SCS policy 7 CFR 650.22 will be revised.

4. Authority: Compliance with NEPA. National Environmental Policy Act, 42 U.S.C. Section 4332 (2) (c); Endangered Species Act of 1973, 16 U.S.C. 1531, et seq. as amended in 1978; 50 C.F.R. 81; 7 C.F.R. 650.22 (Revision).

5. Projected Schedule

a. Date of pre-notice: 6/79
b. Date of proposal: 9/79
c. Final Decision: 12/79

6. Contacts:

Agency: T. N. Shiflet, Ext. (202) 447-2587
USDA, SCS, Room 6143S, Washington, D.C. 20250

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1. Calendar No: SCS 108-20

2. Title: Revision to comply with new Historic Preservation Regulations

3. Description: Current SCS rules will be revised to comply with new regulations to be published March 1, 1979.

4. Authority: Compliance with NEPA and National Historic Preservation Act. 42 U.S.C. Section 4332 (2) (c), Executive Order No. 11514, 35 FR 4247; 16 U.S.C. Section 470 et seq. Sec. 1 (3); Executive Order 11593; 7 C.F.R. 2.62; 36 FR 89211; 3 C.F.R. 1971, p. 154; 7 C.F.R. 656.

5. Projected Schedule

a. Date of pre-notice: 6/79
b. Date of proposal: 8/79
c. Final Decision: 1/80

6. Contacts:

Agency: Gary A. Margheim, Ext. (202) 447-3849
USDA, SCS, Room 6103S, Washington, D.C. 20250

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1. Calendar No: SCS 069-1

2. Title: 7 CFR Chapter VI, Subchapter E - Resource Conservation and Development

3. Description: SCS will publish final rules for the Resource Conservation and Development Program

4. Authority: Need published rules for the RC&D Program Resource Conservation and Development Act, Sec. 102 Food and Agriculture Act of 1962, P.L. 87-703, 7 U.S.C. 1010, 1011; and 16 U.S.C. 590(a-f)

5. Projected Schedule

a. Date of pre-notice: 12/1/79
b. Date of proposal: 3/1/80
c. Final Decision: 8/31/80

6. Contacts:

Agency: John Miner, Ext. (202) 447-4554
USDA, SCS, P. O. Box 2890, Washington, D.C. 20013

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1. Calendar No: SCS 069-2

2. Title: Elk Creek Watershed, Kansas

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 2/26/79
c. Final Decision: 3/1/80

6. Contacts:

Agency: James W. Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

1. Calendar No: SCS 069-3

2. Title: Grasshopper-Coal Creeks, Kansas

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 6/23/78
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-4

2. Title: Little Calumet River Watershed, Illinois

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 3/23/79
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-5

2. Title: Mozingo Creek Watershed, Missouri

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 2/26/79
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-6

2. Title: Sabanna River Watershed, Texas

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/18/78
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

1. Calendar No: SCS 069-7

2. Title: South Branch Little Nemaha, Nebraska

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/7/78
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-8

2. Title: South Zumbro Watershed, Minnesota

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 2/26/79
c. Final Decision: 2/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-9

2. Title: Soak Creek Watershed, West Virginia

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 2/14/79
c. Final Decision: 12/1/79

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-10

2. Title: Southeast Choctawhatchee River Watershed, Alabama

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/1/79
c. Final Decision: 4/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

1. Calendar No: SCS 069-11

2. Title: Hacklebarney Watershed, Iowa

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/1/79
c. Final Decision: 4/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-12

2. Title: Indian-Van Buren Watershed, Iowa

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/1/79
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-13

2. Title: Blind Brook Watershed, New York

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 10/4/79
c. Final Decision: 4/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-14

2. Title: Limestone-Muddy Creek Watershed, North Carolina

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/1/79
c. Final Decision: 4/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

1. Calendar No: SCS 069-15

2. Title: San Bois Creek Watershed, Oklahoma

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/1/79
c. Final Decision: 4/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202)447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 069-16

2. Title: Calapooya Watershed, Oregon

3. Description: Transmit watershed plan to the Office of Management and Budget

4. Authority: Public Law 83-566, 16 USC 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/15/79
c. Final Decision: 4/15/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 109-20

2. Title: Nonstructural Measures for Flood Damage Reduction

3. Description: Interim policy and procedures to integrate nonstructural measures, including financial assistance, into applicable programs.

4. Authority: President's Water Policy. Water Resources Development Act of 1974, Public Law 93-251, Section 73, 88 Stat. 12

5. Projected Schedule

a. Date of pre-notice: None
b. Date of proposal: 11/1/79
c. Final Decision: 4/81

6. Contacts:

Agency: Joe Haas, Ext. (202) 447-4527
USDA, SCS, Room 5111, Washington, D.C. 20250

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1. Calendar No: SCS 109-21

2. Title: Upper Mud Creek Watershed, West Virginia

3. Description: Transmit the watershed plan to the Office of Management and Budget

4. Authority: Watershed Protection and Flood Prevention Act of 1954, as amended. Public Law 83-566, Section 5(3), 68 Stat. 667, 16 U.S.C. 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 8/31/79
c. Final Decision: 2/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3465
USDA, SCS, Room 5229S, Washington, D.C. 20250

1. Calendar No: SCS 109-22

2. Title: South Fork Licking River Watershed, Ohio

3. Description: Transmit the watershed plan to the Office of Management and Budget

4. Authority: Watershed Protection and Flood Prevention Act of 1954, as amended, Public Law 83-566, Section 5(3), 68 Stat. 667, 16 U.S.C. 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/1/80
c. Final Decision: 5/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 109-23

2. Title: Steward Creek Watershed, Kentucky

3. Description: Transmit the watershed plan to the Office of Management and Budget

4. Authority: Watershed Protection and Flood Prevention Act of 1954, as amended; Public Law 83-566, Section 5(3), 68 Stat. 667, 16 U.S.C. 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/1/79
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 109-24

2. Title: Douglas Watershed, Wyoming

3. Description: Transmit watershed plan to Office of Management and Budget

4. Authority: Watershed Protection and Flood Prevention Act of 1954, as amended; Public Law 83-566, Section 5(3) 68 Stat. 667, 16 U.S.C. 1001-1008

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 7/3/79
c. Final Decision: 3/1/80

6. Contacts:

Agency: James Mitchell, Ext. (202) 447-3527
USDA, SCS, Room 5229S, Washington, D.C. 20250

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1. Calendar No: SCS 109-25

2. Title: 7 CFR, Chap. VI Conservation Operation, Part 612, Snow Survey and Water Supply Forecasting

3. Description: SCS will make an indepth study of alternative ways to handle the program ranging from continuation of the program as now operated to a transfer of management and/or financing of some or all of the program activities to non-Federal entities. The public will be involved in helping to develop alternatives, and by comments on the selected alternative.

4. Authority: Departmental recommendation that SCS develop a plan for the phased and orderly transfer of the program to non-Federal control.

5. Projected Schedule

a. Date of pre-notice: 11/1/79
b. Date of proposal: 6/1/80
c. Final Decision: 9/30/80

6. Contacts:

Agency: Hall Roanor, Ext. (202) 447-2520
USDA, SCS, Room 5242S, Washington, D.C. 20250

1. Calendar No: SCS 109-26

2. Title: Plant Materials Centers

3. Description: SCS will prepare an in depth study of alternative ways of operating the PMC program. Alternatives will range from continuing the on-going program to a transfer of management and/or financing of some or all of the PMC program activities to non-Federal entities.

4. Authority: 7 CFR Agriculture, Chapter VI, Soil Conservation Service, Subchapter-B, Conservation Operations, Part 613. The Department has instructed SCS to develop a plan for the phased & orderly transfer of Plant Materials Center (PMC's) to non-Federal control.

5. Projected Schedule

a. Date of pre-notice: 1/1/80
b. Date of proposal: 4/1/80
c. Final Decision: 7/1/80

6. Contacts:

Agency: Thomas N. Shiflet, Ext. (202) 447-2587.
USDA, SCS, Room 6143S, Washington, D.C. 20250

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1. Calendar No: SEA 039-3

2. Title: National Comprehensive Nutrition Research and Extension Program

3. Description: Development steps to implement National Comprehensive Nutrition Research and Extension Program as based on the February 1, 1979 report to Congress.

4. Authority: Food and Agriculture Act of 1977, P.L. 95-113, Sections 1421-1427, 91 Stat. 999 (1977)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: Uncertain
c. Final Decision: Uncertain

6. Contacts:

Agency: Audrey Cross, Ext. (202) 447-4119
USDA, SEA, Room 419A, Admin. Bldg. Washington, D.C. 20250

SCIENCE AND EDUCATION ADMINISTRATION

1. Calendar No: SEA 039-1

2. Title: National Agricultural Research Award

3. Description: Develop guidelines for making the award. The Executive Committee of the Joint Council has determined that major revisions of the guidelines submitted by the National Agricultural Research Awards Committee of the Joint Council were necessary. The revisions are under way and will be presented to the Executive Committee at its Nov. 16 meeting.

4. Authority: Food and Agriculture Act of 1977, P.L. 95-113, Section 1418, 91 Stat. 997 (1977)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 11/16/79
c. Final Decision: 1/16/80

6. Contacts:

Agency: James Nielson, Ext. (202) 447-8662
USDA, SEA, Room 304A, Admin. Bldg., Washington, D.C. 20250

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1. Calendar No: SEA 039-4

2. Title: Nutrition Status Monitoring Program

3. Description: Develop steps to implement the Nutrition Status Monitoring Program submitted to Congress in 1978.

4. Authority: Food and Agriculture Act of 1977, P.L. 95-113, Section 1428, 91 Stat. 1001 (1977)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: Uncertain
c. Final Decision: Uncertain

6. Contacts:

Agency: Donald Therriault, Ext. (202) 447-7854
USDA, SEA, Room 421A, Admin. Bldg., Washington, D.C. 20250

1. Calendar No: SFA 039-5

2. Title: Implement Solar Energy Research and Development

3. Description: Develop steps for implementing authorized research and development on Solar Energy.

4. Authority: Food and Agriculture Act of 1977, P.L. 95-113, Sections 1449-1457, 91 Stat. 1012 (1977)

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1980
c. Final Decision: 1980

6. Contacts:

Agency: Landy Altman, Ext. (301) 344-2740 USDA, SEA-PM, Room 219, Bldg. 005, BARC-WEST, Beltsville, Md. 20705

1. Calendar No: SFA 039-6

2. Title: Extension Evaluation

3. Description: Prepare report to Secretary on the Extension Evaluation for transmittal to Congress.

4. Authority: Food and Agriculture Act of 1977, P.L. 95-113, Section 1459, 91 Stat. 1016 (1977)

5. Projected Schedule

a. Date of pre-notice: Preliminary Report
b. Date of proposal: 3/31/79
c. Final Report: 1/15/80

6. Contacts:

Agency: Fred Woods, Ext. (202) 447-4465 USDA, SFA, Room 332A, Admin. Bldg. Washington, D.C. 20250

1. Calendar No: SFA 039-7

2. Title: Green Thumb Project

3. Description: Evaluate Green Thumb project for expansion beyond pilot counties. It would provide more specific local weather, market, and other agricultural information to farmers through communicating computers, phones, and home TV sets.

4. Authority: Smith-Lever Act, as amended, 7 U.S.C. 341 et seq.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 8/80
c. Final Decision: 9/80

6. Contacts:

Agency: Howard Leinert, Ext. (202) 447-4681 USDA, SEA, Room 5533S, Washington, D.C. 20250

1. Calendar No: SFA 039-8

2. Title: Renewable Resources Extension Plan and Program

3. Description: Implement the Renewable Resources Extension Program. Five year Renewable Resources Extension Plan due to Congress by March 31, 1980.

4. Authority: Renewable Resources Extension Act of 1978, P.L. 92-513, Section 5, 92 Stat. 349 (1978)

5. Projected Schedule

a. First Draft of Plan 10/1/79
b. Preparation of Supplemental Appropriation 12/1/79
c. Final Draft Plan 1/10/80
d. National Workshop 1/24-25/80

6. Contacts:

Agency: M. L. Patoskey, Ext. (202) 447-7947; D. Nelson 447-5119; A. Weber, 447-5468, Rm. 5925S, Wash. D.C. 20250

OFFICE OF THE SECRETARY

1. Calendar No: SFC 059-3

2. Title: Implementation of the Resources Conservation Act of 1977.

3. Description: Develop: (1) An appraisal of the resource base; and (2) a program establishing the direction of future soil and water conservation efforts of the Department.

4. Authority: P.L. 95-192 - The Soil and Water Resources Conservation Act of 1977.

5. Projected Schedule

a. Date of pre-notice: 6/1/79
b. Date of proposal: 9/79 and 1/80
c. Final Decision: 6/80

6. Contacts:

Agency: Ernest Todd, Ext. (202) 447-2771
USDA, SFC, Room 5123S, Washington, D.C. 20250

1. Calendar No: SFC 059-4

2. Title: Tax Treatment of Certain Federal/State Payments

3. Description: Payments may be excluded from gross income for federal income tax purposes if they are determined by the Secretary of Agriculture to be made primarily for specific purposes and are determined by the Secretary of the Treasury as not substantially increasing income.

4. Authority: Revenue Act of 1978 (P.L. 95-600, Section 543)

5. Projected Schedule

a. Date of pre-notice: 6/29/79
b. Date of proposal: 8/22/79
c. Final Decision: 11/15/79

6. Contacts:

Agency: Arnold Miller, Ext. (202) 447-3465
USDA, OBPE, Room 117A, Washington, D.C. 20250

LIST OF REGULATIONS SCHEDULED FOR REVIEW

The following list of regulations provides the pubic an overview of all regulations for which USDA plans to initiate review activity in the next 6 months or has already initiated review under the procedures described in "Improving USDA Regulations," (43 FR 50988; November 1, 1978).

All significant regulation review actions are listed first, with each entry shown under the name of the responsible USDA agency along with the CFR parts affected, a brief description, and an agency contact. Following the significant items, all not significant items are listed in a similar fashion. The public is invited to use this information as an early warning device to identify all actions about to undergo review so that input may be provided at appropriate stages of the review.

SIGNIFICANT REGULATIONS SCHEDULED

Parts Affected	Subject	Description	Contact
		Agriculture Marketing Service - Significant	
7 CFR 201 (AMS 108-7)	Amendments to regulations under the Federal Seed Act	Update and clarify provisions such as definition of variety rules for assigning variety names and adding new kinds, add new rules for testing, amend standards for certified seed, and amend rules for sampling unusual containers. Last major revision of regulations was in 1973.	Clyde Edwards, AMS USDA, Room 2603S Washington, D.C. 20250 202-447-9340
		Animal and Plant Health Inpsection Service - Significant	
9 CFR 51 (APHIS 039-26)	Cattle Destroyed Because of Brucellosis	Regulation provides for cooperation with States in eradicating brucellosis, a contagious disease of cattle, swine and bison; for payment to owners, at specified rates, for animals destroyed because of brucellosis; procedures and requirements under which indemnities may be paid; and for disinfection of premises, conveyances and materials.	A.D. Robb, APHIS USDA, Room 805 Federal Building Hyattsville, Md. 20782 301-436-8321
		Federal Grain Inspection Service - Significant	
7 CFR 68.1 through 7 CFR 68.54 (FGIS 109-61)	Regulations under the Agricultural Marketing Act of 1946, as amended.	FGIS will formally review and propose amendments or revisions as necessary to the regulations governing FGIS inspection of commodities under the Agricultural Marketing Act of 1946, as amended. Commodity activities covered by these reguations include the grading of rice, pulses and hay/straw; factor analysis of hops; and the certification of processed grain products for contract compliance.	J.T. Abshier, FGIS USDA, Room 2405 Auditors Building Washington, D.C. 20250 202-447-8262
		Farmers Home Administration - Significant	
7 CFR 1804 (FmHA 108-2)	Planning and Performing Site Development Work	Prescribes the policies, methods and responsibilities with respect to planning and performing site development work in connection with all types of loans and grants authorized by Title V of the Housing Act of 1949.	Ronnie Tharrington FmHA, USDA Room 5309S Washington, D.C. 20250 202-447-3766
		Food and Nutrition Service - Significant	
7 CFR 246.8 (FNS 039-1)	Changes in WIC Food Package	Proposed regulations - changing the food packages for the WIC participants. Current research on the nutritional needs of the target population indicate some changes should be made in the nutrients and levels provided.	Jane McNeil, FNS USDA, Room 4301 Auditors Building Wash., D.C. 20250 202-447-6206

Parts Affected	Subject	Description	Contact
		Food and Nutrition Service - Significant-	
7 CFR 226 (FNS 118-2)	Child Care Food Program	The proposed rule provides for administrative payments to sponsors of day care homes, a food service rate for family day care providers, start-up and advance payments, and alternative licensing procedures.	Jordon Bendorly FNS, USDA Room 644 GHI Washington, D.C. 20250 202-447-8211
7 CFR 220 (FNS 118-8)	School Breakfast Program: Grain-Fruit Product	This entails elimination of formulated grain/fruit products from the School Breakfast Program to promote development of good food habits in the furtherance of nutrition education through a well-balanced diet of conventional foods.	Margaret Glavin FNS, USDA Room 4122 Auditors Building Wash., D.C. 20250 202-447-8130
7 CFR 245 (FNS 118-13)	Assessment, Improvement and Monitoring System for School Nutrition Programs	A series of regulatory amendments for management, evaluation and monitoring designed to improve accountability. To assist State agencies, additional State Administrative Expense funds will be provided. Removes Part 245 amendments from the Program Analysis and Review System proposal and makes them a separate proposal.	Margaret Glavin FNS, USDA Room 4122 Auditors Building Wash., D.C. 20250 202-447-8130
7 CFR 250 (FNS 118-26)	Food Distribution Program	The Food Distribution Division will make a systematic review of regulations and recommend restructuring and consolidation.	Darrel Gray, FNS USDA, Room 610 GHI Wash., D.C. 20250 202-447-8362
7 CFR 210 7 CFR 225 7 CFR 226 (FNS 118-42)	School Feeding Programs: Definition of Authorized Milk Products for Use in Food Service	Develop definition for authorized milk products. This would clarify FNS policy pertaining to use of milkshakes. States are not interpreting requirement for "fluid" milk consistently as being synonymous with Class I dairy products.	Audrey Maretzki, FNS, USDA, Room 556 GHI Wash., D.C. 20250 202-447-9081
7 CFR 210 & 220 (FNS 118-24)	Control on the Sales of Competitive Foods in Schools	Regulations to implement that Section of P.L. 95-166 which requires that the Secretary approve those foods which may be sold in competition with the lunch and breakfast served under the National School Lunch and School Breakfast Programs, thereby placing controls on the sale of competitive foods at State and local levels.	Margaret Glavin FNS, USDA Room 4122 Auditors Building Wash., D.C. 20250 202-447-8130
7 CFR 277 (FNS 118-69)	Food Stamp Program: Regulations Concerning Administrative Cost Allocations for States	These regulations concern the reimbursement to States for administrative costs incurred in operating the Food Stamp Program.	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982
7 CFR 273.7 (FNS 118-70)	Food Stamp Program: Work Registration Joint Rulemaking	These regulations define and assign the responsibility for administering the food stamp work registration requirement, including job search activities, to the appropriate agencies within the Departments of Labor and Agriculture. Additionally, the responsibilities and penalties for failure to comply with work requirements by participating households will be delineated.	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982

Parts Affected	Subject	Description	Contact
		Food and Nutrition Service - Significant	
7 CFR 275 (FNS 118-73)	Food Stamp Program: Regulations Concerning the Performance Reporting System	These regulations require that the existing system be continued and further refined to ensure that States assess themselves at the local level and report to the Department on their efficiency and effectiveness.	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982
7 CFR 281 & 283 (FNS 118-75)	Food Stamp Program: Regulations Concerning the Participation of Indians	These regulations allow Indian participation in the Food Distribution Program and the Food Stamp Program; they also will allow, in certain cases, capable tribes to operate those programs.	Alberta Frost, FNS USDA, Rom 650 GHI Wash., D.C. 20250 202-447-8982
		Rural Electrification Administration - Significant	
Bulletin 20-71: 320-71 (REA 108-9)	National Environmental Policy Act	REA policy and procedure on the implementation of the National Environmental Policy Act as it relates to the REA program.	Joseph Zoller, REA USDA, Room 4056S Washington, D.C. 20250 202-447-6237

NOT SIGNIFICANT REGULATIONS SCHEDULED

Parts Affected	Subject	Description	Contact
Agricultural Marketing Service - Not Significant			
CFR Part 33 (AMS 079-77)	Regulations Under the Export Apple and Pear Act	These regulations require that prior to shipment, any person shipping or offering for shipment, apples or pears to any foreign destination, must have the fruit inspected by the Federal or Federal-State Inspection Service and certified as meeting specified quality and other requirements. Copies of the "Export Form Certificate" or Memorandum of Inspection issued by the inspector must be retained by the export carrier for a period of not less than three years after the date of export.	M.E. McGaha, AMS USDA, Room 2532S Washington, D.C. 20250 202-447-5975
7 CFR Part 28 Subpart D	Cotton Classification and Market News Services for Organized Groups of Producers	The Smith-Doxey Amendment to the Cotton Statistics and Estimates Act authorizes and directs the Secretary of Agriculture to furnish cotton classification and market news services, without charge, to groups of producers organized to promote the improvement of cotton. The regulations in Subpart D implement this Amendment by defining organized groups and giving requirements for filing applications with USDA to receive the classing and market news services. The regulations also contain requirements and details governing the sampling and classing of cotton for producers, and the distribution of market news.	Robert Brown, AMS USDA, Room 3074S Washington, D.C. 20250 202-447-3817
7 CFR Part 29	Official Standard Grades for Dark Air-Cured Tobacco, (U.S. Types 35, 36, and 37) Subsections 3501-4656	Dark air-cured tobacco consists of Type 35, One-Sucker, grown in in Kentucky and Tennessee; Type 36, Green River, grown in Kentucky; and Type 37, sun-cured, grown in Virginia.	Robert Brown, AMS USDA, Room 3074S Washington, D.C. 20250 202-447-3817
7 CFR Part 30	Tobacco Stocks and Standards, (Class 3, air-cured types and groups) Section 38(b) and (c); Type 31-V	Type 31-V tobacco has the general visual characteristics of Type 31, Burley tobacco, but is a low-nicotine strain or variety. Production is under contract between grower and dealer and such tobacco neither receives price support not is sold at auction.	Robert Brown, AMS USDA, Room 3074S Washington, D.C. 20250 202-447-3817
Animal and Plant Health Inspection Service - Not Significant			
9 CFR 52 (APHIS 109-55)	Dourine in Horses and Asses	Regulation provides for cooperation with States in eradicating dourine, an infectious and communicable disease of horses and asses; and for appraisal of animals and payment to owners at specified rates for animals destroyed because of dourine.	J. Hourrigan, APHIS USDA, Room 735 Federal Building, Hyattsville, Md. 20782 301-436-8321
9 CFR 53 (APHIS 109-54)	Foot-and-Mouth Disease, Pleuro-pneumonia, Rinder-pest, and Certain other Communicable Diseases of Livestock or Poultry	Regulation provides for the determination of the existence of exotic or foreign animal and poultry diseases and for agreements to cooperate with States; for payment to owners, at specified rates, for animals and materials destroyed because of specific exotic diseases; procedures and requirements under which payments to owners for animals or materials destroyed may be made; for disinfection or destruction of materials; and disinfection of premises and conveyances.	D. King, APHIS USDA, Room 743 Federal Building, Hyattsville, Md. 20782 301-436-8065

Parts Affected	Subject	Description	Contact
		Animal and Plant Health Inspection Service - Not Significant	
9 CFR 56 (APHIS 109-53)	Swine Destroyed Because of Hog Cholera	Regulation provides for cooperation with States in eradicating hog cholera, a contagious, infectious and communicable disease of swine; for payment to owners, at specified rates, for swine destroyed; and procedures and requirements under which such payment may be made.	L. Schnurrenberger APHIS, USDA, Room 713, Federal Building, Hyattsville, Md. 20782 301-436-8438
7 CFR 319.59 (APHIS 109-56)	Flag Smut	The regulation prohibits the importation from certain countries of wheat, wheat straw, hulls and chaff; wheat products of the milling process other than wheat flour; and certain seeds. This quarantine protects the United States from the entry of flag smut disease of wheat, an injurious plant disease caused by a fungus.	H.V. Autry, APHIS USDA, Room 635 Federal Building Hyattsville, Md. 20782 301-436-8247
7 CFR 318.60 (APHIS 109-57)	Sand, Soil, or Earth with Plants	The regulation restricts the movement of sand, soil or earth around the roots of plants between Guam, Hawaii, Puerto Rico, the Virgin Islands or the Continental United States due to the possible presence of plant pests in that soil.	H.V. Autry, APHIS USDA, Room 635 Federal Building Hyattsville, Md. 20782 301-436-8247
		Federal Crop Insurance Corporation - Not Significant	
7 CFR 401.101	Insurance Offer	Insurance offers for these commodities are currently complex and verbose. Purpose of review will be to bring about conformance with current FCIC policies to modernize and simplify the insurance offer, placing it on an equitable basis for all producers.	Peter Cole, FCIC USDA, Room 4088S Washington, D.C. 20250 202-447-3325
7 CFR 401.127	Dry beans		
7 CFR 401.128	Flax		
7 CFR 401.132	Rice		
7 CFR 401.134	Soybeans		
7 CFR 401.137	Canning & Processing Tomatoes		
7 CFR 401.138	Peanuts		
7 CFR 401.141	Tobacco (Dollar Amount)		
7 CFR 401.144	Combined Crop		
7 CFR 401.145	Tobacco (Guarantee in pounds per acre)		
7 CFR 401.148	Burley Tobacco (Poundage Quota)		
7 CFR 401.150	Flue Cured Tobacco (Poundage Quota)		
7 CFR 401.152	Sunflowers		
7 CFR 401.154	Corn (Grain - Grain and Silage)		
7 CFR 401.155	Potatoes		
7 CFR 401.156	Canning & Freezing Sweet Corn		
7 CFR 403	Peaches		
7 CFR 404	Western U.S. Apples		
7 CFR 406	California Oranges		
7 CFR 408	Eastern U.S. Apples		
7 CFR 409	Arizona-Desert Valley Citrus		
7 CFR 410	Florida Citrus		
7 CFR 411	Grapes		
7 CFR 413	Texas Citrus		
7 CFR 414	Forage Seeding		
7 CFR 415	Forage Production		

Parts Affected	Subject	Description	Contact
		Famers Home Administration - Not Significant	
7 CFR 1924-B (FmHA 099-72)	Management Assistance to Individual Borrowers and Applicants	Sets forth policies for providing management assistance to individual applicants and borrowers. It pertains to all insured loans that depend on farm income for loan repayment, and also provides for the necessary supervision and appropriate credit counseling for Rural Housing loans not dependent on farm income for loan repayment.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597
Title V, Housing Act of 1949, As Amended. (FmHA 108-71)	Servicing Monthly Payment - Single Family Housing Borrowers	Outlines policies, procedures and authorizatins for servicing accounts of active Single Family Housing borrowers who (1) have signed notes, rescheduled payment agreements or assumption agreements which specify monthly payments or (2) have agreed to pay annual installments in equal monthly payments.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597

FmHA has scheduled the following regulations for review for which the significance was not yet determined as of the publication deadline for this calendar.

7 CFR 1805	Voluntary Debt Adjustment	Prescribes the policies, responsibilities, and procedures in the voluntary adjustment of debts of applicants for loans from the Farmers Home Administration, borrowers, and other persons who request such services.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597
7 CFR 1863	Real Estate Tax Servicing	Prescribes that each borrower with a Farm Ownership, Rural Housing, Rural Rental Housing, Rural Cooperative Housing, Labor Housing, Other Real Estate, Soil and Water, Recreation Loan or Operating Loan, Economic Opportunity, and Emergency Loan secured by real estate will be responsible for paying taxes on the real estate security to the proper taxing authorities.	Ronnie Tharrington FmHA, USDA, Room 5309S Washington, D.C. 20250 202-447-3766
7 CFR 1806	National Flood Insurance	Prescribes the policies and procedures to be followed in implementing the National Flood Insurance Act of 1968, as amended by the Flood Disaster Act of 1973.	Jennings Orr, FmHA USDA, Room 5308S Washington, D.C. 20250 202-447-4295
7 CFR 1807	Title Clearance and Loan Closing	Contains the real estate title clearance and loan, transfer, or credit sale, closing authorities, policies, and procedures for all Farm Ownership, Non-farm Enterprise, Recreation, Rural Housing, Labor Housing, Rural Rental Housing, Other Real Estate, Loan Conservation and Development, and Individual Soil and Water Loans.	Eugene Carnette FmHA, USDA, Room 5347S Washington, D.C. 20250 202-447-4295
7 CFR 1823	Association Loans for Shift-in Land	Outlines the policies and authorizations for making insured and direct loans or Shift-in-land Use projects and for facilities and soil and water conservation related thereto.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597

Parts Affected	Subject	Description	Contact
		Farmers Home Administration – Continued	
FmHA has scheduled the following regulations for review for which the significance was not yet determined as of the publication deadline for this calendar.			
7 CFR 1823	Loans to Timber Development Organizations	Prescribes the policies, authorizations, and procedures for making loans to timber development organizations which are permitted by the Appalachian Regional Development Act of 1965.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597
7 CFR 1823	Association Loans for Irrigation and Drainage and Other Soil and Water Conservation Measures	Outlines the policies and authorizations for making insured and direct loans to associations for irrigation, drainage, and other soil and water conservation and use projects.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597
7 CFR 1823	Processing Loans to Associations (Except for Domestic Water and Waste Disposal)	Sets forth the procedure for processing insured and direct loans for Shift-in-land Use and for facilities and soil and water conservation practices related thereto; and association loans for irrigation and drainage and other soil and water conservation measures.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597
7 CFR 1861	Servicing Accounts of Borrowers Entering the Armed Forces	Prescribes the authorities, policies and routines for servicing borrowers who have entered or who are entering military service.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597
7 CFR 1872-A	Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases.	Delegates authority and prescribes policies and procedures for and liquidation of real estate security for Farmers Home Administration loans to individuals including loans on leasehold interests, and certain note-only cases, except Rural Rental Housing and Labor Housing loans to individuals operating under a loan agreement, or to Business and Industry loans. It does not apply to loans subject to a Farmers Home Administration guarantee.	Jim Lee, FmHA USDA, Room 5310S Washington, D.C. 20250 202-447-4597
7 CFR 1980-A	Guaranteed Loan Programs- General	Prescribes the forms that are applicable to the Farmers Home Administration guaranteed loan program.	Reed Peterson, FmHA USDA, Room 5349S Washington, D.C. 20250 202-447-4295
7 CFR 1980-D	Rural Housing Program-Loans	Contains regulations for unsubsidized Single Family Rural Housing loans to above-moderate income families guaranteed by the Farmers Home Administration and applies to lenders, holders, borrowers, and other parties involved in making, guaranteeing, servicing, holding, or liquidating such loans.	Reed Peterson, FmHA USDA, Room 5349S Washington, D.C. 20250 202-447-4295
Title V Housing Act of 1949, As Amended	Appraisal of Non-farm Tracts and Small Farms for Rural Housing	Prescribes the policies and procedures for the appraisal of real property serving as security for individual Rural Housing loans which are made on non-farm tracts and small farms and leasehold interests on non-farm tracts and small farms.	Wesley Harris, FmHA USDA, Room 5307S Wash., D.C. 20250 202-447-3766

Parts Affected	Subject	Description	Contact
		Food and Nutrition Service - Not Significant	
7 CFR 272 (FNS 049-2)	Food Stamp Program: Regulations Concerning Program Administration in Certain Rural Areas of Alaska	Regulations modify certan regulatory provisions implementing P.L. 95-113 to ensure efficient and effective operation of the Program in designated rural areas of Alaska	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982
7 CFR 272 (FNS 118-74)	Food Stamp Program: Regulations Concerning Points and Hours, Outreach and State Complaints	Regulations establish requirements for State outreach activities, locations and hours of certification and issuance offices, and for State handling of complaints.	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982
7 CFR 273 (FNS 118-76)	Food Stamp Program: Regulations Concerning SSI Joint Processing	Regulations allow SSI households and applicants to apply for food stamps at Social Security Offices.	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982
7 CFR 272 (FNS 118-77)	Food Stamp Program: Regulations Concerning State Plan of Operation	Regulations establish requirements for the State agency preparation and submission of the State Plan of Operation which is the contract between States and the Department.	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982
7 CFR 280 (FNS 118-78)	Food Stamp Program: Regulations Concerning FNS and State Steps to be Taken in the Case of Natural Disasters	Regulations describe how FNS and the States will react to natural disasters to insure continued benefits to participants and to the new group of people who may be eligible in the States following disasters.	Alberta Frost, FNS USDA, Room 650 GHI Wash., D.C. 20250 202-447-8982
7 CFR 225 (FNS 118-3)	Summer Food Service Program for Children	Proposed Regulations are essentially similar to the 1978 regulations; provisions are made to stabilize administrative funding to States and contractual payments to food vendors, State responsibilities for training are expanded, and the eligibility of migrant children is clarified.	Jordan Rendorly FNS, USDA Room 644 GHI Wash., D.C. 20250 202-447-8211
		Forest Service	
FS has scheduled the following regulation for review for which the significance was not yet determined as of the publication deadline for this calendar.			
36 CFR 251.23	Experimental Areas and Research Natural Areas	Establishment of areas to be known as experimental forests or experimental ranges to provide for the research necessary for the management of forest and range land in each forest region.	Robert Buckman, FS USDA, Room 3007S Washington, D.C. 20250 202-447-6665
		Food Safety and Quality Service	
FSQS has scheduled the following regulation for review for which the significance was not yet determined as of the publication deadline for this calendar.			
9 CFR 312, 316, 317, 319 and 9 CFR 381 Subparts M, N, P	Meat Inspection Regulations Poultry Products Inspection Regulations	Regulations relating to official markers, the marking of products and their containers, the standards of composition and identity of meat and poultry products and labelling of such products.	Irwin Fried, FSQS USDA, Room 202-A Cotton Annex Washington, D.C. 20250 202-447-6042

Parts Affected	Subject	Description	Contact
		Rural Electrification Administration - Not Significant	
Bulletin 5-1:305-1 (REA 108-8)	Joint Use of REA Borrowers' Facilities by Electric and Telephone Systems	REA policy and procedure for the joint use of REA borrowers' facilities by other electric and telephone systems.	Joseph Zoller, REA USDA, Room 4056S Wash., D.C. 20250 202-447-6237
Bulletin 40-6 (REA 049-6)	Construction Methods and Purchase of Materials and Equipment	The requirements of REA on construction of distribution, transmission, generation, and headquarters facilities, and the purchase of materials and equipment by REA electric borrowers.	Joseph Zoller, REA USDA, Room 4056S Wash., D.C. 20250 202-447-6237
Bulletin 105-5	Financial Forecast - Electric Distribution Systems	Guidelines for the preparation of long range financial forecasts by electric distribution borrowers.	Joseph Zoller, REA USDA, Room 4056S Wash., D.C. 20250 202-447-6237
Bulletin 105-7 (REA 108-11)	Long Range System and Financial Planning - Power Supply Borrowers	Policy and recommendations of REA for its power supply borrowers with respect to the preparation of long-range system and financial plans.	Joseph Zoller, REA USDA, Room 4056S Wash., D.C. 20250 202-447-6237
Bulletin 108-2 (REA 108-10)	Operating Reports - Power-Type Borrowers and Distribution Borrowers with Generating Facilities	The requirements of REA on the preparation and submission of operating reports by power-type borrowers and distribution borrowers with generating facilities.	Joseph Zoller, REA USDA, Room 4056S Wash., D.C. 20250 202-447-6237
Bulletin 112-3 (REA 049-3)	Area Coverage Service	The policy of REA concerning the extension of electric service to rural users by borrowers on an area coverage basis.	Joseph Zoller, REA USDA, Room 4056S Wash., D.C. 20250 202-447-6237
Bulletin 344-3: 43-9	"Buy American" Requirement	REA requirements with respect to the "Buy American" provision of the Rural Electrification Act.	John Arnesen, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 345-18 (REA 108-23)	REA Specification for Plastic-Insulated, Plastic-Jacketed Station Wire	REA requirements on plastic-insulated, plastic-jacketed station wire installed on REA-financed telephone systems.	John Arnesen, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 345-19 (REA 108-20)	REA Specification for Figure 8 One-Pair Distribution Wire	REA requirements on figure 8 one-pair distribution wire installed on REA-financed telephone systems.	John Arnesen, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 345-20 (REA 108-14)	REA Specification for Figure 8 Multipair Distribution Wire	REA requirements on figure 8 multipair distribution wire installed on REA-financed telephone systems.	John Arnesen, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305

Parts Affected	Subject	Description	Contact
		Rural Electrification Administration - Not Significant	
Bulletin 345-21	REA Specification for Polyethlene Raw Material	REA requirements on polyethylene raw material installed on REA-financed telephone systems.	John Arnoson, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 345-36 (REA 108-18)	REA Specification for Parallel Conductor Drop Wire	REA requirements on parallel conductor drop wire installed on REA-financed telephone systems.	John Arnoson, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 345-39 (REA 108-25)	REA Specification for Telephone Station Protectors.	REA requirements on telephone station protectors installed on REA-financed telephone systems.	John Arnoson, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 345-52	REA Standard for Station Installation	Provides details on telephone installations, including mobile home installations, and an emphasis on buried plant.	John Arnoson, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 345-64 (REA 108-24)	REA Specification for Ringers	REA requirements and guidelines on ringers installed on REA-financed telephone systems.	John Arnoson, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
Bulletin 380-3	Weekly Progress Report of Telephone Construction and Engineering Services	Report by the borrowers' engineer to the telephone borrower and REA on the progress of engineering services and construction activities.	John Arnoson, REA USDA, Room 4048S Wash., D.C. 20250 202-447-4305
		Soil Conservation Service	
SCS has scheduled the following regulation for review for which the significance was not yet determined as of the publication deadline for this calendar.			
7 CFR 660 (SCS 109-27)	Cooperative Relationships and Arrangements	SCS enters into cooperative arangements and memoranda of understanding with State and local governmental units and other non-Federal participants in the furtherance of authorized SCS programs of mutual benefit and interest. Such arrangements and memoranda cover conservation operations, space, equipment, soil surveys, watershed agreements, river basin studies, personnel, etc.	Leo Link, SCS USDA, Room 2101, Auditors Building Washington, D.C. 20250 202-447-2177
		Science and Education Administration - Not Significant	
7 CFR 500 (SEA 079-12)	Conduct on National Arboretum Property	Regulations apply to the buildings and grounds of the National Arboretum, Washington, D.C., and to all persons entering in or on such property.	Eugene Hahn, SEA USDA, Room 513 Federal Building Hyattsville, Md. 20782 301-436-8217

Parts Affected	Subject	Description	Contact
		Science and Education Administration – Not Significant	
7 CFR 501 (SEA 079-16)	Conduct on Roman L. Hruska Meat Animal Research Center (U.S. Meat Animal Research Center), Clay Center, Nebraska	Regulations apply to all property of or under the charge or control of the Roman L. Hruska Meat Animal Research Center, Clay Center, Nebraska, and to all persons entering in or on such property.	Eugene Hahn, SEA USDA, Rm. 513 Federal Building Hyattsville, Md. 20782 301-436-8217
7 CFR 502 (SEA 079-14)	Conduct on Agricultural Research Center Property, Beltsville, Md.	Regulations apply to the buildings and grounds of the Agricultural Research Center, Beltsville, Md., and to any persons entering in or on such property.	Eugene Hahn, SEA USDA, Room 513 Federal Building Hyattsville, Md. 20782 301-436-8217
7 CFR 503 (SEA 079-15)	Conduct on Plum Island Animal Disease Center	Regulations cover the buildings, grounds and vessels of the Plum Island Animal Disease Center, Orient Point, N.Y., and apply to all persons entering in or on such properties both on the mainland, Orient Point, N.Y. and on Plum Island.	Eugene Hahn, SEA USDA, Room 513 Federal Building Hyattsville, Md. 20782 301-436-8217
7 CFR 510 (SEA 079-13)	Public Information	The regulations in this part govern the availability of records of the Agricultural Research Service (now SEA-AR) to the public.	Robert Nelson, SEA USDA, Room 3143S Washington, D.C. 20250 202-447-2076

LIST OF REGULATIONS PROPOSED FOR REVIEW

The following USDA regulations are proposed for review to be initiated between June and November of 1980 and are published under procedures described in "Improving USDA Regulations" (43 FR 50988; Nov. 1, 1978). They are listed by USDA agency, along with the CFR parts affected, a brief description, and an agency contact. Public comments are being sought as to whether these regulations should be reviewed in the June-November time period or whether other regulations deserve higher priority and should be reviewed then. Suggestions regarding meaningful groupings of regulations or emphasis on specific aspects of a regulation would be particularly helpful. Comments should be sent to the individual shown as the "contact" on the list no later than January 31, 1980.

Parts Affected	Subject	Description	Contact
		Agriculture Marketing Service	
9 CFR Chap. 11 Part 201, Part 203	General Regulations Statements of General Policy	This is a proposed review of existing regulations and policy statements.	John Sands AMS, USDA Rm. 3422S, Washington, D.C. 20250 202-447-6771 and Harry Williams AMS, USDA Rm. 3408S, Washington, D.C. 20250 202-447-6951
		Animal and Plant Health Inspection Service	
9 CFR 76	Hog Cholera and Other Communicable Swine Diseases	Regulation provides for cooperation with States in eradicating hog cholera and other communicable diseases of swine; for quarantine of affected areas; for requirements regarding interstate movement of swine and swine products from quarantined areas; for approval of livestock markets; and for cleaning and disinfection of means of conveyance, markets and facilities.	L. Schnurrenberger APHIS, Room 713, Federal Building Hyattsville, Md. 20782 301-436-8438
9 CFR 89	Statement of Policy under the Twenty-Eight Hour Law	This part is a statement of policy relating to amount of feed, feeding, watering, and resting of livestock moved under provisions of the 28-hour law, which specifies that animals being shipped by boat or rail must be fed, watered, and rested at 28-hour intervals.	E. Mackery, APHIS Room 870, Federal Building, Hyattsville, Md. 20782 301-436-8695
9 CFR 94	Rinderpest, Foot-and-Mouth Disease, Fowl Pest (Fowl Plague), Newcastle Disease (avian pneumoencephalitis), African Swine Fever, and Hog Cholera: Prohibited and Restricted Importations.	Regulation designates countries where rinderpest or foot-and-mouth disease or other exotic diseases of livestock exist and either prohibits or restricts the importation of animals, animal products, and materials from such countries.	J. Atwell, APHIS Room 750, Federal Building, Hyattsville, Md. 20782 301-436-8093
7 CFR 301.52	Pink Bollworm	The Federal Pink Bollworm Quarantine and regulations are designed to prevent the artificial spread of the pink bollworm, a dangerous insect injurious to cotton, okra, and kenaf, across State lines. The quarantine regulates the movement of cotton and cotton products, used bagging, used cotton harvesting and processing equipment, and okra and kenaf from the regulated areas to other parts of the United States.	H. V. Autry, APHIS Room 635, Federal Building, Hyattsville, Md. 20782 301-436-8247

Parts Affected	Subject	Description	Contact
		Animal and Plant Health Inspection Service	
7 CFR 301.85	Golden Nematode	The Federal Golden Nematode Quarantine and regulations are designed to prevent the artificial spread of the golden nematode, which causes a dangerous disease of potatoes and certain other plants, across State lines. The quarantine regulates the movement of soil, various types of plants, used farm tools, used mechanized cultivating, harvesting, and soil-moving equipment from regulated areas to other parts of the United States.	H.V. Autry, APHIS Room 635, Federal Building, Hyattsville, Md. 20782 301-436-8247
		Agricultural Stabilization and Conservation Service	
Section 407 of the Agricultural Act of 1949, as amended; CCC Charter Act, as amended; E. O. 11336	Indian Acute Distress Donation Program	The Commodity Credit Corporation donates feed grain to Indian tribes when the Secretary of Agriculture determines that the economic distress of a needy Indian tribe is materially increased by a severe drought, flood, hurricane, blizzard, or other uncontrollable catastrophe affecting land utilized by members of such tribe for grazing livestock. Such donations must not displace or interfere with normal marketing of agricultural commodities.	Robert Cook, ASCS USDA, Room 4095S Washington, D.C. 20250 202-447-7997
		Federal Grain Inspection Service	
7 CFR 26.351 through 7 CFR 26.353 and 7 CFR 26.901, 904, and 905	U.S. Standards for Corn	FGIS will formally review and propose amendments or revisions as necessary to the U.S. Standards.	J.T. Abshier, FGIS Room 2405, Auditors Bldg., Washington, D.C. 20250 202-447-8262
7 CFR 26.601 through 7 CFR 26.603 and 7 CFR 26.903	U.S. Standards for Soybeans	FGIS will formally review and propose amendments or revisions as necessary to the U.S. Standards.	J.T. Abshier, FGIS Room 2405, Auditors Bldg., Washington, D.C. 20250 202-447-8262
		Farmers Home Administration	
7 CFR 1822 Subpart B	Section 502 Rural Housing Weatherization Loans	This regulation provides the policies and procedures and authorizes Public Utilities to process and service Section 502 Rural Housing Loans to utility consumers. This program is committed to assisting rural homeowners in improving their homes to reduce energy consumption and provide a more comfortable and efficient living environment.	Reed Petersen, FmHA USDA, Room 5349S Washington, D.C. 20250 202-447-4296
		Forest Service	
36 CFR 251.4	Disposal of Materials	Discusses disposal of minerals not subject to U.S. mining laws; defines appraisal values of such minerals; defines disposal methods, including bid procedures.	Howard E. Banta, FS USDA, Room 803 RP-E Washington, D.C. 20013 703-235-8105

Parts Affected	Subject	Description	Contact
		Forest Service	
36 CFR 251.15	Conditions, rules, and regulations to govern exercise of mineral rights reserved by private parties on lands conveyed to the United States.	Describes mineral rights that must be made part of the deed of conveyance to the United States.	G.W. Van Gilst, FS USDA, Rm. 1010 RP-E Washington, D.C. 2001335-8212 703-235-8212
36 CFR 251.18	Rights-of-way reserved by the grantor on lands conveyed to the United States.	Describes the use, occupancy, and operation of rights-of-way reserved by grantors on said land.	G.W. Van Gilst, FS USDA, Rm. 1010 RP-E Washington, D.C. 20013 703-235-8212
36 CFR 251.19	Exercise of water rights reserved by the grantor on lands conveyed to the United States.	Concerns use of water rights by grantors on certain lands.	G.W. Van Gilst, FS USDA, Rm. 1010 RP-E Washington, D.C. 20013 703-235-8212
36 CFR 272	Use of Woodsy Owl Symbol	Description of Woodsy Owl term and authorization for public use.	Robert Lake, FS USDA, Room 3219S Washington, D.C. 20250 202-447-3760
36 CFR 292.11-.13 Subpart B	Whiskeytown-Shasta-Trinity National Recreation Area	Outlines the administration by USDA of the Shasta and Clair Engle-Lewiston Units with the Central Valley Project of the Bureau of Reclamation.	Roy Feuchter, FS USDA, Room 4241S Washington, D.C. 20250 202-447-3706
		Rural Electrification Administration	
7 CFR 1700 Appendix A	Index of Bulletins describing the policies and procedures for administering the REA electric and telephone loan programs.	All bulletins listed in Appendix A are being screened to determine whether they (a) impose requirements on REA loan applicants, (b) impose requirements on REA, (c) state guidelines, or (d) simply provide information. Following this screening, bulletins falling into categories (a) and (b) above will be proposed/scheduled for review and reviewed for need, clarity and appropriateness of approach.	Harlan Severson, REA USDA, Room 4043S Washington, D.C. 20250 202-447-5606
		Soil Conservation Service	
7 CFR 612	Snow Survey and Water Supply Forecasting	SCS collects data on snowpack and available water supply. Forecasts are provided to individuals and groups involved in water management, including agricultural water users. More than 10 million acres benefit from water supply forecasts, as do reservoir storage management, hydro power generation scheduling, water quality management, municipal and industrial water supply determination, etc.	Neil Bogner, SCS USDA, Room 5242S Washington, D.C. 20250 202-447-2520

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federal register

Thursday
November 15, 1979

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Fair Market Rents and Automatic Annual Adjustment Factors

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-79-739]

Section 8 Housing Assistance Payments Program—Fair Market Rents and Automatic Annual Adjustment Factors, Schedule C; Automatic Annual Adjustment Factors

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner/Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This Final Rule sets forth Automatic Annual Adjustment Factors which are used to adjust rents under the Section 8 Housing Assistance Payments Program.

EFFECTIVE DATE: December 17, 1979, retroactive to November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Nancy S. Chisholm, Economic and Market Analysis Division, PD&R, HUD, Washington, D.C. 20410. (202) 755-4977. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: These Adjustment Factors are being published pursuant to 24 CFR § 888.202 which requires the publication of the Factors in the Federal Register at least annually. The revised Automatic Annual Adjustment Factors supersede those published for effect at 44 FR 3912 on January 18, 1979, effective November 8, 1978. Different adjustment factor schedules are provided for 24 Standard Metropolitan Statistical Areas (SMSAs) and for the four Census Regions. The Factors are based on changes in the Consumer Price Index (CPI) for rents and utilities.

It is in the public interest to dispense with prior Notice and Public procedure and to make this Rule effective as soon as possible because the governing regulations (24 CFR § 888.202) require publication of updated Annual Adjustment Factors "at least annually", and the last publication of these Factors was effective November 8, 1978. Also, the current Annual Adjustment Factors are no longer realistic in light of economic trends over the past year and their continued application will be a hardship on owners and will create the potential for tenant evictions.

HUD has determined that this Rule does not constitute a major Federal action significantly affecting the quality of the human environment. A Finding of Inapplicability of Environmental Impact has been prepared and is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

Accordingly, Title 24, Part 888, is amended by publishing updated Schedule C Factors for effect as set forth below:

(Section 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

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

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-01-M

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS

NORTHCENTRAL CENSUS REGION

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.066	1.066	1.065	1.065	1.065
100 - 124	1.066	1.066	1.065	1.065	1.065
125 - 149	1.066	1.066	1.066	1.065	1.065
150 - 174	1.066	1.066	1.066	1.066	1.065
175 - 199	1.066	1.066	1.066	1.066	1.065
200 - 224	1.066	1.066	1.066	1.066	1.066
225 - 249	1.066	1.066	1.066	1.066	1.066
250 - 274	1.066	1.066	1.066	1.066	1.066
275 - 299	1.066	1.066	1.066	1.066	1.066
300 - 324	1.066	1.066	1.066	1.066	1.066
325 - 349	1.066	1.066	1.066	1.066	1.066
350 - 374	1.066	1.066	1.066	1.066	1.066
375 - 399	1.066	1.066	1.066	1.066	1.066
400 - 424	1.066	1.066	1.066	1.066	1.066
425 - 449	1.066	1.066	1.066	1.066	1.066
450 - 474	1.066	1.066	1.066	1.066	1.066
475 - 499	1.066	1.066	1.066	1.066	1.066
500 OR MORE	1.066	1.066	1.066	1.066	1.066

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.067

NOTE: THE NORTHCENTRAL CENSUS REGION INCLUDES THE FOLLOWING STATES:
ILLINOIS
INDIANA
IOWA
KANSAS
MICHIGAN
MINNESOTA
MISSOURI
NEBRASKA
NORTH DAKOTA
OHIO
SOUTH DAKOTA
WISCONSIN

NORTHEAST CENSUS REGION

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.066	1.069	1.074	1.078	1.083
100 - 124	1.064	1.067	1.070	1.074	1.077
125 - 149	1.063	1.065	1.068	1.071	1.074
150 - 174	1.063	1.064	1.067	1.069	1.072
175 - 199	1.062	1.063	1.066	1.068	1.070
200 - 224	1.062	1.063	1.065	1.067	1.069
225 - 249	1.061	1.062	1.064	1.066	1.067
250 - 274	1.061	1.062	1.064	1.065	1.067
275 - 299	1.061	1.062	1.063	1.065	1.066
300 - 324	1.061	1.062	1.063	1.064	1.065
325 - 349	1.061	1.061	1.063	1.064	1.065
350 - 374	1.060	1.061	1.062	1.063	1.064
375 - 399	1.060	1.061	1.062	1.063	1.064
400 - 424	1.060	1.061	1.062	1.063	1.064
425 - 449	1.060	1.061	1.062	1.063	1.063
450 - 474	1.060	1.061	1.061	1.062	1.063
475 - 499	1.060	1.060	1.061	1.062	1.063
500 OR MORE	1.060	1.060	1.061	1.062	1.063

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.053

NOTE: THE NORTHEAST CENSUS REGION INCLUDES THE FOLLOWING STATES:
CONNECTICUT
MAINE
MASS.
NEW HAMP
NEW JERSEY
NEW YORK
PENNSYLVANIA
PUERTO RICO
RHODE ISLAND
VERMONT
VIRGIN IS

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS

SOUTH CENSUS REGION

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.068	1.065	1.060	1.055	1.050
100 - 124	1.070	1.068	1.064	1.059	1.056
125 - 149	1.071	1.069	1.066	1.062	1.060
150 - 174	1.072	1.070	1.067	1.065	1.062
175 - 199	1.073	1.071	1.069	1.066	1.064
200 - 224	1.073	1.072	1.070	1.067	1.065
225 - 249	1.073	1.072	1.070	1.068	1.067
250 - 274	1.074	1.073	1.071	1.069	1.068
275 - 299	1.074	1.073	1.071	1.070	1.068
300 - 324	1.074	1.073	1.072	1.070	1.069
325 - 349	1.074	1.073	1.072	1.071	1.069
350 - 374	1.074	1.074	1.072	1.071	1.070
375 - 399	1.075	1.074	1.073	1.071	1.070
400 - 424	1.075	1.074	1.073	1.072	1.071
425 - 449	1.075	1.074	1.073	1.072	1.071
450 - 474	1.075	1.074	1.073	1.072	1.071
475 - 499	1.075	1.074	1.073	1.072	1.072
500 OR MORE	1.075	1.074	1.073	1.073	1.072

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.070

NOTE: THE SOUTH CENSUS REGION INCLUDES THE FOLLOWING STATES:
ALABAMA
ARKANSAS
DELAWARE
D.C.
FLORIDA
GEORGIA
KENTUCKY
LOUISIANA
MARYLAND
MISSISSIPPI
N. CAROLINA
OKLAHOMA
S. CAROLINA
TENNESSEE
TEXAS
VIRGINIA
W. VIRGINIA

WEST CENSUS REGION

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.067	1.065	1.061	1.057	1.053
100 - 124	1.069	1.067	1.064	1.061	1.058
125 - 149	1.069	1.068	1.065	1.063	1.061
150 - 174	1.070	1.069	1.067	1.064	1.063
175 - 199	1.071	1.069	1.067	1.066	1.064
200 - 224	1.071	1.070	1.068	1.067	1.065
225 - 249	1.071	1.070	1.069	1.067	1.066
250 - 274	1.071	1.070	1.069	1.068	1.067
275 - 299	1.071	1.071	1.070	1.068	1.067
300 - 324	1.072	1.071	1.070	1.069	1.068
325 - 349	1.072	1.071	1.070	1.069	1.068
350 - 374	1.072	1.071	1.070	1.069	1.068
375 - 399	1.072	1.071	1.070	1.070	1.069
400 - 424	1.072	1.071	1.071	1.070	1.069
425 - 449	1.072	1.072	1.071	1.070	1.069
450 - 474	1.072	1.072	1.071	1.070	1.070
475 - 499	1.072	1.072	1.071	1.070	1.070
500 OR MORE	1.072	1.072	1.071	1.070	1.070

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.086

NOTE: THE WEST CENSUS REGION INCLUDES THE FOLLOWING STATES:
ALASKA
ARIZONIA
CALIFORNIA
COLORADO
HAWAII
IDAHO
MONTANA
NEVADA
NEW MEXICO
OREGON
UTAH
WASHINGTON
WYOMING

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: ATLANTA, GA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.055	1.052	1.048	1.043	1.039
100 - 124	1.057	1.055	1.051	1.047	1.044
125 - 149	1.058	1.056	1.053	1.050	1.047
150 - 174	1.058	1.057	1.054	1.052	1.050
175 - 199	1.059	1.058	1.055	1.053	1.051
200 - 224	1.059	1.058	1.056	1.054	1.053
225 - 249	1.060	1.059	1.057	1.055	1.054
250 - 274	1.060	1.059	1.057	1.056	1.054
275 - 299	1.060	1.059	1.058	1.056	1.055
300 - 324	1.060	1.059	1.058	1.057	1.056
325 - 349	1.060	1.060	1.058	1.057	1.056
350 - 374	1.061	1.060	1.059	1.058	1.057
375 - 399	1.061	1.060	1.059	1.058	1.057
400 - 424	1.061	1.060	1.059	1.058	1.057
425 - 449	1.061	1.060	1.059	1.058	1.058
450 - 474	1.061	1.060	1.059	1.059	1.058
475 - 499	1.061	1.060	1.060	1.059	1.058
500 OR MORE	1.061	1.061	1.060	1.059	1.058

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.051

SMSA: BALTIMORE, MD

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.056	1.053	1.048	1.044	1.040
100 - 124	1.058	1.055	1.052	1.048	1.045
125 - 149	1.059	1.057	1.054	1.051	1.048
150 - 174	1.059	1.058	1.055	1.053	1.050
175 - 199	1.060	1.058	1.056	1.054	1.052
200 - 224	1.060	1.059	1.057	1.055	1.053
225 - 249	1.060	1.059	1.058	1.056	1.054
250 - 274	1.061	1.060	1.058	1.057	1.055
275 - 299	1.061	1.060	1.059	1.057	1.056
300 - 324	1.061	1.060	1.059	1.058	1.056
325 - 349	1.061	1.060	1.059	1.058	1.057
350 - 374	1.061	1.061	1.059	1.058	1.057
375 - 399	1.061	1.061	1.060	1.059	1.058
400 - 424	1.062	1.061	1.060	1.059	1.058
425 - 449	1.062	1.061	1.060	1.059	1.058
450 - 474	1.062	1.061	1.060	1.059	1.059
475 - 499	1.062	1.061	1.060	1.060	1.059
500 OR MORE	1.062	1.061	1.061	1.060	1.059

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.065

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: BOSTON, MA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.058	1.062	1.069	1.076	1.082
100 - 124	1.056	1.059	1.065	1.070	1.075
125 - 149	1.054	1.057	1.061	1.066	1.070
150 - 174	1.053	1.056	1.059	1.063	1.066
175 - 199	1.053	1.055	1.058	1.061	1.064
200 - 224	1.052	1.054	1.057	1.060	1.062
225 - 249	1.052	1.053	1.056	1.058	1.060
250 - 274	1.051	1.053	1.055	1.057	1.059
275 - 299	1.051	1.052	1.054	1.056	1.058
300 - 324	1.051	1.052	1.054	1.056	1.057
325 - 349	1.051	1.052	1.053	1.055	1.057
350 - 374	1.050	1.051	1.053	1.055	1.056
375 - 399	1.050	1.051	1.053	1.054	1.056
400 - 424	1.050	1.051	1.052	1.054	1.055
425 - 449	1.050	1.051	1.052	1.054	1.055
450 - 474	1.050	1.051	1.052	1.053	1.054
475 - 499	1.050	1.050	1.052	1.053	1.054
500 OR MORE	1.050	1.050	1.052	1.053	1.054

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.038

SMSA: BUFFALO, NY

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.043	1.050	1.061	1.072	1.082
100 - 124	1.039	1.045	1.053	1.062	1.070
125 - 149	1.037	1.041	1.049	1.056	1.062
150 - 174	1.035	1.039	1.045	1.051	1.056
175 - 199	1.034	1.037	1.043	1.048	1.052
200 - 224	1.033	1.036	1.041	1.045	1.049
225 - 249	1.033	1.035	1.039	1.043	1.047
250 - 274	1.032	1.034	1.038	1.042	1.045
275 - 299	1.031	1.034	1.037	1.040	1.043
300 - 324	1.031	1.033	1.036	1.039	1.042
325 - 349	1.031	1.032	1.035	1.038	1.041
350 - 374	1.030	1.032	1.035	1.037	1.040
375 - 399	1.030	1.032	1.034	1.037	1.039
400 - 424	1.030	1.031	1.034	1.036	1.038
425 - 449	1.030	1.031	1.033	1.036	1.038
450 - 474	1.030	1.031	1.033	1.035	1.037
475 - 499	1.029	1.031	1.033	1.035	1.036
500 OR MORE	1.029	1.030	1.032	1.034	1.036

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.048

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: CHICAGO, IL

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.061	1.065	1.070	1.075	1.079
100 - 124	1.060	1.062	1.066	1.070	1.073
125 - 149	1.059	1.061	1.064	1.067	1.070
150 - 174	1.058	1.060	1.062	1.065	1.067
175 - 199	1.057	1.059	1.061	1.064	1.066
200 - 224	1.057	1.058	1.060	1.062	1.064
225 - 249	1.057	1.058	1.060	1.061	1.063
250 - 274	1.056	1.057	1.059	1.061	1.062
275 - 299	1.056	1.057	1.059	1.060	1.061
300 - 324	1.056	1.057	1.058	1.060	1.061
325 - 349	1.056	1.057	1.058	1.059	1.060
350 - 374	1.056	1.056	1.058	1.059	1.060
375 - 399	1.056	1.056	1.057	1.059	1.060
400 - 424	1.055	1.056	1.057	1.058	1.059
425 - 449	1.055	1.056	1.057	1.058	1.059
450 - 474	1.055	1.056	1.057	1.058	1.059
475 - 499	1.055	1.056	1.057	1.058	1.058
500 OR MORE	1.055	1.056	1.057	1.057	1.058

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.067

SMSA: CINCINNATI, OH-KY-IN

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.041	1.035	1.025	1.016	1.007
100 - 124	1.044	1.039	1.032	1.024	1.018
125 - 149	1.046	1.042	1.036	1.030	1.025
150 - 174	1.048	1.044	1.039	1.034	1.029
175 - 199	1.049	1.046	1.041	1.037	1.033
200 - 224	1.049	1.047	1.043	1.039	1.036
225 - 249	1.050	1.048	1.044	1.041	1.038
250 - 274	1.051	1.049	1.045	1.042	1.039
275 - 299	1.051	1.049	1.046	1.043	1.041
300 - 324	1.051	1.050	1.047	1.044	1.042
325 - 349	1.052	1.050	1.048	1.045	1.043
350 - 374	1.052	1.050	1.048	1.046	1.044
375 - 399	1.052	1.051	1.049	1.046	1.045
400 - 424	1.052	1.051	1.049	1.047	1.045
425 - 449	1.053	1.051	1.049	1.047	1.046
450 - 474	1.053	1.052	1.050	1.048	1.046
475 - 499	1.053	1.052	1.050	1.048	1.047
500 OR MORE	1.053	1.052	1.050	1.049	1.047

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.084

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: CLEVELAND, OH

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.050	1.050	1.050	1.049	1.049
100 - 124	1.050	1.050	1.050	1.050	1.049
125 - 149	1.050	1.050	1.050	1.050	1.050
150 - 174	1.050	1.050	1.050	1.050	1.050
175 - 199	1.050	1.050	1.050	1.050	1.050
200 - 224	1.050	1.050	1.050	1.050	1.050
225 - 249	1.050	1.050	1.050	1.050	1.050
250 - 274	1.050	1.050	1.050	1.050	1.050
275 - 299	1.050	1.050	1.050	1.050	1.050
300 - 324	1.050	1.050	1.050	1.050	1.050
325 - 349	1.050	1.050	1.050	1.050	1.050
350 - 374	1.050	1.050	1.050	1.050	1.050
375 - 399	1.050	1.050	1.050	1.050	1.050
400 - 424	1.050	1.050	1.050	1.050	1.050
425 - 449	1.050	1.050	1.050	1.050	1.050
450 - 474	1.050	1.050	1.050	1.050	1.050
475 - 499	1.050	1.050	1.050	1.050	1.050
500 OR MORE	1.050	1.050	1.050	1.050	1.050

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.083

SMSA: DALLAS-FORT WORTH , TX

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.130	1.128	1.125	1.122	1.120
100 - 124	1.131	1.129	1.127	1.125	1.123
125 - 149	1.131	1.130	1.128	1.127	1.125
150 - 174	1.132	1.131	1.129	1.128	1.126
175 - 199	1.132	1.131	1.130	1.129	1.127
200 - 224	1.132	1.132	1.130	1.129	1.128
225 - 249	1.132	1.132	1.131	1.130	1.129
250 - 274	1.133	1.132	1.131	1.130	1.129
275 - 299	1.133	1.132	1.131	1.130	1.130
300 - 324	1.133	1.132	1.132	1.131	1.130
325 - 349	1.133	1.133	1.132	1.131	1.130
350 - 374	1.133	1.133	1.132	1.131	1.131
375 - 399	1.133	1.133	1.132	1.131	1.131
400 - 424	1.133	1.133	1.132	1.132	1.131
425 - 449	1.133	1.133	1.132	1.132	1.131
450 - 474	1.133	1.133	1.132	1.132	1.131
475 - 499	1.133	1.133	1.132	1.132	1.132
500 OR MORE	1.133	1.133	1.133	1.132	1.132

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.091

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: DENVER-BOULDER , CO

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.101	1.100	1.098	1.096	1.094
100 - 124	1.102	1.101	1.099	1.097	1.096
125 - 149	1.102	1.101	1.100	1.099	1.098
150 - 174	1.102	1.102	1.101	1.100	1.099
175 - 199	1.103	1.102	1.101	1.100	1.099
200 - 224	1.103	1.102	1.101	1.101	1.100
225 - 249	1.103	1.102	1.102	1.101	1.100
250 - 274	1.103	1.103	1.102	1.101	1.101
275 - 299	1.103	1.103	1.102	1.102	1.101
300 - 324	1.103	1.103	1.102	1.102	1.101
325 - 349	1.103	1.103	1.102	1.102	1.101
350 - 374	1.103	1.103	1.103	1.102	1.102
375 - 399	1.103	1.103	1.103	1.102	1.102
400 - 424	1.103	1.103	1.103	1.102	1.102
425 - 449	1.104	1.103	1.103	1.102	1.102
450 - 474	1.104	1.103	1.103	1.103	1.102
475 - 499	1.104	1.103	1.103	1.103	1.102
500 OR MORE	1.104	1.103	1.103	1.103	1.102

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.073

SMSA: DETROIT, MI

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.078	1.075	1.070	1.064	1.060
100 - 124	1.080	1.078	1.073	1.069	1.066
125 - 149	1.081	1.079	1.076	1.072	1.069
150 - 174	1.082	1.080	1.077	1.075	1.072
175 - 199	1.083	1.081	1.079	1.076	1.074
200 - 224	1.083	1.082	1.080	1.077	1.075
225 - 249	1.083	1.082	1.080	1.078	1.077
250 - 274	1.084	1.083	1.081	1.079	1.078
275 - 299	1.084	1.083	1.081	1.080	1.078
300 - 324	1.084	1.083	1.082	1.080	1.079
325 - 349	1.084	1.083	1.082	1.081	1.080
350 - 374	1.085	1.084	1.082	1.081	1.080
375 - 399	1.085	1.084	1.083	1.081	1.080
400 - 424	1.085	1.084	1.083	1.082	1.081
425 - 449	1.085	1.084	1.083	1.082	1.081
450 - 474	1.085	1.084	1.083	1.082	1.081
475 - 499	1.085	1.084	1.083	1.082	1.082
500 OR MORE	1.085	1.084	1.084	1.083	1.082

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.070

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: HONOLULU, HI

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.088	1.085	1.080	1.075	1.070
100 - 124	1.089	1.087	1.083	1.079	1.076
125 - 149	1.090	1.088	1.085	1.082	1.079
150 - 174	1.091	1.089	1.087	1.084	1.082
175 - 199	1.092	1.090	1.088	1.086	1.084
200 - 224	1.092	1.091	1.089	1.087	1.085
225 - 249	1.092	1.091	1.089	1.088	1.086
250 - 274	1.093	1.091	1.090	1.088	1.087
275 - 299	1.093	1.092	1.090	1.089	1.088
300 - 324	1.093	1.092	1.091	1.089	1.088
325 - 349	1.093	1.092	1.091	1.090	1.089
350 - 374	1.093	1.092	1.091	1.090	1.089
375 - 399	1.093	1.093	1.091	1.090	1.089
400 - 424	1.093	1.093	1.092	1.091	1.090
425 - 449	1.093	1.093	1.092	1.091	1.090
450 - 474	1.094	1.093	1.092	1.091	1.090
475 - 499	1.094	1.093	1.092	1.091	1.091
500 OR MORE	1.094	1.093	1.092	1.092	1.091

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.047

SMSA: HOUSTON, TX

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.077	1.089	1.109	1.128	1.145
100 - 124	1.071	1.080	1.095	1.110	1.123
125 - 149	1.067	1.075	1.087	1.099	1.110
150 - 174	1.064	1.071	1.081	1.091	1.100
175 - 199	1.062	1.068	1.077	1.086	1.093
200 - 224	1.060	1.065	1.073	1.081	1.088
225 - 249	1.059	1.064	1.071	1.078	1.084
250 - 274	1.058	1.062	1.069	1.075	1.081
275 - 299	1.057	1.061	1.067	1.073	1.078
300 - 324	1.057	1.060	1.065	1.071	1.075
325 - 349	1.056	1.059	1.064	1.069	1.073
350 - 374	1.056	1.058	1.063	1.068	1.072
375 - 399	1.055	1.058	1.062	1.066	1.070
400 - 424	1.055	1.057	1.061	1.065	1.069
425 - 449	1.054	1.057	1.061	1.064	1.068
450 - 474	1.054	1.056	1.060	1.064	1.067
475 - 499	1.054	1.056	1.059	1.063	1.066
500 OR MORE	1.054	1.056	1.059	1.062	1.065

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.059

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: KANSAS CITY, MO-KS

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.077	1.084	1.095	1.105	1.115
100 - 124	1.074	1.079	1.087	1.096	1.103
125 - 149	1.071	1.076	1.082	1.089	1.095
150 - 174	1.070	1.073	1.079	1.085	1.090
175 - 199	1.069	1.072	1.077	1.082	1.086
200 - 224	1.068	1.070	1.075	1.079	1.083
225 - 249	1.067	1.069	1.073	1.077	1.081
250 - 274	1.066	1.069	1.072	1.076	1.079
275 - 299	1.066	1.068	1.071	1.075	1.077
300 - 324	1.066	1.067	1.070	1.073	1.076
325 - 349	1.065	1.067	1.070	1.073	1.075
350 - 374	1.065	1.067	1.069	1.072	1.074
375 - 399	1.065	1.066	1.069	1.071	1.073
400 - 424	1.064	1.066	1.068	1.070	1.072
425 - 449	1.064	1.066	1.068	1.070	1.072
450 - 474	1.064	1.065	1.067	1.069	1.071
475 - 499	1.064	1.065	1.067	1.069	1.071
500 OR MORE	1.064	1.065	1.067	1.069	1.070

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.070

SMSA: LOS ANGELES-LONG BEACH, CA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.062	1.065	1.070	1.076	1.080
100 - 124	1.060	1.063	1.067	1.071	1.075
125 - 149	1.059	1.061	1.064	1.068	1.071
150 - 174	1.058	1.060	1.063	1.066	1.068
175 - 199	1.058	1.059	1.062	1.064	1.066
200 - 224	1.057	1.059	1.061	1.063	1.065
225 - 249	1.057	1.058	1.060	1.062	1.064
250 - 274	1.057	1.058	1.059	1.061	1.063
275 - 299	1.056	1.057	1.059	1.061	1.062
300 - 324	1.056	1.057	1.059	1.060	1.061
325 - 349	1.056	1.057	1.058	1.060	1.061
350 - 374	1.056	1.057	1.058	1.059	1.060
375 - 399	1.056	1.056	1.058	1.059	1.060
400 - 424	1.056	1.056	1.057	1.059	1.059
425 - 449	1.055	1.056	1.057	1.058	1.059
450 - 474	1.055	1.056	1.057	1.058	1.059
475 - 499	1.055	1.056	1.057	1.058	1.059
500 OR MORE	1.055	1.056	1.057	1.058	1.058

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.113

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: MINNEAPOLIS-ST PAUL, MN-WI

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.058	1.050	1.038	1.026	1.016
100 - 124	1.062	1.056	1.047	1.037	1.029
125 - 149	1.064	1.059	1.052	1.044	1.038
150 - 174	1.066	1.062	1.055	1.049	1.043
175 - 199	1.067	1.064	1.058	1.053	1.048
200 - 224	1.068	1.065	1.060	1.055	1.051
225 - 249	1.069	1.066	1.062	1.057	1.054
250 - 274	1.069	1.067	1.063	1.059	1.056
275 - 299	1.070	1.068	1.064	1.060	1.057
300 - 324	1.070	1.068	1.065	1.062	1.059
325 - 349	1.071	1.069	1.066	1.063	1.060
350 - 374	1.071	1.069	1.066	1.064	1.061
375 - 399	1.071	1.070	1.067	1.064	1.062
400 - 424	1.072	1.070	1.068	1.065	1.063
425 - 449	1.072	1.070	1.068	1.066	1.064
450 - 474	1.072	1.071	1.068	1.066	1.064
475 - 499	1.072	1.071	1.069	1.067	1.065
500 OR MORE	1.072	1.071	1.069	1.067	1.065

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.065

SMSA: MILWAUKEE, WI

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.067	1.075	1.087	1.099	1.110
100 - 124	1.063	1.069	1.079	1.088	1.096
125 - 149	1.061	1.066	1.073	1.081	1.088
150 - 174	1.059	1.063	1.070	1.076	1.082
175 - 199	1.058	1.061	1.067	1.073	1.077
200 - 224	1.057	1.060	1.065	1.070	1.074
225 - 249	1.056	1.059	1.063	1.068	1.072
250 - 274	1.055	1.058	1.062	1.066	1.069
275 - 299	1.055	1.057	1.061	1.064	1.068
300 - 324	1.054	1.057	1.060	1.063	1.066
325 - 349	1.054	1.056	1.059	1.062	1.065
350 - 374	1.054	1.056	1.058	1.061	1.064
375 - 399	1.053	1.055	1.058	1.061	1.063
400 - 424	1.053	1.055	1.057	1.060	1.062
425 - 449	1.053	1.054	1.057	1.059	1.061
450 - 474	1.053	1.054	1.056	1.059	1.061
475 - 499	1.053	1.054	1.056	1.058	1.060
500 OR MORE	1.052	1.054	1.056	1.058	1.060

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.043

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: NEW YORK CITY, NY-NJ

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.052	1.057	1.065	1.073	1.079
100 - 124	1.050	1.054	1.060	1.066	1.071
125 - 149	1.048	1.051	1.056	1.061	1.065
150 - 174	1.047	1.050	1.054	1.058	1.062
175 - 199	1.046	1.048	1.052	1.056	1.059
200 - 224	1.046	1.048	1.051	1.054	1.057
225 - 249	1.045	1.047	1.050	1.053	1.055
250 - 274	1.045	1.046	1.049	1.051	1.054
275 - 299	1.044	1.046	1.048	1.051	1.053
300 - 324	1.044	1.045	1.048	1.050	1.052
325 - 349	1.044	1.045	1.047	1.049	1.051
350 - 374	1.044	1.045	1.047	1.049	1.050
375 - 399	1.043	1.045	1.046	1.048	1.050
400 - 424	1.043	1.044	1.046	1.048	1.049
425 - 449	1.043	1.044	1.046	1.047	1.049
450 - 474	1.043	1.044	1.045	1.047	1.048
475 - 499	1.043	1.044	1.045	1.047	1.048
500 OR MORE	1.043	1.044	1.045	1.046	1.047

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.055

SMSA: PHILADELPHIA, PA-NJ

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.056	1.064	1.077	1.090	1.101
100 - 124	1.051	1.058	1.068	1.078	1.087
125 - 149	1.049	1.054	1.062	1.070	1.078
150 - 174	1.047	1.051	1.058	1.065	1.071
175 - 199	1.045	1.049	1.055	1.061	1.067
200 - 224	1.044	1.048	1.053	1.058	1.063
225 - 249	1.043	1.046	1.051	1.056	1.060
250 - 274	1.043	1.045	1.050	1.054	1.058
275 - 299	1.042	1.045	1.049	1.053	1.056
300 - 324	1.042	1.044	1.048	1.051	1.054
325 - 349	1.041	1.043	1.047	1.050	1.053
350 - 374	1.041	1.043	1.046	1.049	1.052
375 - 399	1.041	1.042	1.045	1.048	1.051
400 - 424	1.040	1.042	1.045	1.048	1.050
425 - 449	1.040	1.042	1.044	1.047	1.049
450 - 474	1.040	1.041	1.044	1.046	1.049
475 - 499	1.040	1.041	1.044	1.046	1.048
500 OR MORE	1.040	1.041	1.043	1.045	1.047

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.056

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: PITTSBURGH, PA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.061	1.059	1.055	1.051	1.048
100 - 124	1.062	1.061	1.058	1.055	1.052
125 - 149	1.063	1.062	1.059	1.057	1.055
150 - 174	1.064	1.063	1.061	1.058	1.057
175 - 199	1.064	1.063	1.061	1.060	1.058
200 - 224	1.064	1.064	1.062	1.060	1.059
225 - 249	1.065	1.064	1.062	1.061	1.060
250 - 274	1.065	1.064	1.063	1.062	1.061
275 - 299	1.065	1.064	1.063	1.062	1.061
300 - 324	1.065	1.065	1.064	1.062	1.062
325 - 349	1.065	1.065	1.064	1.063	1.062
350 - 374	1.065	1.065	1.064	1.063	1.062
375 - 399	1.066	1.065	1.064	1.063	1.063
400 - 424	1.066	1.065	1.064	1.064	1.063
425 - 449	1.066	1.065	1.064	1.064	1.063
450 - 474	1.066	1.065	1.065	1.064	1.063
475 - 499	1.066	1.065	1.065	1.064	1.063
500 OR MORE	1.066	1.065	1.065	1.064	1.064

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.093

SMSA: SAN DIEGO, CA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.077	1.075	1.071	1.068	1.065
100 - 124	1.078	1.076	1.074	1.071	1.069
125 - 149	1.078	1.077	1.075	1.073	1.071
150 - 174	1.079	1.078	1.076	1.074	1.073
175 - 199	1.079	1.078	1.077	1.075	1.074
200 - 224	1.079	1.079	1.077	1.076	1.075
225 - 249	1.080	1.079	1.078	1.077	1.075
250 - 274	1.080	1.079	1.078	1.077	1.076
275 - 299	1.080	1.079	1.078	1.077	1.077
300 - 324	1.080	1.080	1.079	1.078	1.077
325 - 349	1.080	1.080	1.079	1.078	1.077
350 - 374	1.080	1.080	1.079	1.078	1.078
375 - 399	1.080	1.080	1.079	1.078	1.078
400 - 424	1.080	1.080	1.079	1.079	1.078
425 - 449	1.081	1.080	1.079	1.079	1.078
450 - 474	1.081	1.080	1.080	1.079	1.078
475 - 499	1.081	1.080	1.080	1.079	1.079
500 OR MORE	1.081	1.080	1.080	1.079	1.079

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.097

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: SAN FRANCISCO-OAKLAND, CA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.046	1.043	1.038	1.032	1.028
100 - 124	1.048	1.045	1.041	1.037	1.034
125 - 149	1.049	1.047	1.044	1.040	1.037
150 - 174	1.050	1.048	1.045	1.042	1.040
175 - 199	1.051	1.049	1.047	1.044	1.042
200 - 224	1.051	1.050	1.047	1.045	1.043
225 - 249	1.051	1.050	1.048	1.046	1.044
250 - 274	1.052	1.050	1.049	1.047	1.045
275 - 299	1.052	1.051	1.049	1.048	1.046
300 - 324	1.052	1.051	1.050	1.048	1.047
325 - 349	1.052	1.051	1.050	1.049	1.047
350 - 374	1.052	1.052	1.050	1.049	1.048
375 - 399	1.052	1.052	1.051	1.049	1.048
400 - 424	1.053	1.052	1.051	1.050	1.049
425 - 449	1.053	1.052	1.051	1.050	1.049
450 - 474	1.053	1.052	1.051	1.050	1.049
475 - 499	1.053	1.052	1.051	1.050	1.049
500 OR MORE	1.053	1.052	1.051	1.051	1.050

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.074

SMSA: SEATTLE-EVERETT, WA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.117	1.116	1.114	1.111	1.109
100 - 124	1.118	1.117	1.115	1.113	1.112
125 - 149	1.119	1.118	1.116	1.115	1.113
150 - 174	1.119	1.118	1.117	1.116	1.115
175 - 199	1.119	1.119	1.118	1.116	1.115
200 - 224	1.120	1.119	1.118	1.117	1.116
225 - 249	1.120	1.119	1.118	1.117	1.117
250 - 274	1.120	1.119	1.119	1.118	1.117
275 - 299	1.120	1.120	1.119	1.118	1.117
300 - 324	1.120	1.120	1.119	1.118	1.118
325 - 349	1.120	1.120	1.119	1.119	1.118
350 - 374	1.120	1.120	1.119	1.119	1.118
375 - 399	1.120	1.120	1.119	1.119	1.118
400 - 424	1.120	1.120	1.119	1.119	1.119
425 - 449	1.120	1.120	1.120	1.119	1.119
450 - 474	1.120	1.120	1.120	1.119	1.119
475 - 499	1.120	1.120	1.120	1.119	1.119
500 OR MORE	1.120	1.120	1.120	1.119	1.119

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1 107

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS
ANNUAL ADJUSTMENT FACTORS
SMSA: ST LOUIS, MO-IL

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.075	1.075	1.074	1.073	1.072
100 - 124	1.075	1.075	1.074	1.074	1.073
125 - 149	1.076	1.075	1.075	1.074	1.074
150 - 174	1.076	1.075	1.075	1.075	1.074
175 - 199	1.076	1.076	1.075	1.075	1.074
200 - 224	1.076	1.076	1.075	1.075	1.075
225 - 249	1.076	1.076	1.075	1.075	1.075
250 - 274	1.076	1.076	1.076	1.075	1.075
275 - 299	1.076	1.076	1.076	1.075	1.075
300 - 324	1.076	1.076	1.076	1.075	1.075
325 - 349	1.076	1.076	1.076	1.075	1.075
350 - 374	1.076	1.076	1.076	1.076	1.075
375 - 399	1.076	1.076	1.076	1.076	1.075
400 - 424	1.076	1.076	1.076	1.076	1.076
425 - 449	1.076	1.076	1.076	1.076	1.076
450 - 474	1.076	1.076	1.076	1.076	1.076
475 - 499	1.076	1.076	1.076	1.076	1.076
500 OR MORE	1.076	1.076	1.076	1.076	1.076

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.058

SMSA: WASHINGTON, DC-MD-VA

MONTHLY GROSS RENT	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
UNDER $100	1.061	1.055	1.045	1.035	1.027
100 - 124	1.064	1.060	1.052	1.044	1.038
125 - 149	1.066	1.062	1.056	1.050	1.045
150 - 174	1.068	1.065	1.059	1.054	1.049
175 - 199	1.069	1.066	1.061	1.057	1.053
200 - 224	1.070	1.067	1.063	1.059	1.056
225 - 249	1.070	1.068	1.064	1.061	1.058
250 - 274	1.071	1.069	1.066	1.062	1.059
275 - 299	1.071	1.069	1.066	1.063	1.061
300 - 324	1.072	1.070	1.067	1.064	1.062
325 - 349	1.072	1.070	1.068	1.065	1.063
350 - 374	1.072	1.071	1.068	1.066	1.064
375 - 399	1.072	1.071	1.069	1.067	1.065
400 - 424	1.073	1.071	1.069	1.067	1.065
425 - 449	1.073	1.072	1.070	1.068	1.066
450 - 474	1.073	1.072	1.070	1.068	1.066
475 - 499	1.073	1.072	1.070	1.068	1.067
500 OR MORE	1.073	1.072	1.070	1.069	1.067

ANNUAL ADJUSTMENT FACTOR FOR CONTRACT RENT (EXCLUDING UTILITIES) IS 1.058

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Thursday
November 15, 1979

Part IV

U.S. Metric Board

Private Sector Metric Conversion; Proposed Interim Planning Guidelines

UNITED STATES METRIC BOARD

15 CFR Part 503

Proposed Interim Private Sector Metric Conversion Planning Guidelines

AGENCY: United States Metric Board.

ACTION: Proposed voluntary guidelines.

SUMMARY: This notice proposes interim procedures to be followed in complying with section 6(2) of the Metric Conversion Act of 1975 (Pub. L. 94–168) which directs the United States Metric Board to "provide for appropriate procedures whereby various groups, under the auspices of the Board, may formulate, and recommend or suggest, to the Board specific programs for coordinating conversion in each industry and segment thereof * * *."

The USMB is publishing these procedures for operational testing and trial use. Interested organizations and individuals are invited to make comment.

DATE: Comments should be filed by August 1, 1980.

ADDRESSES: Send comments to: United States Metric Board, Planning Guidelines, 1815 North Lynn Street, Suite 600, Arlington, Virginia 22209

FOR FURTHER INFORMATION CONTACT: Mr. Charles Danner, Private Sector Coordinator, (703) 235–2583.

SUPPLEMENTARY INFORMATION: The Metric Conversion Act of 1975 (Pub. L. 94–168) recognized that metric conversion is taking place in the private sector, and created the U.S. Metric Board (USMB) to "coordinate the voluntary conversion to the metric system." The Act further states that "it shall be the function of the Board to devise and carry out a broad program of planning, coordination * * *"

There is no compulsion for any person or group in the U.S. to convert to the metric system. The decision whether or not to make the change is completely voluntary.

This supplementary information has been prepared by the USMB to clarify the intent and purpose of the accompanying proposed guidelines. It briefly provides planning principles to groups addressing metric conversion and explains why certain kinds of data, information, and procedures are needed when conversion plans are voluntarily submitted to the USMB for review. It also delineates the principles of organization and planning which the USMB will look for in appraising the value and completeness of any plan submitted to the USMB for acceptance.

The supplementary information covers six of the more important aspects to be considered when anticipating the change to metric measurements. The six areas are: 1. Identifying Benefits to Conversion, 2. Developing a Plan, 3. Assistance by the USMB, 4. Reaching General Agreement, 5. United States Metric Board Plan Review, and 6. Response by the USMB.

For more detailed instructions on such matters as organizing and operating a conversion committee, developing a conversion plan or establishing and maintaining liaison with the United States Metric Board, the reader should follow the more detailed instructions provided in the accompanying proposed guidelines.

Metric Conversion in the United States.

Metric conversion means changing from our "customary" system of measurement units to the units adopted by essentially all of the world: the modernized metric system of measurement designated "SI", standing for "Systeme Internationale." Aside from the effect on relationships with other countries, regarding such matters as international trade and mutual defense, conversion of the U.S. to the metric system involves change throughout the entire structure of our society. While the USMB will offer assistance and coordinate planning in all segments of the economy, this supplementary information and the accompanying guidelines are designed to provide guidance for the conversion activities of private business and industry groups.

1. Identifying Benefits to Conversion

Metric conversion has been generally recognized, by those who have experienced it, as an opportunity for simplifying procedures and rationalizing product sizes. Admittedly, such rationalization—the reduction of unnecessary variety—could be accomplished without a change in measurement systems. However, human nature normally does not undertake such alterations to the status-quo without the stimulus provided by an event such as metric conversion.

There are numerous reasons for converting to metric units other than the simplicity and logic of the system. For example, the selection of the new metric series of threaded fasteners developed by American technology, and now adopted internationally, substantially reduces the number of items to be inventoried without sacrificing an adequate choice of sizes. In the process, a new standard was developed which reduces the cost of manufacturing without sacrificing strength and utility.

The rationalization and simplification referred to above will have long-range benefits. During the transition to preferred metric sizes there may be some offsetting redesign, duplicate manufacturing set up, and dual system inventory costs. Well-planned and well-timed conversions have minimized these costs and maximized the benefits.

In developing a sector conversion plan it is important to identify and document the available rationalization and design-improvement opportunities in going metric, not only as an aid to the promulgation of that particular plan, but as contribution to other sectors in the process of plan development.

2. Developing a Plan

Of primary importance is the establishment of scope of the metric conversion objectives. The description of conversion objectives should be very specific and should establish, insofar as it is possible at the outset, the common agreement on what is to be done.

A plan should address all recognizable opportunities and potential obstacles to conversion, in terms of both subject and timing, to the extent such items are relevant to the conversion plans.

Obstacles to metric usage may include the need for revision of laws and regulations and the unavailability of necessary standards. Regardless of the USMB efforts to identify and remove such barriers to conversion for all sectors (without mandating conversion), there undoubtedly will be certain barriers or problems which are common to a particular industry or sector. Sector planners will identify such impediments and provide recommendations for their solution. Significant in this category is the need to prepare metric standards and specifications before proceeding with metric purchases.

Timing of conversion is important within a specific sector. The timing should, whenever possible, take advantage of normal redesign and replacement schedules to minimize the cost of conversion to metric. Because there is frequently an interdependency of activity between sectors, it is necessary to identify other sectors with which a sector is interdependent and carefully coordinate plans with such sectors before finalizing the conversion plan. To enable individual members of the sector as well as other sectors to plan their conversions, it is important that a specific schedule be established. It is desirable to have a specific schedule and particular calendar dates for planned events to transpire or

commence; however, in some cases the conversion committee may indicate a preference for "time intervals" required, rather than a specific calendar time.

The documentation associated with a plan must demonstrate to the USMB in its review, that a well thought out and agreed upon process has been followed which can produce the desired end result—an orderly metric transition with maximum benefits and minimum cost and disruption.

It should be the common goal of any sector and its members to generate a conversion plan, if metrication in the sector is to occur, which will include a desire to minimize the cost of conversion and maximize the off-setting longer range benefits. Both rapidity of conversion and timing may have a significant impact on costs and benefits.

3. Assistance offered by the USMB

The USMB will respond to the needs of a sector and can provide assistance in various ways.

One of the areas of continuing concern to metric conversion planners is possible violation of antitrust laws. A sector committee should be circumspect about the subjects of discussion and avoid any matters which might be construed as in violation of the statutes. Committee activity should be an open process and should permit participation by representatives of all reasonably related members of the industry and other interested groups. It is also desirable to encourage those with differing opinions to attend sector committee meetings, including those who wish not to convert, and to invite their input and concerns into the planning process as well as provide them with an opportunity to be aware of activity under way. Such viewpoints are an aid to the proper development of an acceptable plan.

Regardless of measures taken to avoid antitrust implications, there are occasions when the agenda items that must be addressed by the committee may be sensitive enough, in the view of the committee chairman or any participant, to warrant having the presence and advice of the USMB staff or legal counsel.

In addition to providing guidance and assistance in antitrust and other legal and regulatory matters, the USMB will consider providing assistance to sectors in the following ways:

- Obtaining State and Federal participation and input through the USMB State and Federal committee structure.
- Carrying out research and providing other technical assistance including development of economic and other data bearing on the conversion.
- Assistance in public information and awareness about planned and ongoing conversion activity.

Throughout the development of a sector plan, it should be recognized that there are areas in which the USMB may be in a unique position to assist. It is hoped that in these cases the plan developers will call on the USMB for such assistance.

4. Reaching General Agreement

Any plan should have as one of its essential elements the development of a sense of agreement with the conversion program specified by those in the business community or industry who are affected by it.

Agreement is not necessarily unanimity, nor on the other hand is it simply a "majority vote." It does imply a general acceptance among the parties concerned, but it also presumes that there is amply and fair opportunity for those who are in general or partial disagreement to be heard and their positions considered.

Ample and fair opportunity to participate or be heard is really the keystone of a process that is open and voluntary. Therefore, there must be evidence of wide participation throughout the entire planning process, with discussion and resolution of differences where possible and with adequate recognition and consideration of differing viewpoints, even though held by a minority of the participants.

The opportunity to express such divergent viewpoints must exist continually throughout the process, in order that such individuals feel that they have had a fair opportunity to present their views and that they have been given adequate attention, whether they have changed the judgment of the majority or not.

In metrication planning particularly, "those who are affected" covers a very wide range of individuals and organizations. It stretches horizontally to other activities which are closely and only partially related to the activity of the sector, i.e., through packaging, similar transportation or distribution patterns and common sources of supply. It also stretches vertically through the economic chain, from suppliers of materials and components to customers and ultimate consumers. Most importantly it presumes the consideration and involvement of various sizes and types of businesses and organizations whose activities are similar or partially dependent upon any decision by the sector as a whole.

Any sector plan submitted to the USMB must be supported by those available records, data and documentation which provide convincing proof that a board general agreement has been achieved or will be achieved before specific facets of the plan are implemented. The accompanying proposed regulations cover in greater detail the types of records, data and documentation that should be maintained available for review.

5. U.S. Metric Board Plan Review

The USMB has recognized the past and future contributions to the metric conversion planning process of the American National Metric Council (ANMC), and has formally declared "that the continued contribution of the American National Metric Council is a necessary ingredient of an effective total program in the United States." Since there are obvious benefits of intersector coordination for a sector group working through ANMC, the USMB believes that most sector plans will be developed under the auspices of and within the procedures developed by the ANMC.

Whether a plan is submitted directly to the USMB or through ANMC or a similar organization, it should be recognized that certain specific requirements exist for documenting the plan preparation process. It is imperative that any plan submitted have complete and thorough documentation including records of activities and identification of the individuals involved and the organizations they represent. This essential documentation includes minutes of meetings, names and addresses of individuals and organizations organizing and coordinating the sector's planning activities. In addition, the conceptual purposes and methodology of plan development and plan implementation must be clearly described.

6. Response by USMB

The initial screening of a plan submitted to the USMB will likely result in dialogue between the USMB and the sector committee, and suggestions for revision will be made if appropriate.

If the USMB believes the plan is ready for public review and comment, it will then support and arrange its publication in the Federal Register and through other appropriate means for public comment.

After a proper interval, comments received will be transmitted to the sector committee. After resolution of comments it will be submitted to the USMB for final acceptance. Such acceptance is by no means a mandate to

proceed since the USMB does not have such powers, but only a recognition by the USMB that the plan has had adequate exposure, that affected individuals and groups have had an opportunity for comment, and that the USMB believes significant differences have been properly considered and resolved. The implementation of the plan is now an individual decision by individual companies, organizations and persons, but with the recognition that maximum possible coordination has been addressed.

Conclusion

During the life cycle of the metric transition in the United Stated, everyone will in some way be touched by the conversion process. While the role of the USMB is primarily coordination and public education, the USMB desires to be of assistance to those who wish to undertake the process of metric conversion.

While it is anticipated that most metric conversion programs will reflect the complex and interdependent nature of large economic sectors, the USMB's metric conversion planning guidelines are in no way intended to exclude or limit individual or unilateral initiatives which warrant USMB assistance and coordination.

The planning concepts and principles outlined herein are, in the view of the United States Metric Board, the essential elements of sound conversion planning. To put these principles into practice it is important to read the accompanying proposed guidelines prior to commencement of formal organization and conversion planning activity.

Title 15, Chapter V of the Code of Federal Regulations is proposed to be amended by adding part 503 to read as follows:

PART 503—PRIVATE SECTOR METRIC CONVERSION PLANNING GUIDELINES

Subpart A—General

Sec.
503.1 Introduction.
503.3 Purpose.

Subpart B—Organizing for a Conversion Plan

503.7 Getting started.
503.9 Forming a working group.
503.11 Establishing conversion objectives.
503.13 Anticipated problems and opportunities.
503.15 Desired representational pattern.

Subpart C—The Conversion Planning Committee

503.21 General.
503.23 Establishing a secretariat.
503.25 Records maintenance and files.
Sec.
503.27 Committee communication responsibilities.
503.29 Committee operations—general procedural recommendations.

Subpart D—Developing and Submitting a Plan

503.33 Status reporting during plan development.
503.35 Developing the plan.
503.37 Evidence of general agreement.
503.39 Review elements of a plan.
503.41 Plan submission to USMB.

Authority: Sec. 6, Pub. L. 94–168, 89 Stat. 1008 (15 U.S.C. 205e).

Subpart A—General

§ 503.1 Introduction.

(a) "Metric Conversion" means changing from "customary" inch-pound units of measure to the modernized and internationally adopted system called "SI", standing for "Systeme International d'Unites", as developed by the general conference of Weights and Measures, of which the United States is a member. The metric system is not "new" in that the United states was one of the original signatories of the "Treaty of the Meter" and U.S. customary units have been defined in terms of metric standards since the last century. The history of metric measurements is set forth in documents and references which may be obtained from the United states Metric Board (USMB) Office of Public Awareness and Education.

(b) It is not the intention of this regulation to provide technical information on the metric system itself. Suffice it to say that there are only seven base units, two supplementary units, about 18 derived units, and a series of multiplier prefixes. Complete information is available from many sources, including the published American National Standard number Z210.11976 from the American National Standards Institute, which is the U.S. representative to the International Organization for Standardization (ISO).

(c) In Public Law 94–168, known as the "Metric Conversion Act of 1975", the United States declared a national policy of "coordinating the increasing use of the metric system" and established a "United States Metric Board to coordinate the voluntary conversion to the metric system." Sec. 5(d) of the Act states that the USMB "shall have no compulsory powers," but that the function of the USMB is to "devise and carry out a broad program of planning, coordination, and public education * * *." (Sec. 6) More specifically, Sec. 6(2) directs the Board to: "provide for appropriate procedures whereby various groups, under the auspices of the Board, may formulate, and recommend or suggest, to the Board specific programs for coordinating conversion in each industry and segment thereof * * *."

(d) In accordance with the provisions of the Metric Conversion Act, the United States Metric Board has developed this publication for the guidance of groups initiating metrication programs for sectors of the national economy. These sectors may relate to engineering, business, education, government or to a wide variety of other fields.

(e) This document is in part informational and in part prescriptive. It is informational regarding the law and how the USMB executes its responsibilities in cooperation with sector groups. It is prescriptive in the sense of suggesting how to organize and establish operating procedures that will contribute to an open, cooperative planning environment which can culminate in an orderly, well-managed national conversion to the metric system.

§ 503.3 Purpose.

(a) The USMB recognizes that the question of whether or not to undertake metric conversion activity is a voluntary decision. Once a decision is made, however, the USMB may make a significant contribution in becoming an active coordinating agency. In accordance with the intention of the metric Conversion Act, the USMB has developed this regulation.

(b) The procedural and planning guidelines outlined in this regulation are provided to assist conversion committees to:

(1) Establish acceptable criteria for the development of conversion plans which are sufficiently flexible to accommodate the wide range of differences to be found in U.S. business communities. A degree of consistency in individual conversion plans submitted to the USMB for review is particularly desirable because staff and USMB time is not available to provide an expert on each industry in the country. Consistency is also helpful because the USMB is called upon by the Act to "* * * submit annually to the Congress and to the President, a status report on the conversion process * * *."

(2) Provide steps which can be followed in establishing a productive, open and lawful collective planning environment for committed groups meeting to carry out the process of an orderly, planned metric conversion.

(3) Identify areas in which the USMB can provide helpful Federal assistance for voluntary private sector conversion planning programs.

Subpart B—Organizing for a Conversion Plan

§ 503.7 Getting started.

(a) An organization which has determined that it wants to initiate metric conversion activity is free to undertake conversion unilaterally, in which case management would establish necessary planning responsibilities to support that initiative.

(b) In the larger (and more frequent) perspective, the organization does not choose to "go it alone" but establishes an internal responsibility to involve the organization in ongoing conversion activity or to provide a stimulating force to coalesce the desired interorganization planning and scheduling that will lead to an industry-wide conversion. Since the process of conversion to a new system of measurement, for any part of the U.S. economy, is so interdependent on multitudinous activities and decisions outside that sector or part of the economy, coordination is not only necessary but is the "essential element" of conversion planning. Recognizing this, the Congress passed the Metric Act establishing the U.S. Metric Board.

(c) Any individual who has any interest in "metrication" for his company, organization, industry, sector, trade association, etc., can initiate an investigation of the conversion process. The first step, therefore, is to find out what is going on elsewhere. Among sources of ongoing metric activity are the USMB, the American National Metric Council (ANMC) (especially the "Metric Reporter", mailed to ANMC subscribers), parts of the National Bureau of Standards, public education programs sponsored by the Department of Education through the U.S. Office of Education (including curriculum development), American National Standards Institute (ANSI) which is the U.S. representative to the International Organization for Standardization (ISO), many consumer organizations, and trade and professional associations. Addresses of such groups or organizations are available from USMB.

(d) Even without an "exhaustive" search or analysis, an investigation of what is going on in metrication should assist in discovering what other individuals or types of individuals with similar interests might be contacted. If no industry related groups or committees exist and the need to begin the conversion planning process is great, the next step would be to form a working group to examine the issues.

§ 503.9 Forming a working group.

This might be done under the auspices of a trade association or other organization (which can act as the secretariat) under the aegis of ANMC or independently. This nucleus group should meet and discuss the subject of metrication as it concerns the industry or sector of which it is representative.

§ 503.11 Establishing conversion objectives.

(a) The next phase of preliminary committee activity is examining what should be expected if conversion, in fact proceeds. This involves defining the written collective metric usage objectives and reaches agreement on what the collective interests are in order that these interests can be kept in perspective and accommodated throughout the conversion planning and implementation process. These decisions assist further in definition of other potentially interested parties and help establish the possible reasons for their interest. This step is supportive of consistent conversion procedure as well as an open productive and legal planning and scheduling environment.

(b) Of primary importance is the establishment of scope of objectives. This determines the breadth or narrowness of the collective interest and thus establishes the mutual commitment at the outset. The description of conversion objectives should be very specific, and distinguish, insofar as is possible at the outset, the common agreement on what is to be done. For example, is the objective to convert just containers and labels—or does it extend to billing documents, secondary packaging, and processing equipment? (Does it aim for dual labeling or is 100% hard conversion intended to be the outcome?) These objectives can be reviewed and modified at any time with resultant changes provided through status reports explained in Chapter III of this title.

(c) The written objectives must serve to frame the universe of parties potentially interested in the anticipated conversion, for it is necessary to solicit the opinions as to who will be affected by any potential conversion. This fragment of the economy or "sector" must be clearly, albeit tentatively, identified and defined. A sector may be an industry, a segment of an industry, a research and development area or subarea, an eductional field or specialties or segements of such areas. The definition of a sector should serve to articulate how far-ranging the particular conversion should extend with respect to the vertical and horizontal extension of the industrial and service organizations typical in the sector. If a sector cannot be so defined, it raises serious questions relative to the written conversion objectives established at the outset, and review and rework of those objectives may be a necessity.

(1) The sector—as it becomes better defined—is clearly a creature of the scope of the conversion objectives and will be large if the objectives are broad (or unclear) and will be smaller if the objectives are narrow.

(2) The issues that will assist or impede the collective conversion effort will stem from the inherent characteristics of the sector and its products. The sector's job may be better predicted by considering the following characteristics associated with a sector:

(i) *Industrial.* The industry's stages of marketing, standards, employees, and concentration, including possible impact on small business.

(ii) *Consumer.* The end users of products produced in a sector hasten or impede increased metric usage through their understanding and willingness to accept the conversion process.

(iii) *International Environment.* Overseas opportunities or trade barriers may have dramatic impact on export efforts of various sectors, industries, firms and small businesses.

(iv) *Economic.* Forecasting or predicting the various materials, services, and other cost elements and patterns of this dynamic element which impact metric planning activities.

(v) *Technological.* Changes in technology could occasion obsolescence that might simultaneously facilitate metrication planning and innovation.

(vi) *Regulation.* Federal, state and local government regulations of products and/or processes can accommodate or inhibit increased metric usage.

§ 503.13 Anticipated problems and opportunities.

Among the many important startup activities associated with conversion plan development is an assessment of the outlook of the committee with regard to anticipated problems and opportunities that may accompany plan development and implementation. It would be very useful if, at this point, the committee could describe the "strategy" that will or could guide their effort. A conversion strategy would stem from an experienced review or analysis of any one or all of the characteristics of economic change, technological change, legislative and regulatory trends, international events and other qualitative information about the sector and its products and services which are discussed above. This information is intended to convey the basic business reasons of why the potential conversion is happening.

§ 503.15 Desired representational pattern.

When preliminary organizing has been completed, the intial working group should be able to target the desired representation in a potential conversion committee. It is anticipated that the committee would do all it could to eventually achieve this representational goal by category and extent even though continuation of the planning effort is not predicated on actually making the goal.

Subpart C—The Conversion Planning Committee

§ 503.21 General.

Once the task of getting a committee started is complete, the work of detailed planning may begin. Included in this section are some administrative and procedural suggestions which have proven helpful to other conversion committees. It is not the intent of this section to prescribe committee operations in detail—that guidance and experience is already in existence and well known. The American National Metric Council is one organization that has developed suitable procedures for committee operations. Section 503.21 of this title is provided as a convenient reference for special requirements or services that USMB has determined as critical to insuring an open, productive, and legal collective planning effort through proper committee procedure.

§ 503.23 Establishing a secretariat.

(a) The secretariat serves as the focal point for committee administration, providing an official contact point where information may be obtained by interested parties and distributed to the committee and its constituency.

(b) The secretariat is responsible to the members of the committee for maintaining a complete and accurate historical record of proceedings.

(c) Should a committee decide to establish a secretariat, the following list of duties are provided as potential responsibilities. These are not intented to be an all-inclusive checklist, but merely a guide which should be adjusted to the particular needs of the sector:

(1) Making necessary meeting arrangements.

(2) Mailing notice of meeting and agenda announcements.

(3) Preparing accurate and complete minutes of meetings.

(4) Publishing and mailing draft minutes to meeting attendees.

(5) Providing final minutes to meeting attendees and interested parties.

(6) Maintaining record of correspondence.

(7) Distributing conversion plan status reports.

(8) Maintaining accurate historical files of all phases of sector conversion plan development, distribution and comments.

§ 503.25 Records maintenance and files.

Regardless of who assumes the recordkeeping responsibilities for the committee, certain minimum requirements exist for documenting meeting activities. Documentation is essential, particularly when voting on critical issues has taken place. It is also important for activities in which groups with related or similar business and professional interests meet. To satisfy these objectives, and to ensure that sufficient historical documentation of a plan's development process is available at the time of USMB review, the following recordkeeping practices are recommended:

(a) *Notice and Agenda of Meeting.* Written notice of the time, place and agenda of each meeting must be prepared and sent to each member of the committee conveniently ahead of time and to any other person who has made written request to be included on the mailing lost for notification of meetings for that body. Copies of meeting notices may be mailed to the USMB at the decision of the committee.

(b) *Minutes.* One of the most important records of committee activity is the minutes. The secretariat has the responsibility for keeping accurate minutes of all meetings unless the responsibility has been specifically assigned to others. Accurate minutes maintained over the life of a committee are the best means of verifying the open, representative, and deliberative nature of the proceedings.

(1) The introductory information in the minutes should include at least the following:

(i) Name of committee.

(ii) Date of meeting.

(iii) Location of meeting.

(iv) Presiding chairman.

(v) Point of contact or author of the minutes.

(2) The recommended contents of the minutes are:

(i) A complete record of those attending and their affiliations.

(ii) A summary of the committee discussion, as well as factors considered relevant to each item. All minutes should include adequate information concerning motions, decisions or votes, recommendations or conclusions reached, and should include details as to what actions are to be taken. Dissenting positions taken by individual members or groups of members will be recorded if requested by those dissenting, and when it will serve a constructive purpose by explaining the alternatives considered by the committee.

(iii) Next proposed meeting date (if any).

(3) All minutes should show finalization by signature of the approving authority.

(c) *Distribution.* The draft minutes should be promptly distributed to all attendees following the meeting. The first order of business at the next meeting should be to review and formally approve and correct the minutes of the previous meeting. Upon approval by the committee and signature of the approving authority, the minutes should be filed and retained by the secretariat. Events deemed significant may be brought to the attention of the USMB. The secretariat should be prepared to accommodate requests for copies of minutes from the public.

§ 503.27 Committee communication responsibilities.

(a) A committee has a continuing responsibility to communicate a proposed conversion plan's scope and objectives to all potentially interested and affected parties. Early communication of intent and announced willingness to consider all legitimate viewpoints can be of great value in demonstrating that an evolving conversion plan has been developed in an open and lawful environment which is free of any anti-competitive aspects.

(b) Communication with the constituency the Committee represents can be accomplished in a wide variety of ways, including trade and professional media, news releases and broad distribution of committee minutes or conclusions.

(c) The USMB will assist and supplement these public information activities upon request and through regular receipt of committee minutes or status reports.

(d) The purpose and content of status reports is explained in Chapter III of this title. However, there may be instances, particularly in the early stages of committee operation, when the group determines a need to transmit specific information to the USMB. In these initial status reports, information in addition to that which is outlined in Chapter III of this title may be helpful in advising the USMB on the success of committee organizational activities. In these initial status reports, the following additional items would be of interest to the USMB:

(1) *Initial Participants.* This includes the initial organizing agents, any other

participants in the preliminary organizing process and the business interests they represent.

(2) *Objectives of conversion* (see Subpart B of these guidelines).

(3) *Description of sector.* This is a brief analysis of the business and functional areas impacted by the objectives of conversion, and any other unique characteristics of the sector. (See Subpart B of these guidelines.)

(4) *Time required to develop plan.* This is an estimate of the time required to develop a final sector conversion plan and the projected date (month and year) it will be available to be submitted to USMB.

(5) *Potential information requests.* This item would describe those information needs that may be of help at the outset to aid the beginnings of a plan. The USMB (or any other recipients of the status report) could be expected to respond to these requests if the information was known to be available. In some cases, USMB may consider provisions of limited research assistance to overcome some information barriers.

§ 503.29 Committee operations—general procedural recommendations.

Committees vary as to scope of objectives, size and outlook. Nevertheless, all committees must be aware of considerations in order to minimize the potential antitrust implications of collaborative activity among groups with similar and related business interests. The following general safeguards should apply to all committee activities:

(a) Committee activity should be on a voluntary basis.

(b) All activity should be an open process and should permit participation by all reasonably related members of the industry or group.

(c) Committees should operate with agreed upon rules, including such commonly addressed items as notices, voting status limitations, quorum rules, designation/election of officers, and their responsibilities.

(d) Minutes should be available to interested parties upon request.

(e) A desired representational pattern should be developed which covers predictably impacted business areas which are listed in paragraphs (e)(1) through (e)(7) of this section:

(1) Trade and professional associations.

(2) Suppliers of raw materials, products and services.

(3) Small business—if not otherwise adequately represented.

(4) Government agencies including state associations.

(5) Customer companies and consumers.

(6) Retailers and distributors.

(7) Labor and other employee groups.

(f) The committee should involve the USMB to the fullest extent possible in reviewing committee procedures and participating in meetings where agenda items may be of a "sensitive" nature. The following two practices are recommended in establishing and maintaining committee operations which are open, productive and legal:

(1) *Registration of procedures.* After a committee has had sufficient time to meet the organize, but early in the organizational process, the parliamentary rules or procedures that impinge on representation, voting, and the consensus process should be reviewed to insure their adequacy. The USMB invites committees to submit their procedures for review.

(i) USMB will review the committee's procedures at the time of submission and will provide the committee with corrective recommendations, if any. This will enable the committee to modify any procedural shortcomings which might expose the participants to antitrust review, and it will provide for due process to protect dissenting interests.

(ii) For committees that choose to operate inedpendently, it is recommended that they review their own procedures by comparing them with the procedures of ANSI, ANMC or other organizations involved in similar activities.

(2) *Provisions for sensitive meetings.* Regardless of measures taken to avoid antitrust implications, there are occasions when the agenda items that must be addressed by the committee may be senstive enough in the view of the committee chairman, or any participant, to warrant having the presence and advice of USMB staff or legal counsel. In this case, sensitive agenda items should be grouped or deferred to a subsequent agenda and handled, if possible, at one time when appropriate representation by USMB is available to monitor the discussion and provide on-the-spot advice. When this procedure is deemed necessary, notice of a sensitive meeting should be made to the USMB several weeks prior to the scheduled meeting, accompanied by the identified issue or agenda items to be discussed.

Subpart D—Developing and Submitting a Plan

§ 503.33 Status Reporting during plan development.

(a) The USMB's duty to keep informed and to coordinate developments in converting segments of the economy with other contiguous areas can benefit everyone affected. But the USMB cannot attend each meeting and, therefore, must rely on timely reports to gather the information necessary to do its job. The Metric Conversion Act specifically requires that the USMB shall: "* * * submit annually to the Congress and to the President a report on its activities. Each such report may include recommendations covering any legislation or executive action needed to implement the programs of conversion accepted by the Board * * *."

(b) Status reports will be of greatest advantage if received by the USMB on or before September 1 and March 1 of each year. The September 1 reporting date will provide the data for the annual report to Congress. The March 1 report is primarily for continuity and planning purposes.

(c) The following information should be included in reports submitted to the USMB:

(1) Name or other identification of the potential conversion.

(2) Current description of conversion objectives and sector definition—or changes since last report.

(3) Changes in the committee structure or procedure since last report.

(4) Progress of plan development—a commentary including:

(i) Current status.

(ii) Resolution of problems noted on past report.

(iii) New or potential problems that could affect plan development.

(5) Problems or observations that could require USMB assistance (such as a potential "sensitive meeting" or State/Federal coordination).

(6) Dates and locations of tentative or scheduled meetings.

(7) A copy of draft or approved minutes since last report.

(d) Status reports submitted to the Board may be accompanied by any other information that the committee may wish to include.

§ 503.35 Developing the plan.

There are numerous ways to develop plans, probably as many as there are industries in the U.S. economy. It is not the business of the USMB to prescribe the exact planning procedure to be used by each industry segment. Whatever planning methodology is employed, the USMB will review plans which are submitted to determine if they meet certain minimum specifications which demonstrate that a comprehensive and representative planning process has transpired.

§ 503.37 Evidence of general agreement.

(a) Any plan should have as one of its essential elements the development of a sense of general agreement to the conversion program specified by all those who might be affected. Agreement is not necessarily unanimity, nor on the other hand is it simply a "majority vote." It does imply "a general acceptance" among the parties concerned, but it also presumes that there is ample and fair opportunity for those who are in general or partial disagreement to be heard and their positions considered.

(b) Ample and fair opportunity to participate or be heard is really the keystone of a process that must be open and voluntary. Therefore, there must be evidence of wide participation throughout the entire planning process, with discussion and resolution of differences where possible, and with adequate recognition and consideration of differing viewpoints, even if representative of a very small minority of the participants.

§ 503.39 Review elements of a plan.

(a) Every plan document submitted to USMB will be reviewed for having complete and thorough documentation and a record of committee activities leading to the development of the conversion plan. The USMB will pay particular attention to documentation in the following areas:

(1) Conversion impact.

(2) Conversion timetable/estimated timeframe.

(4) Monitoring the increase in metric usage.

(5) Conversion highlights.

(b) *Conversion impact.* In Subpart B of these guidelines (Organizing for a Conversion Plan), the organizers of a potential conversion were advised to establish the prospective "objectives of conversion". This, at the outset, served the purpose of defining the scope and extent of the impact of increased metric usage. By the time a conversion plan approaches its final phases, a better appreciation of the task will probably result in modifications to the original objectives. Recognizing these changes and understanding their significance is an important facet to be documented in the final conversion plan. Therefore, the first required element in plan review is the restatement of the conversion objectives—but in the retrospective sense (i.e., what, after all, will this conversion plan accomplish if implemented) with some supporting information which conveys what modifications were made from the original objectives—and why. The level of detail used in describing these final objectives (as well as the original objectives) must be sufficient to convey the real impact of the plan if implemented as written. The conveyed information should distinguish between hard and soft conversions, label or "billing only" conversions, and whether the conversion extends through secondary packaging and involves materials handling ramifications. Potential product rationalizations and possible resultant decreases in product lines should be delineated. In short, the final conversion objectives should indicate the full range of the plan's impact.

(c) *Conversion timetable/estimated timeframe.* (1) There is no typical conversion planning committee. Each will have a different set of concerns, problems, and possibly different scheduling approaches for a potential conversion. USMB has set objectives to promote "national consistency," and establish "a productive, open, and lawful collective planning environment." Both of these objectives can be met and still allow a planning committee sufficient flexibility in designing its own conversion time intervals and plan timetable to suit the uniqueness inherent in its industrial environment.

(2) In commencing a conversion timetable, the processes which constitute the operating system of the sector must be identified and understood. Experienced managers can readily describe many of the details and peculiarities of the industries involved and establish a reasonable collective understanding of the support systems and functional organization of the sector.

(3) After examining the manner in which the sector and its industries conduct business, the conversion committee must identify functional areas which are affected by a potential change in measurement. For instance, if a sector receives and processes raw materials (as opposed to assembling finished components), shipping, billing and possibly tariff documents will probably be affected. In some cases, dials and gauges on processing equipment will require new face plates, computer programs may need to be converted, and customers or consumers will require information and assistance during a transition period. New catalogs will have to be prepared in advance. This analysis should lead to assessing the logical order in which conversion events can take place, identifying which events can be performed simultaneously and which will require extensive as compared to minimal preparation. Eventually, the analysis should show who is being relied upon to accomplish what and when. In other words, the detailed conversion timetable is a roadmap showing how this particular conversion is to be handled.

(4) The conversion timetable submitted with the plan may be, but is not required to be, the detailed conversion timetable based on the systematic analysis of the functional, service, or business areas of the sector. The conversion timetable that is submitted with the plan must be supported with adequate backup file documentation showing steps taken in analyzing the sector and appropriate rationale in justifying the selection of recommended event dates and time intervals. The support documentation must demonstrate to USMB, in its review, a well-thought-out and agreed-upon process which allows comparsion and coordination with other contiguous sectors *and* produces the desired end result: an orderly metric transition with the least cost and disruption.

(d) *Monitoring the increase in metric usage.* (1) A conversion plan represents a massive investment of committee time and resources. This investment warrants the creation of a means of ensuring that the plan accomplishes what it was desinged to do, and that implementation is not impeded or halted without remedy.

(2) The USMB suggests the development of a monitoring and implementation outline which indicates who has steering responsibility for the conversion plan, especially if it is not the original conversion committee. Most importantly, the outline should establish a feasible means to measure the performance of the sector as it moves toward and through the metric transition. This may be accomplished in a variety of ways including survey reports or any other data gathering system proposed by the committee.

(e) *Committee highlights.* The document which comprises the plan itself will not stand as an independent source of information describing the overall effort represented by the committee without this summary. It is intended to provide to any interested reader or reviewer an abbreviated version of the full process which led to the final conversion timetable for this specific planned conversion. The notice, minutes, and reports submitted over the life of the committee and development would be too voluminous to include in their entirety. Therefore, the summary should cover those significant highlights of the committee's history which have not been previously submitted to the USMB by way of status reports or planning documents.

§ 503.41 Plan submission to USMB.

(a) Before a plan is considered complete and ready for submission to USMB for review, there must have transpired a complete and effective period of circulation for comment. When this is complete, one copy of the document which represents the plan, and any material not previously included in the planning package which will aid the USMB in review, should be sent to the Executive Director, USMB, with a letter of transmittal.

(b) Following this submission, the USMB will contact the secretariat to coordinate the initiation of the review process and discuss the feasibility of and possible schedule for various review mechanisms such as public hearings on the plan or surveys of the affected sector.

Dated at Arlington, Virginia, the 2nd day of November, 1979.

For United States Metric Board.

Malcolm E. O'Hagan,

Executive Director.

[FR Doc. 79-35234 Filed 11-14-79; 8:45 am]

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Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Community Development Block Grants Technical Amendments; Interim Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-79-730]

Community Development Block Grants Technical Amendments; Interim Rule

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Interim rule and request for comments.

SUMMARY: This interim rule serves to clarify provisions of § 570.910 Corrective and remedial actions, § 570.911 Reduction of annual grant, and § 570.913 Other remedies for noncompliance, of Subpart O, Program Management, of the Community Development Block Grant (CDBG) regulations. These amendments are technical in nature and only serve to clarify the present rules.

EFFECTIVE DATE: December 17, 1979.

COMMENT DUE DATE: January 14, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: William Thomas, Entitlement Cities Division, Office of Community Planning and Development, Department of HUD, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5977. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On January 27, 1977, HUD published final rules (at 42 FR 5312) relating to program management of the CDBG program, which established under § 570.910 a flexible range of administrative actions authorized to correct or remedy program deficiencies determined on the basis of performance reviews under § 570.909. On March 1, 1978, (at 43 FR 8474), paragraph (b)(11) of § 570.910, authorizing the adjustment, reduction or withdrawal of a discretionary grant, was added to the list to implement an amendment to section 104(d) of the block grant statute. Since § 570.910 is intended to reflect administrative actions not based on specific statutory sanctions (which are covered by §§ 570.911-570.913), the discretionary grant funding sanction has been moved to § 570.911, which implements section 104(d) of the statute. To further clarify the administrative nature of the actions covered by § 570.910, paragraph (a) has been modified to delete the reference to §§ 570.911-570.913.

The January 27, 1977, final rule also amended paragraph (b) of § 570.913, other remedies for noncompliance, of the CDBG regulations to indicate that the Secretary may take appropriate administrative action if the Secretary finds that a recipient has failed to comply susbstantially with any provision of the CDBG program, including the performance standards set forth in § 570.909, Secretarial review of a recipient's performance. Paragraph (a) of § 570.913, which relates to Secretarial referral to the Attorney General for civil remedies, implies but does not specifically state that the Secretary may recommend appropriate civil action if the Secretary has reason to believe that a recipient has failed to comply substantially with the performance criteria of § 570.909 or any other program provision. Section 570.909 already refers to § 570.913 as one of the appropriate remedial actions as a result of performance reviews. Therefore, this interim rule clarifies that action under either § 570.913(a) or (b) may be initiated based on the performance reviews authorized in § 570.909.

Section 570.913(a) and (b) implement Section 111(a) and (b) of the Housing and Community Development (HCD) Act of 1974, as amended. Since the statutory basis for either civil or administative remedies are the same, this amendment will clarify the similarity of the implementing regulations. In addition, the term "performance criteria" has been substituted for "performance standards" to avoid confusion with the designation of § 570.900. Thus, either the civil or administrative remedies under paragraphs (a) and (b) of § 570.913 may be instituted when a recipient has failed to comply substantially with any provision, including the performance criteria, of this part. For example, a recipient's failure to provide assisted housing in accordance with the Housing Assistance Plan (HAP) may constitute such noncompliance as to lead to the imposition of civil and/or administrative remedies outlined in § 570.913(a) and (b). Other examples include the failure of a recipient to provide housing specifically required for relocation of displaced persons covered by the Uniform Relocation Act, or failure to carry out the approved program in a timely manner.

Finally, as presently drafted § 570.913 contains references to "this title," "part" or "subpart" in instances where it should refer to "section." Appropriate changes have been made to § 570.913 in this regard.

Because these amendments are technical in nature, and only serve to clarify the present rules, the Secretary has determined that it is unnecessary to invite public comment on these amendments before the effective date. However, interested persons are invited to participate in this rulemaking by filing data, comments and suggestions with the Rules Docket Clerk at the above address, on or before the comment due date. Each comment should include the commentor's name and address, and must refer to the docket number indicated in the heading to this document. All relevant comments will be considered before adoption of a final rule. Copies of all comments received will be available for copying and inspection in the Office of the Rules Docket Clerk at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for inspection and copying during regular business hours in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department is amending Part 570 by:

1. Revising § 570.910, corrective and remedial actions, as follows:

§ 570.910 Corrective and remedial actions.

(a) *General.* When the Secretary determines on the basis of a review of a recipient's performance under § 570.909, that the objectives set forth in § 570.909(a) have not been met, the Secretary will take one or more of the actions authorized in paragraph (b) of this section. In each instance, the action taken will be designed to, first, prevent a continuance of the deficiency (lack of progress, nonconformance, noncompliance, lack of continuing capacity); second, mitigate any adverse effects or consequences of the deficiency to the extent possible under the circumstances; and third, prevent a recurrence of the same or similar deficiencies.

(b) *Actions authorized.* The following is a listing of actions that HUD may take in response to review of a recipient's performance. Such actions may be taken with regard to either an entitlement recipient or a discretionary recipient and may be taken either singly or in combination, as appropriate to the circumstances.

(1) Request the recipient to submit additional information:

(i) Concerning the administrative, planning, budgeting, management and evaluation functions to determine any reasons for lack of progress;

(ii) Explaining any actions being taken to correct or remove the causes for delay;

(iii) Documenting that activities undertaken were not in conformance with the approved program or in noncompliance with applicable laws or regulations; or

(iv) Demonstrating that the recipient has a continuing capacity to carry out the approved program in a timely manner.

(2) Request the recipient to submit progress schedules for completing approved activities.

(3) Issue a letter of warning that advises the recipient of the deficiency and puts the recipient on notice that more serious sanctions will be taken if the deficiency is not corrected or is repeated.

(4) Advise the recipient that a certification will no longer be acceptable and that additional information or assurances will be required, as provided in § 570.311(b)(1).

(5) Advise the recipient to suspend, discontinue or not incure costs for the affected activity.

(6) Advise the recipient to reprogram funds from affected activities to other eligible activities: *Provided,* That such action shall not be taken in connection with any substantial violation of § 570.603 and 24 CFR Part 58.

(7) Advise the recipient to reimburse the recipient's program account or letter of credit in any amounts improperly expended.

(8) Change the method of payment from a letter of credit basis to a reimbursement basis.

(9) Condition the approval of a succeeding year's application if there is substantial evidence of a lack of progress, nonconformance, noncompliance, or a lack of continuing capacity. In such cases, the reasons for the conditional approval and the actions necessary to remove the condition shall be as specified, as provided in § 570.311(f)(3).

(10) Reduce the recipient's annual grant by up to the amount conditionally approved pursuant to § 570.311(f)(3) where such condition or conditions have not been satisfied.

2. Revising § 570.911, Reduction or withdrawal of grant, as follows:

§ 570.911 Reduction or withdrawal of grant.

(a) *General.* A reduction or withdrawal of a grant pursuant to paragraph (b) or (c) will not be made until at least one of the corrective or remedial actions specified in § 570.910(b) have been taken, and only then if the recipient has not made an appropriate and timely response. Prior to making such grant reduction or withdrawal, the recipient shall also be notified and given an opportunity within a prescribed time for an informal consultation regarding the proposed action.

(b) *Entitlement Grants.* When the Secretary determines, on the basis of a review of an entitlement recipient's performance, that the objectives set forth in § 570.909(a) have not been met, the Secretary may make an appropriate reduction in the entitlement grant amount for the succeeding program year. The reduction may be down to zero.

(c) *Discretionary Grants.* In the case of a discretionary grant made under Subpart F, when the Secretary determines, on the basis of a review of the recipient's performance, that the objectives set forth in § 570.909(a) have not been met, the Secretary may reduce or withdraw the grant, except for funds already expended on otherwise eligible activities which may not be recaptured or deducted from future grants.

3. Revising § 570.913, Other remedies for noncompliance, as follows:

§ 570.913 Other remedies for noncompliance.

(a) *Secretarial referral to the Attorney General.* In lieu of, or in addition to the actions authorized in paragraph (b) of this section, if there is reason to believe that a recipient has failed to comply substantially with any provision of this part, including the performance criteria set forth in § 570.909, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted. Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Part which was not expended in accordance with it, or for mandatory or injunctive relief.

(b) Secretarial actions on payments. If the Secretary finds a recipient has failed to comply substantially with any provision of this part, including the performance criteria set forth in § 570.909, the Secretary may, provided the findings of failure to comply is made after reasonable notice and opportunity for hearing:

(1) Terminate payments to the recipient; or

(2) Reduce payments to the recipient by an amount equal to the amount of such payments which were not expended in accordance with this part; or

(3) Limit the availability of payments to programs, projects, or activities not affected by such failure to comply. *Provided, however,* That the Secretary may on due notice revoke the recipient's letter of credit in whole on in part at any time after the initial finding of failure to comply, pending such hearing and a final decision of the Department, to the extent the Secretary determines such action necessary to preclude the further expenditure of funds for activities affected by such failure to comply. The following regulations govern the procedures and practice requirements involving adjudications where the Secretary desires to take action requiring reasonable notice and opportunity for hearing. The regulations in this section shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Administrative Procedures Act (5 U.S.C. 551 et seq.) where applicable shall be a guide in any situation not provided for or controlled by this section, but shall be liberally construed or relaxed when necessary.

(c) *Reasonable notice and opportunity for hearing.* (1) Whenever the Secretary has reason to believe that a recipient has failed to comply substantially with any section of the Act or of the provisions of this part, and that termination, reduction, or limiting the availability of payments is required, he shall give reasonable notice and opportunity of hearing to such recipient prior to the invocation of any sanction under the Act.

(2) Except in proceedings involving willfulness or those in which the public interest requires otherwise, a proceeding under this section will not be instituted until such facts or conduct which may warrant such action have been called to the attention of the chief executive officer of the recipient in writing and he has been accorded an opportunity to demonstrate or achieve compliance with the requirements of the Act and of this part. If the recipient fails to meet the requirements of the Act and regulations within such reasonable time as may be specified by the Secretary, a proceeding shall be initiated. Such proceeding shall be instituted by the Secretary by a complaint which names the recipient as the respondent.

(3) A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against it so that it is able to prepare a defense to the charges. Notification shall be given in

the complaint as to the place and time within which the respondent shall file its answer, which time shall be not less than 30 days from the date of service of the complaint. The complaint shall also contain notice that a decision by default will be rendered against the respondent in the event it fails to file its answer as required.

(4)(i) *Service of complaint.* The complaint or a true copy therefor may be served upon the respondent registered or by certified mail, return receipt requested; or it may be served in any other manner which has been agreed to in writing by the respondent. Where the service is by certified mail, the return Postal Service receipt duly signed on behalf of the respondent shall be proof of service.

(ii) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent or upon its attorney of record by registered or certified mail, return receipt requested. Such mailing shall constitute complete service.

(iii) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding under this section, and the place of filing is not specified in this subpart, or by role or order of the administrative law judge, the paper shall be filed with the Secretary, Washington, D.C. 20410. All papers shall be filed in duplicate.

(iv) *Motions and requests.* Motions and requests shall be filed with the designated administrative law judge, except that an application to extend the time for filing an answer shall be filed with the Secretary pursuant to § 570.913(c)(4)(iii).

(5)(i) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint, unless on application the time is extended by the Secretary. The responent's answer shall be filed in duplicate with the Secretary.

(ii) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which it knows to be true; nor shall a respondent state that it is without sufficient information to form a belief when in fact it possesses such information. The respondent may also state affirmatively special matters of defense.

(iii) *Failure to deny or answer allegation in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing.

(iv) *Failure to file answer.* Failure to file an answer within the time prescribed in the complaint, except as the time for answer is extended under paragraph (c)(5)(i) of this section, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the administrative law judge shall make his findings and decision by default without a hearing or further procedure.

(v) *Reply to answer.* No reply to the respondent's answer is required unless the administrative law judge so requests. Otherwise, the Secretary may file a reply in his discretion, but in any event within 10 days from his receipt of respondent's answer.

(vi) *Referral to administrative law judge.* Upon receipt of the answer by the Secretary or upon filing a reply if one is deemed necessary, or upon failure of the respondent to file an answer within the time prescribed in the complaint or as extended under paragraph (c)(5)(i) of this section, the complaint (an answer, if one is filed) shall be referred to the administrative law judge. Where an answer has been filed, the administrative law judge shall set a time and place for hearing and shall serve notice thereof upon the parties at least 15 days in advance of the hearing date.

(6)(i) If it appears to the Secretary that the respondent in its answer falsely and in bad faith, denies a material allegation of fact in the complaint or states that it has no knowledge sufficient to form a belief, when in fact it does possess such information, or if it appears that the respondent has knowingly introduced false testimony during the proceedings, the Secretary may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare its defense thereto.

(ii) In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the administrative law judge may order or authorize amendment of the pleading to conform to the evidence: *Provided,* The party that would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegation of the pleading as amended. The administrative law judge shall make findings on any issue presented by the pleadings as so amended.

(iii) A respondent may appear in person through its chief executive officer and must be represented by counsel. Respondent's counsel may also appear as a witness in the proceeding. The Secretary shall be represented by the General Counsel of HUD.

(d) *Administrative law judge; powers.* (1) *Appointment.* An administrative law judge, appointed as provided by Section 11 of the Administrative Procedure Act (5 U.S.C. 3105), shall conduct proceedings upon complaints filed under this section.

(2) *Powers of administrative law judge.* Among other powers provided by law, the administrative law judge's authority, in connection with any proceeding under this subpart, shall include authority to:

(i) Administer oaths and affirmations;

(ii) Make ruling upon motions and requests. Prior to the close of the hearing no appeal shall lie from any such ruling except, at the discretion of the administrative law judge, in extraordinary circumstances;

(iii) Determine the time and place of hearing and regulate its course and conduct. In determining the place of hearing the administrative law judge may take into consideration the requests and convenience of the respondent or its counsel;

(iv) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(v) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(vi) Take or authorize the taking of dispositions;

(vii) Receive and consider oral or written arguments on facts or law;

(viii) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(ix) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(x) Make initial findings and decision.

(e) *Hearings.* (1) In general: The administrative law judge shall preside at the hearing on a complaint. Testimony of witnesses shall be given under oath or affirmation. The hearing shall be stenographically recorded and transcribed. Hearings will be conducted pursuant to section 7 of the Administrative Procedure Act (5 U.S.C. 556).

(2) Failure to appear: If, after proper service and notice, a respondent fails to appear at the hearings, it shall be deemed to have waived the right to a hearing and the administrative law judge shall make his findings and decision against the respondent by default.

(3) Waiver of hearing: A respondent may waive the hearing by informing the administrative law judge, in writing on or before the date set for hearing, that it desires to waive hearing. In such event the administrative law judge shall make his findings and decision based upon the pleadings before him. The decision shall plainly show that the respondent waived hearing.

(4) The administrative law judge shall prior to or at the beginning of the hearing require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of facts concerning which there is no substantial dispute. The administrative law judge shall take similar action, where it appears appropriate, throughout the hearing and shall call and conduct any conferences which he deems advisable with a view to the simplification, clarification, and disposition of any of the issues involved.

(f) *Evidence.* (1) Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the Courts of the United States, shall be admissible and controlling as far as possible. Provided that, the administrative law judge may relax such rules in any hearing when in his judgment, such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded by the administrative law judge.

(2) *Depositions.* The deposition of any witness may be taken pursuant to § 570.913(g) and the deposition may be admitted.

(3) *Proof of documents.* Official documents, records and papers of a respondent shall be admissible as evidence without the production of the original provided that such documents, records and papers are evidenced as the original by a copy attested to or identified by the chief executive officer of the respondent or the custodian of the document, and contain the seal of the respondent.

(4) *Exhibits.* If any document, record, paper, or other tangible or material thing is introduced in evidence as an exhibit, the administrative law judge may authorize the withdrawal of the exhibit subject to any conditions he deems proper. An original document, paper or record need not be introduced and a copy duly certified (pursuant to paragraph (b) of this section) shall be deemed sufficient.

(5) *Objections.* Except as requested by counsel or the administrative law judge, oral or written objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include subsequent argument thereon, except as permitted by the administrative law judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the right of either party to the proceeding.

(g) *Depositions*—(1) *In general.* Depositions for use at a hearing may, with the written approval of the administrative law judge, be taken by either the Secretary or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 15 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes. Such written notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 15 days written notice may be waived by the parties in writing, and depositions may then be taken from the persons and at times and places mutually agreed to by the parties.

(2) *Written interrogatories.* When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed by first class mail or delivered to the opposing party at least 10 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file with the administrative law judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

(h) *Stenographic record; oath of reporter, transcript*—(1) *In general.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact in all proceedings. Arguments of counsel may be heard on request. A transcript of the proceedings (and evidence) at the hearing shall be made in all cases.

(2) *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the administrative law judge, to be filed in the record of the case, that he (or she) will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his (or her) ability.

(3) *Transcript.* Copies of the transcript may be obtained from the reporter at rates not to exceed the actual cost of duplication. Copies of exhibits introduced at the hearings or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (31 U.S.C. 483(a)).

(i) Proposed findings and conclusions. Except in cases where a respondent has failed to appear to answer the complaint or has failed at the hearings, or has waived the hearing, the administrative law judge, prior to making his initial decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

(j) *Initial decision of the Administrative Law Judge.* Within 30 days after the conclusion of a hearing, the administrative law judge shall make his initial decision. However, where proposed findings and conclusions are timely submitted by the parties, such decision shall be made within 30 days after receipt of the findings and conclusions. The initial decision shall include a statement of the findings of fact and the conclusions therefrom, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion preserved on the record and may provide for one of the following orders:

(1) An order that the respondent's payments be terminated, or

(2) An order that the respondent's payments be reduced, or

(3) An order that the Secretary limit the availability of payments to activities not affected by respondent's failure to comply, or

(4) An order in favor of respondent. After reaching his initial decision the administrative law judge shall certify to the complete record, together with a certified copy of his initial decision, to the Secretary. The administrative law judge shall serve also a copy of the initial decision upon the Secretary and the respondent. The administrative law judge shalll serve also a copy of the initial decision by certified mail to the chief executive officer of the respondent or to its attorney of record.

(k) *What constitutes record.* The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding together with all findings, decisions and orders, shall constitute the exclusive record in the matter.

(l) *Procedure on review of decision of administrative law judge*—(1) *Appeal to the Secretary.* Within 30 days from the date of the initial decision and order of the administrative law judge, the respondent may appeal to the Secretary

and file his exceptions to the initial decision and his reasons therefor. The respondent shall transmit a copy of this appeal and reasons therefor to the HUD counsel who may, within 30 days from receipt of the respondent's appeal, file a reply brief, in opposition to the appeal. A copy of the reply brief, if one is filed, shall be transmitted to the respondent or its counsel of record. Upon the filing of an appeal and a reply brief, if any, the Secretary shall make the final agency decision on the record of the administrative law judge submitted to him.

(2) *Absence of appeal.* In the absence of exceptions by the respondent within the time set forth in paragraph (l)(1) of this section or a review initiated by HUD counsel within 45 days after the initial decision, such initial decision of the administrative law judge shall constitute the final decision of the Department.

(m) *Decision of the Secretary.* On appeal from or review of the initial decision of the administrative law judge, the Secretary will make the final agency decision. In making his decision the Secretary will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. The Secretary may affirm, modify, or revoke the findings and initial decision of the administrative law judge. A copy of the Secretary's decision shall be transmitted immediately to the chief executive officer of the respondent or its counsel of record.

(n) *Publicity of proceedings*—(1) *In general.* A proceeding conducted under this section shall be open to the public and to elements of the news media provided that in the judgment of the administrative law judge, the presence of the media does not detract from the decorum and dignity of the proceeding.

(2) *Availability of record.* The record established in any proceeding conducted under this section shall be made available to inspection by the public as provided for and in accordance with regulations of the Department of HUD pursuant to 24 CFR Part 15.

(3) *Decisions of the administrative law judge.* The statement of findings and the initial decision of the administrative law judge in any proceedings, whether or not on appeal or review shall be indexed and maintained by the Secretary and made available for inspection by the public at the public documents room of the Department. If practicable, the statement of findings and the decisions of the administrative law judge shall be published periodically by the Department and offered for sale through the Superintendent of Documents.

(4) Based on written advice from the Department of Justice that publicity of the proceedings or public release of the record pursuant to paragraph (n) (1), (2), and (3) of this section would adversely affect criminal prosecution, the Secretary may deem the applicability of paragraph (n) (1), (2), and (3) stayed.

(o) *Judicial review.* (1) Actions taken under administrative proceedings pursuant to this section shall be subject to judicial review pursuant to Section 111(c) of the Act. If a respondent desires to appeal a decision of the administrative law judge which has become final, or a final order of the Secretary for review of appeal, to the U.S. Court of Appeals, as provided by law, the Secretary, upon prior notification of the filing of the petition for review, shall have prepared in triplicate, a complete transcript of the record of the proceedings, and shall certify to the correctness of the record. The original certificate together with the original record shall then be filed with the Court of Appeals which has jurisdiction.

(2) Any recipient which receives the final agency decision of the termination, reduction or limitation of payments under this section may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who, shall represent the Secretary in the litigation.

(3) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in Section 2112 of Title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(4) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(5) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in Section 1254 of Title 28, United States Code.

(Title I, Housing and Community Development Act of 1974 as amended (42 U.S.C. 5301 et seq.); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., October 18, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 79-35288 Filed 11-14-79; 8:45 am]

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federal register

Thursday
November 15, 1979

Part VI

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations

DEPARTMENT OF THE TREASURY

Foreign Assets Control Office

31 CFR Part 535

Iranian Assets Control Regulations

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The office of Foreign Assets Control is issuing the Iranian Assets Control Regulations. The purpose of the Regulations is to block assets of the Government of Iran or its instrumentalities or controlled entities. The need for the Regulations is to implement the provisions of Executive Order No. 12170, and to meet the threat to the national security, foreign policy and economy of the United States with respect to which the President declared a national emergency in the Executive Order. The effect of the Regulations is that transactions in property subject to the jurisdiction of the United States or which is in the possession or control of persons subject to the jurisdiction of the United States in which Iran or its instrumentalities or controlled entities has or has had any interest on or after the effective date of these Regulations are prohibited in the absence of a license from the Treasury Department. The Regulations do not block assets of nationals of Iran unless such nationals are substantially owned or controlled by the state or Government of Iran.

EFFECTIVE DATE: 8:10 a.m., e.s.t., November 14, 1979.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, 202-376-0236.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation and a delay in effective date are inapplicable.

The Iranian Assets Control Regulations are issued as follows:

Accordingly, 31 CFR Chapter V is amended by adding a new Part 535 to read as follows:

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
535.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

535.201 Transactions involving Iran; effective date.
535.202 Transactions with respect to securities registered or inscribed in the name of Iran.
535.203 Effect of transfers violating the provisions of this part.

Subpart C—General Definitions

535.301 Iran; Iranian Entity.
535.311 Property; property interests.
535.329 Person subject to the jurisdiction of the United States.

Subpart D—Reserved

Subpart E—Licenses

535.531 Payment of certain checks and drafts.
535.532 Completion of certain securities transactions.

Subpart F—Reserved

Subpart G—Penalties

535.701 Penalties

Subpart H—Reserved

Subpart I—Miscellaneous Provisions

535.901 Dollar Accounts at banks abroad.

Authority: Secs. 201-207, 91 Stat. 1626; 50 U.S.C. 1701-1706; E.O. No. 12170; 44 FR 65729.

Subpart A—Relation of This Part to Other Laws and Regulations.

§ 535.101 Relation of this part to other laws and regulations.

(a) This part is independent of Parts 500, 505, 515, 520 and 530 of this chapter. Those parts do not relate to Iran. No license or authorization contained in or issued pursuant to such parts shall be deemed to authorize any transaction prohibited by this part, nor shall any license or authorization issued pursuant to any other provision of law (except this part) be deemed to authorize any transaction so prohibited.

(b) No license or authorization contained in or issued pursuant to this part shall be deemed to authorize any transaction to the extent that it is prohibited by reason of the provisions of any law or any statute other than the International Emergency Economic Powers Act, as amended, or any proclamation order or regulation other than those contained in or issued pursuant to this part.

Subpart B—Prohibitions

§ 535.201 Transactions involving Iran; effective date.

(a) No property subject to the jurisdiction of the United States or which is in the possession of or control of persons subject to the jurisdiction of the United States in which on or after the effective date Iran has any interest of any nature whatsoever may be transferred, paid, exported, withdrawn or otherwise dealt in except as authorized;

(b) Any transaction for the purpose or which has the effect of evading or avoiding any of the prohibitions set forth in paragraph (a) of this section is hereby prohibited;

(c) The term effective date means with respect to Iran, 8:10 a.m., eastern standard time, November 14, 1979.

§ 535.202 Transactions with respect to securities registered or inscribed in the name of Iran.

Unless authorized by a license expressly referring to this section, the acquisition, transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on or otherwise dealing in any security (or evidence thereof) registered or inscribed in the name of any Iranian entity is prohibited irrespective of the fact that at any time (either prior to, on, or subsequent to the effective date) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred or otherwise disposed of any such security.

§ 535.203 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date which is in violation of any provision of this part or of any regulation, ruling, instruction, license, or other direction or authorization thereunder and involves any property in which Iran has or has had an interest since such effective date is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property in which Iran has or has had an interest since the effective date unless the person with whom such property is held or maintained had written notice of the transfer or by any written evidence had recognized such transfer prior to such effective date.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Secretary of the Treasury before, during or after a transfer shall validate such transfer or render it enforceable to the same extent as it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act and this part and any ruling, order, regulation, direction or instruction issued hereunder.

(d) Transfers of property which otherwise would be null and void, or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void, or unenforceable pursuant to such provisions, as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or availabe to such person, that such transfer required a license or authorization by or pursuant to the provision of this part and was not so licensed or authorized or if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation or the withholding of material facts or was otherwise fraudulently obtained; and

(3) Promptly upon discovery that: (i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license or other direction or authorization thereunder, or (ii) Such transfer was not licensed or authorized by the Secretary of the Treasury, or (iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation or the withholding of material facts or was otherwise fradulently obtained; the person with whom such property was held or maintained filed with the Treasury Department, Washington, D.C., a report in triplicate setting forth in full the circumstances relating to such transfer. The filing of a report in accordance with the provisions of this paragraph shall not be deemed to be compliance or evidence of compliance with paragraphs (d) (1) and (2) of this section.

(e) Unless licensed or authorized pursuant to this part any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which on or since the effective date there existed an interest of Iran.

Subpart C—General Definitions

§ 535.301 Iran; Iranian Entity.

(a) The term "Iran" and "Iranian Entity" includes:

(1) The state and the Government of Iran as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by any of the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date acting or purporting to act directly or indirectly on behalf of any of the foregoing;

(4) Any territory which on or since the effective date is controlled or occupied by the military, naval or police forces or other authority of Iran; and,

(5) Any other person or organization determined by the Secretary of the Treasury to be included within paragraph (a) hereof.

(b) A person specified in paragraph (a)(2) of this section shall not be deemed to fall within the definition of Iran solely by reason of being located in, organized under the laws of, or having its principal place of business in, Iran.

§ 535.311 Property; property interests.

Except as defined in § 535.203(f) for the purposes of that section, the terms "property" and "property interest" or "property interests" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, debentures, stocks, bonds, coupons, any other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, grounds rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

§ 535.329 Person subject to the jurisdiction of the United States.

The term "person subject to the jurisdiction of the United States" includes:

(a) Any person wheresoever located who is a citizen or resident of the United States;

(b) Any person actually within the United States;

(c) Any corporation organized under the laws of the United States or of any state, territory, possession, or district of the United States; and

(d) Any partnership, association, corporation, or other organization wheresoever organized or doing business which is owned or controlled by persons specified in paragraphs (a), (b), or (c) of this section.

Subpart D—[Reserved]

Subpart E—Licenses

§ 535.531 Payment of certain checks and drafts.

(a) Any banking institution within the United States is hereby authorized to make payments from blocked accounts with such banking institution:

(1) Of checks and drafts drawn or issued prior to the effective date, *Provided,* that:

(i) The amount involved in any one payment, acceptance, or debit does not exceed $500; or

(ii) The check or draft was within the United States in process of collection by a domestic bank on or prior to the effective date and does not exceed $50,000; and

(2) Of documentary drafts drawn under irrevocable letters of credit issued or confirmed by a domestic bank prior to the effective date.

(b) This section does not authorize any payment to Iran or an Iranian entity except payments into a blocked account in a domestic bank unless Iran or the Iranian entity is otherwise licensed to receive such payment.

(c) The authorization contained in this section shall expire at the close of business on December 14, 1979.

§ 535.532 Completion of certain securities transactions.

(a) Banking institutions within the United States are hereby authorized to complete, on or before November 21,

1979, purchases and sales made prior to the effective date of securities purchased or sold for the account of Iran or an Iranian entity provided the following terms and conditions are complied with, respectively.

(1) The proceeds of such sale are credited to a blocked account in a banking institution in the name of the person for whose account the sale was made; and

(2) The securities so purchased are held in a blocked account in a banking institution in the name of the person for whose account the purchase was made.

(b) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account ora sub-account thereof, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

Subpart F—[Reserved]

Subpart G—Penalties

§ 535.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act which provides in part:

(a) A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

This section of the International Emergency Economic Powers Act is applicable to violations of any provision of this part and to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act.

(b) Attention is also directed to 18 U.S.C. 1001 which provides

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not *more than five years, or both.*

Subpart H (Reserved)

Subpart I—Miscellaneous Provisions

§ 535.901 Dollar Accounts at banks abroad.

Any domestic bank is hereby authorized to effect withdrawals or other transfers from any account held in the name of a non-Iranian bank located in a foreign country, provided such non-Iranian foreign bank is not a person subject to the jurisdiction of the United States.

November 14, 1979.

G. William Miller,

Secretary of the Treasury.

[FR Doc. 79-35524 Filed 11-14-79; 11:44 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

FEDERAL RESERVE SYSTEM

59464 10-15-79 / Electronic fund transfer; definitions exemption, special requirements

59474 10-15-79 / Electronic fund transfer; special requirements

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development, Office of Assistant Secretary—

61591 10-26-79 / Community development block grants; closeout procedures

LABOR DEPARTMENT

Mine Safety and Health Administration—

48490, 48535 8-17-79 / Metal and nonmetal mine safety

SECURITIES AND EXCHANGE COMMISSION

57374 10-4-79 / Relief for certain wholly owned subsidiaries for portions of annual and quarterly reports

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 14, 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